

The Secretary,
An Bord Pleanála
LDG-
ABP-
104 Marlborough Street,
Dublin 1.
19 MAY 2025
Fee: € _____ Type: _____
Time: _____ By: _____

AN BORD PLEANÁLA
LDG-
ABP-
10 MAY 2025
Fee: € _____ Type: _____
Time: 16:55 By: [Signature] Date: 16th May 2025
Our Ref: 18231/RK

Dear Sir / Madam,

RE: RESPONSE TO THIRD PARTY APPEAL AGAINST THE DECISION OF MEATH COUNTY COUNCIL TO GRANT PERMISSION FOR AN LRD APPLICATION FOR 322 NO. RESIDENTIAL UNITS CONSISTING OF 212 NO. HOUSES AND 110 NO. DUPLEX/APARTMENT UNITS, A COMMUNITY CENTRE, NEIGHBOURHOOD CENTRE, ACCESS, INFRASTRUCTURE, CAR PARKING, OPEN SPACE, BOUNDARY TREATMENTS AND ALL ASSOCIATED SITE DEVELOPMENT WORKS ON LANDS IN THE TOWNLANDS OF ATHLUMNEY AND FERGANSTOWN, NAVAN, CO. MEATH.

MEATH COUNTY COUNCIL PLANNING REG. REF. 2460415

An Bord Pleanála Ref: 322341-25

1.0 INTRODUCTION

On behalf of the applicant, Albert Developments Ltd. Balmoral, Kells Road, Navan, Co. Meath, we, John Spain Associates of 39 Fitzwilliam Place, Dublin 2, wish to submit a response to a single third-party appeal submitted by Stephen Flanagan, 12 The Court, Glenveigh, Navan, Co. Meath against the notification of a decision to grant permission by Meath County Council for an LRD development comprising 322 no. residential units, a community centre, neighbourhood centre, public open space, and associated access, and site development works on lands in the townlands of Athlumney and Ferganstown, Navan, Co. Meath.

We enclose An Bord Pleanála letter dated the 23rd of April 2025 informing us of the third-party appeal at Appendix 1. A copy of the Planning Authority's decision is included as Appendix 2.

At the outset, the applicant is pleased to receive a notification of a decision to grant permission for the proposed LRD development after extensive engagement with Meath County Council, over an extended period. The proposal will deliver much needed housing along with the

phased necessary social infrastructure comprising a community centre, neighbourhood centre and extensive open space all to be accessed/serviced from the LIHAF funded LRD6 road.

Having regard to the location of the appeal site within the settlement boundary of Navan, which is a key town within the settlement hierarchy of the county, and on lands designated as a masterplan area (MP12), which seeks to create inter alia a mixed-use neighbourhood, it is respectfully submitted that the proposed development will provide an appropriate form of high-quality development comprising residential, open space, retail units, a community centre and a creche on the subject lands. On this basis, it is respectfully requested that the Board grant permission for the proposed development.

This response will address each of the issues raised in the third-party appeal, which can be summarised as follows:

- A full and comprehensive response to flood risk issues raised by the appellant have been prepared by JBA Consulting and Henrick Ryan Associates Consulting Engineers in this respect. From reviewing the tabulated summary response of the appellant's submission and the SSFRA completed for the site, JBA can confirm there is no increase in flood risk to the site itself or surrounding lands/properties as a result of the proposed LRD. Any flood risk to the appellant's land/property is pre-existing and not related to the LRD. Furthermore, the SSFRA is compliant with European Directives as well as National and Local policy. The proposed LRD site is predominantly within Flood Zone C, as determined by a Stage 3 detailed level of assessment and has been confirmed as passing the Justification Test as set out under The Planning System and Flood Risk Management Guidelines.
- The proposed development will discharge less surface water into the millrace upstream of the factory than is currently being discharged from the site in its existing condition.
- The applicant does not accept the claims of the appellant that the proposed development is not sequential. The proposals are brought forward on appropriately zoned lands in accordance with the MP12 lands masterplan agreed with MCC and is directly sequential to the permitted residential development south of the LDR6. In identifying the lands, the Planning Authority has had regard to their location, availability of services etc. The extant Meath County Development Plan 2021-2027 was subject to review and approval of Elected Members and the Office of the Planning Regulator.
- We would like to highlight to the Board that the energy requirements of the buildings and their construction are dealt with through the Building Regulations, which is a separate legislative code and not strictly relevant to the appeal. Nevertheless, within the proposed development all dwellings are to achieve Nearly zero energy building (NZEB) requirements and A3-rated BER in line with the current Energy Performance of Buildings Directive. The Directive defines a Nearly Zero Energy Building (NZEB) as a building that has a very high energy performance.
- The proposed development is designed in accordance with and shall be constructed in accordance with The Irish Building Regulations Technical Guidance Document L – Conservation of Fuel & Energy – Dwellings and the operation of the buildings once occupied will generate negligible greenhouse gas emissions which will contribute to achieving Ireland's targets for the reduction of greenhouse gas emissions by 2030.

- Contrary to the Appellant's assertions, the proposed density of the development has taken into account the provisions of the Compact Settlement Guidelines 2024 which was published by the Department of Housing, Local Government and Heritage on the 15th of January 2024. The density proposed is within the ranges indicated in the Compact Settlement Guidelines and the mix proposed includes apartments and duplex apartments, as well as terraced dwellings all providing a range of unit typologies in accordance with the Urban Development and Building Height Guidelines (December 2018).
- The proposed development will provide a sustainable quantum of phased development within the key town of Navan. It is considered that there is significant social infrastructure and facilities in the local area to cater for the proposed development as set out in the Social Infrastructure Assessment, prepared by John Spain Associates included with the application.
- The EIAR adequately identifies and describes the direct, indirect, secondary, and cumulative effects of the proposed development on the environment and that the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable.

The information submitted with the planning application sets out a detailed assessment of the development in the context of national, regional and local planning policy and section 28 guidelines and proposals are considered to be compliant with all relevant policies and guidelines.

Applicant Engagement with the Appellant;

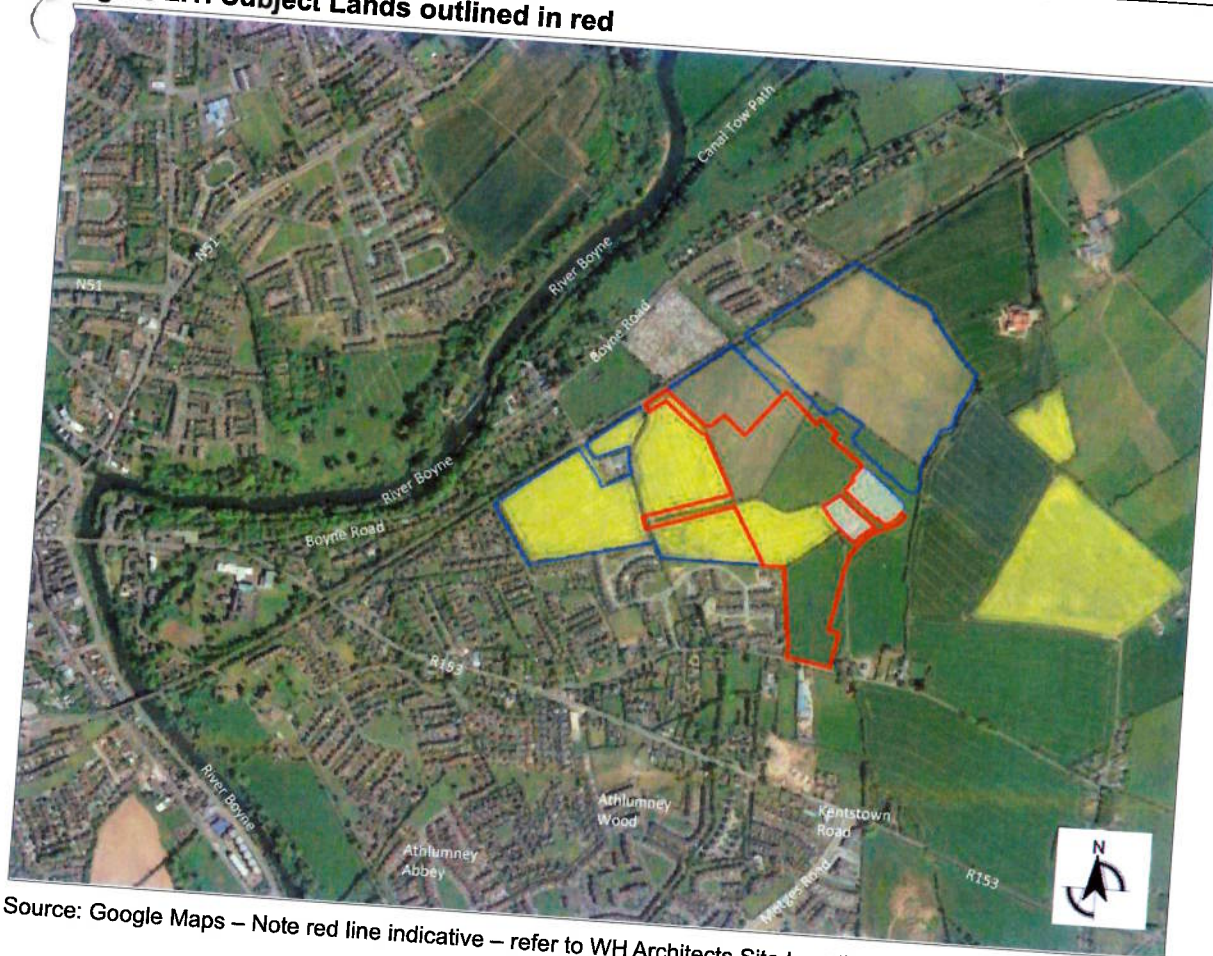
We note that the applicant instigated direct engagement with the Appellant (Stephen Flanagan) on the previous Meath CC Planning Ref 22/1703 / ABP-318533-23, which involved similar issues raised (principally in relation to Flood Risk matters) on an adjoining but comparable phase within the overall Masterplan lands. Relevant correspondence is attached.

We refer the Board to the accompanying documents to be read in conjunction with this appeal response:

- JBA Appeal response;
- HRA Appeal response;
- Metec Appeal response;
- Byrne Environmental Appeal response;

2.0 SITE LOCATION AND DESCRIPTION

The application site comprises 13.26ha and is located within Meath County Council Masterplan 12 lands located to the east of Navan town. The site is greenfield in nature and currently undeveloped. The area is largely rural in character consisting of fields in agricultural use, bounded by field hedgerows. The Navan to Drogheda commercial rail line is located to the north-west of the site which is crossed by one level crossing and beyond it. Low density residential development and a graveyard characterise the area to the north of the railway line proximate to the River Boyne.

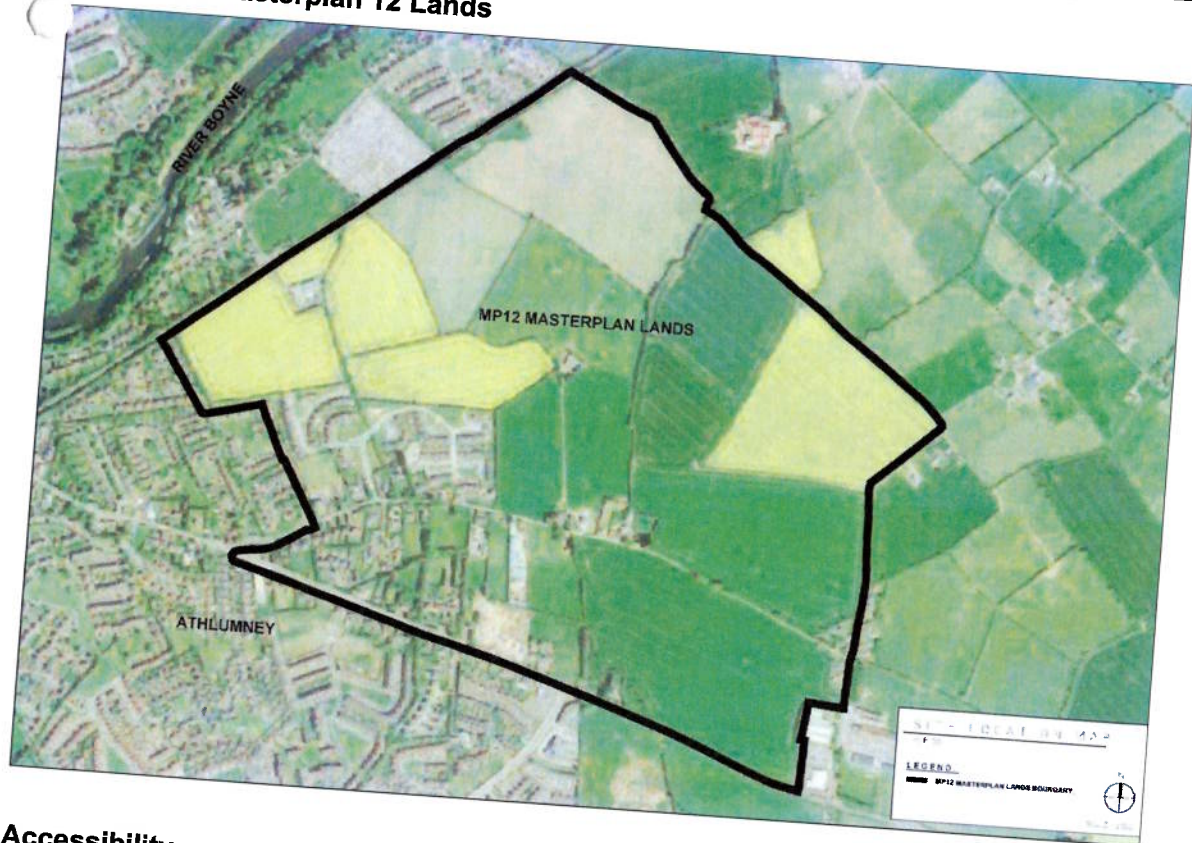
Figure 2.1: Subject Lands outlined in red

Source: Google Maps – Note red line indicative – refer to WH Architects Site Location Map.

To the north-east and east of the site, the character is essentially rural, with the land in agricultural use. The area to the south of the site is characterised by low density residential development along two existing roads, the R153 (Navan-Kentstown Road) and Old Road. The southern portion of the site is adjoined by existing residential development at Old Manor and Tubberclaire Meadows. The site will be accessed from the east via the completed (LIAF funded) LDR6 road. Note: the road is not yet shown on any aerial maps.

The wider MP12 masterplan lands include the subject site and lands to the south and east. The masterplan site area is approximately 135 hectares. Further to the north, the masterplan site includes a connection to the Boyne Road and to the south, a connection to the R153. The site also includes the construction of a distributor road through the residential estates called the Farganstown Access Road. The predominant character of the surrounding area is residential with facilities and amenities to serve the new housing.

Navan town centre, which is located approximately 2.5km from the site, contains a wide range of facilities and services, including Navan Shopping Centre (containing Penney's, Dunnes Stores and Tesco), a cinema, banks, clothes shops, churches, libraries, restaurants, cafes, etc. In addition, a mix of educational, recreational and healthcare provisions and amenities such as Our Lady's Hospital are located to the western portions of the town.

Figure 2.2: Masterplan 12 Lands**Accessibility**

Access to the site will be provided from the recently constructed LDR6 road to the south, via an entrance provided by the adjacent northern roundabout junction. The new roads and streets from the roundabout branch north into the proposed development as a new connection will facilitate future access to the wider area north of the LDR6.

3.0 PLANNING HISTORY

3.1. ADJACENT LANDS (BY APPLICANT)

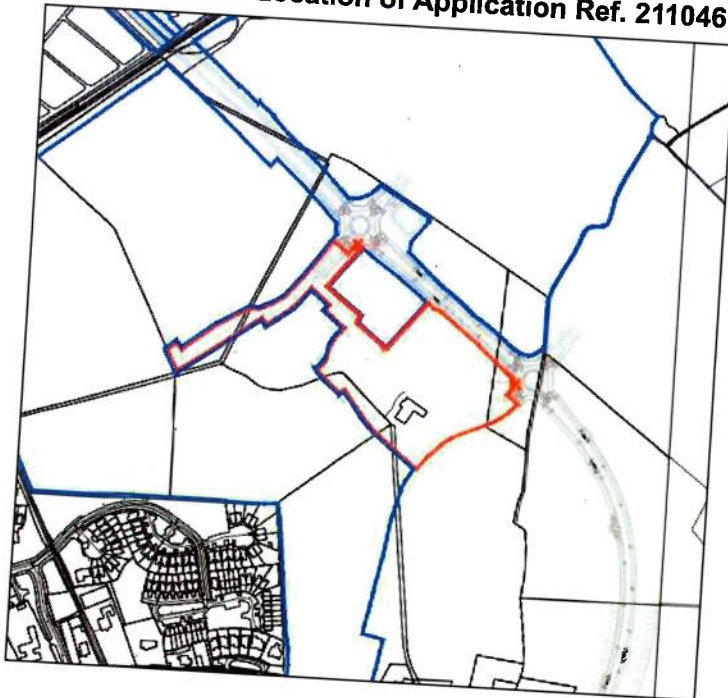
3.1.1. Meath County Council Reg. Ref. 211046 (ABP Ref. 312746-22)

Meath County Council granted planning permission on the 20th of February 2022 for:

"the development (Phase 1A) will consist of the demolition of existing agricultural structures (c. 530sqm) and the construction of 98 no. residential units comprising 41 no. houses (40 no. 3 bedroom and 1 no. 4 bedroom house - House Types A1,A2,B1,B2,C1,C2,D - 2 storeys; House Types F1, F2, F3, 3 storeys), facades of houses to have brick/render options in finish; 23 no. apartments (12 no. 1 bedroom apartments & 11 no. 2 bedroom apartments) in a 4 storey apartment building, along with adjoining 3 storey duplex element (block 1) comprising 10 no. duplex apartments (5 no. 2 bed apartments and 5 no. 3 bed duplex apartments) and 3 storey duplex building (block 2) fronting onto the recently constructed 'LDR6' Road comprising 24 no. duplex apartments (12 no. 2 bed apartments and 12 no. 3 bed duplex apartments), 151 no. car parking spaces & 46 no. bicycle spaces, open space and all associated infrastructure, foul and water supply (including a temporary pumping station) site development, attenuation and landscape works as well as roads to facilitate the development with vehicular and pedestrian access to be provided from the recently constructed LDR6 Road which connects to the R153 (Kentstown Road) to the south. A Natura Impact Statement will be submitted to the Planning Authority with the application. Significant further information/revised plans submitted on this application".

The appeal was decided on the 29th of September 2023 where the Board granted permission subject to revised conditions. This development has commenced construction.

Figure 3.1: Site Location of Application Ref. 211046



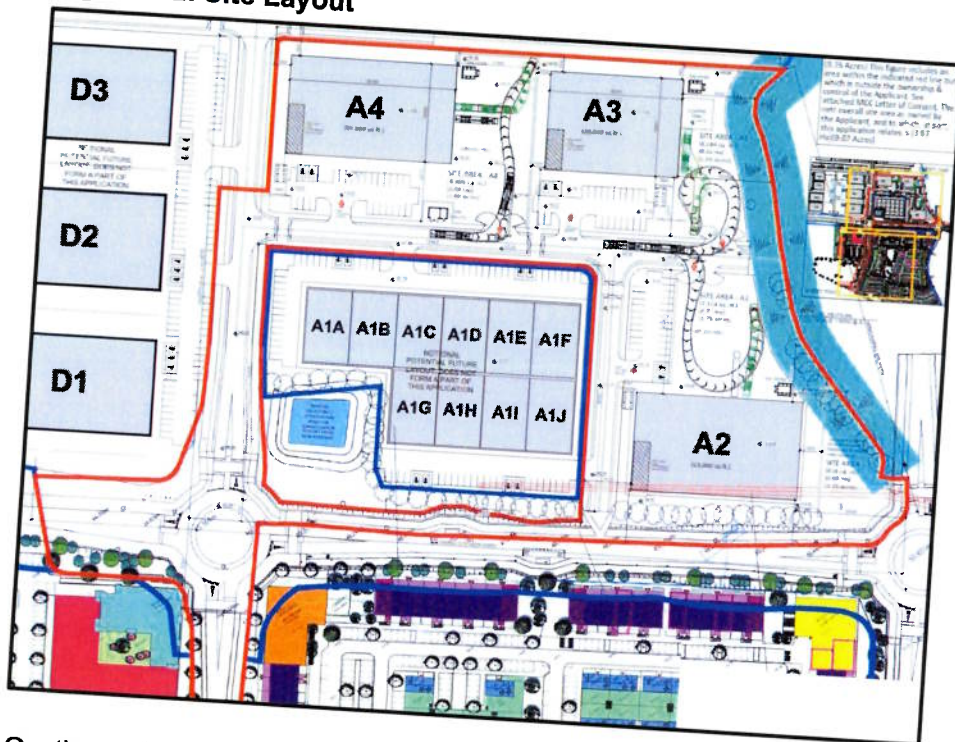
3.2. SURROUNDING MP12 LANDS

3.2.1. Meath County Council Reg. Ref. 22/1703 (ABP- 318533-23)

On the 23rd of October 2023 Meath County Council issued a notification of a decision to grant permission for development comprising Phase 1 of the Boyne Village Enterprise Park, and comprise construction of: 3 no. commercial high-bay warehouse units.

The decision was appealed by the same individual as the current appeal.

Figure 3.2: Site Layout



On the 14th of January 2025, An Bord Pleanála confirmed the decision of Meath County Council and granted permission for the proposal subject to revised conditions. It is noted that the Board in their reasons and considerations stated:

"...it is considered that the development proposed would be in accordance with the policies and objectives of the Meath County Development Plan 2021-2027 (as amended) and subject to the conditions below, would not have unacceptable impacts on ecology, water quality, flood risk or the landscape, would not seriously injure the amenities of the area or of property in the vicinity would be acceptable in terms of traffic safety and convenience and would not conflict with provisions of the Development Plan. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area."

It is noted that the appellant in the current LRD was included in the appeal previously under 22/1703 (ABP- 318533-23.)

4.0 SUMMARY OF PROPOSED DEVELOPMENT

The proposed development provides for 322 no. dwellings, (212 no. houses & 110 no. duplex apartments/apartments) consisting of 177 no. 3-bedroom houses, 35 no. 4-bedroom houses, 26 no. apartments/duplex apartments (13 no. 2-bedroom apartments and 13 no. 3-bedroom duplex apartments), 35 no. 1-bedroom apartments and 49 no. 2-bedroom apartments in 3 no. separate blocks, a Community Centre & Sports Hall, creche, as well as a Neighbourhood Pharmacy and Takeaway), access, infrastructure, car parking, open space, boundary treatments and all associated site development works.

Figure 4.1: Site Layout



Source: Wilson Hill Architects

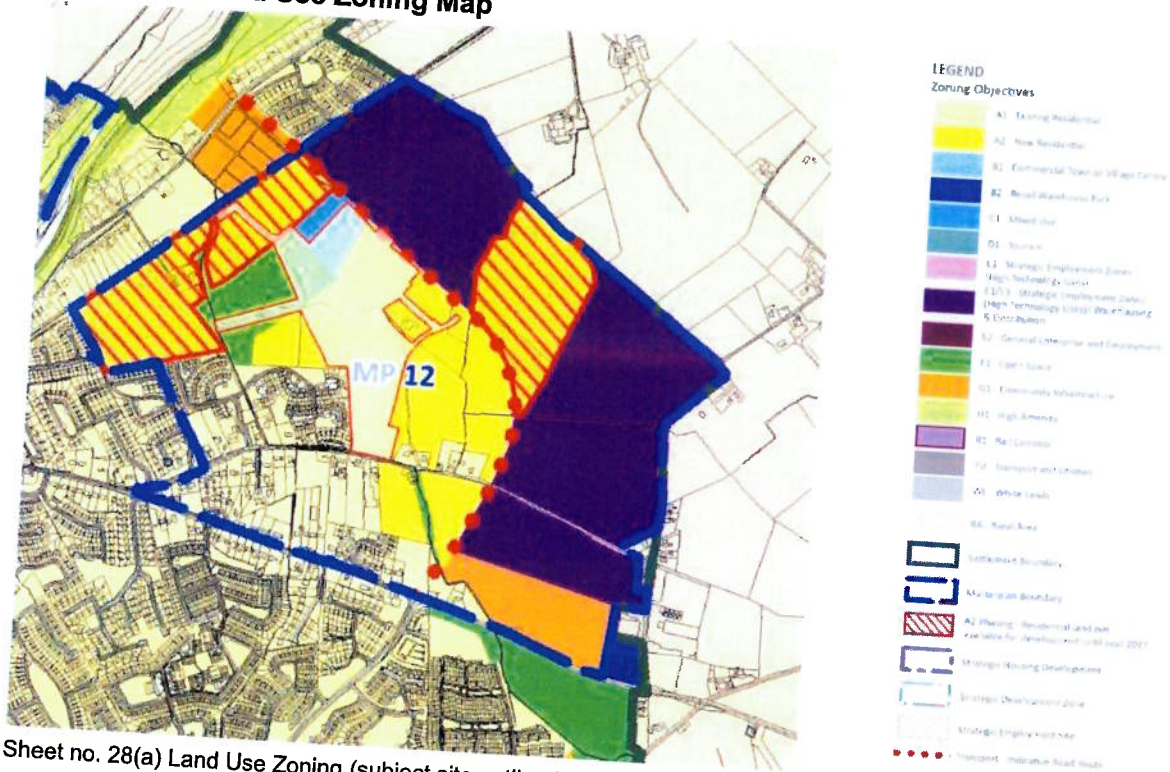
The proposed development will provide c.3.72 hectares of open space which includes a District Park (c.1.65 ha), neighbourhood park of c.0.47 ha, western open space areas (0.89 ha) and a series of smaller open space areas.

5.0 LAND USE ZONING

The relevant Development Plan is the Meath County Development Plan 2021-2027. The subject site is zoned 'A2' – 'New Residential', 'C1' – 'Mixed Use' and 'F1' – Open Space, 'E1 / E3' – Strategic Employment Zones (High Technology Uses) / Warehousing & Distribution.

As set out in the John Spain Associates Statement of Consistency, the proposed development accords with the zoning objectives of the lands contained in the Meath County Development Plan. Therefore, the proposed development is in compliance with the phasing and zoning policies of the CDP.

Figure 5.1: Land Use Zoning Map



5.1. WRITTEN STATEMENT FOR NAVAN

According to the Written Statement for Navan, the development strategy for Navan is to support the population and economic growth of the town, consistent with its designation as a 'Key Town' in the RSES. There will be a focus on supporting business and enterprise to broaden the employment base and facilitate job creation, delivering compact growth on sites proximate to the town centre and providing high quality developments throughout the settlement.

It is noted that a Master Plan was prepared and agreed with the Planning Authority in January 2020. The text of the Masterplan has been updated to reflect the wider strategic policies and new Meath Development Plan 2021-2027 as well as to provide updated detail on the planning applications made since its adoption.

6.0 RESPONSE TO THIRD PARTY APPEAL

As noted above, we have been notified of 1 no. third party appeal lodged in response to the Planning Authority's notification of decision to grant permission. The main points raised relate to:

- Appellant's Preamble;
- Flood Risk and Drainage;
- Energy Efficiency Directive & Climate Targets;
- Planning Policy, Housing Typologies and Density;
- Methods of Construction;
- Development not compliant with provisions of DMURS;
- EIAR Scope.

6.1. APPELLANT'S PREAMBLE

The Appellant makes various statements regarding their property at the Boyne Factory Village in respect of land use zoning objectives in the Meath County Development Plan as this relates to the current use of the buildings on site and the nature and scale of the open space zoned lands. It is respectfully submitted that these issues are not relevant to the proposed development and are unrelated to the proposed development. It is noted that the appellants had the opportunity to make submissions to the Meath County Development Plan during its preparation in respect of their lands and property and land use zoning. This is not a matter relevant to the proposed development.

The proposal includes uses which are permissible under the zoning of the application site and in accordance with the indicative non-statutory masterplan for the overall MP12 lands agreed by Meath County Council. In this respect, the development of the application site for the uses proposed are considered to benefit the value of the appellants' land holding which retains development potential for residential development. The implementation of the LDR6 LIHAF funded road at no cost to the appellants may also serve the appellants lands in future, enhancing their accessibility and connectivity to the wider area.

6.2. FLOOD RISK AND DRAINAGE

The primary concerns of the appellants (set out at section 8.1 of the appeal onwards) relate to flood risk and perceived impacts on their lands and property. In response to the appellants' concerns, we refer the Board to the accompanying:

- Appeal Response Document prepared by JBA Consulting Engineers
- Appeal Response Document prepared by Henrick Ryan Consulting Engineers

The contention by the Appellant that the application "*does not adequately assess the flood risk in accordance with the Floods Directive [sic]*" is not accepted and does not stand up to scrutiny.

We refer the Board to the enclosed appeal responses prepared by JBA Consulting and HRA Consulting Engineers, which addresses the points raised by the Appellant. In addition, it is noted that a Site-Specific Flood Risk Assessment (SSFRA) was completed for the Phase 1B LRD site by JBA Consulting Engineers and details were also clarified under a response to a request for further information. The LRD was subsequently granted by Meath County Council under PA ref: 24/60415.

Appellant's Commentary

- ***The flood model is based on OPW guidance for larger catchment areas***
- ***The flood model does not consider all the lands to be developed when all options are open.***
- ***The flood model does not provide sufficient detail on road and drainage construction to allow preferential flow paths to be assessed in so far as they might avail flood water being discharged to the Frankstown stream as opposed to being attenuated***

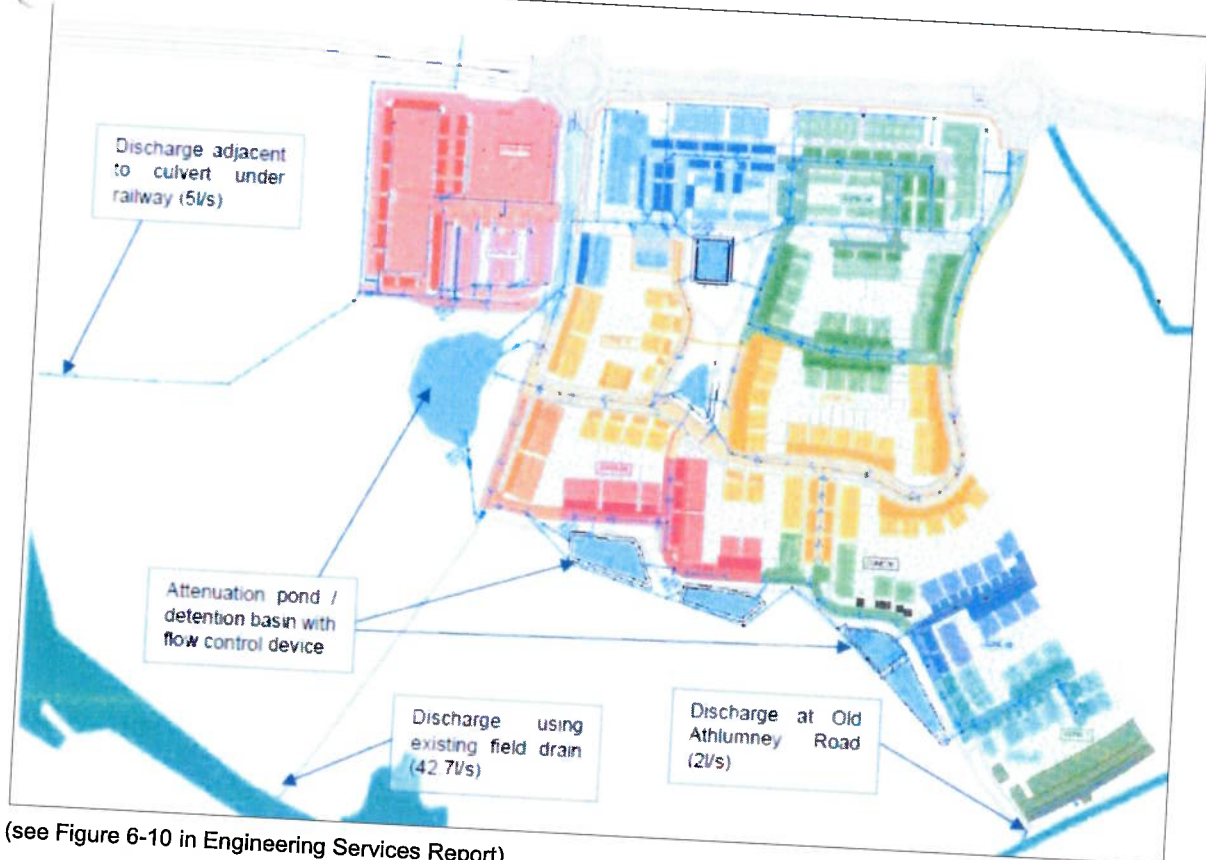
JBA Response:

The SSFRA is prepared in accordance with Meath County Development Plan policy/objectives and The Planning System and Flood Risk Management Guidelines, this is clearly set out within the document and is accepted by Meath County Council in their decision to Grant. The flood model is based on the Stage 3 FRA approach as set out in The Planning System and Flood Risk Management Guidelines. It is more detailed than any such 'larger catchment guidance'.

The SSFRA comprehensively covers all lands within the redline boundary and an appropriate length of the watercourse both up and downstream as set out under Section 4 of the SSFRA. The SSFRA is sufficiently detailed regarding construction detail to model floodplain flow paths. Stormwater attenuation and discharge is dealt with under separate cover by the Henrick Ryan Consulting Engineers response, but the drainage design is commented on within the SSFRA under Section 5.2.3. This confirms accordance with GDSDS requirements and therefore the Meath County Development Plan.

HRA Response:

As set out in the HRA appeal response, the surface water design has been carried out in accordance with the SuDS Manual and the Greater Dublin Strategic Drainage Study (GDSDS). The SuDS design zones and attenuation systems are shown on Drg. No. 2135/411 issued with the planning application. An excerpt from this drawing is shown below. All surface water falling onto roads located within the proposed development is attenuated and discharged at the greenfield runoff rate.

Figure 6.1: SuDS Design Zones with discharges

(see Figure 6-10 in Engineering Services Report)

- ***The mitigation measures only protect from increased runoff from development at rain fall levels less than 75mm in a 12-hour period***

HRA Response:

The surface water model includes a 1-in-100year storm with a duration of 7 days. Figure 1-5 shows an extract from calculations which accompanied the planning application. Figure 1-6 shows Met Eireann rainfall data for the site. The 1-in-100yr storm with a 7-day duration corresponds with a rainfall depth of approximately 138mm (average of 131.1mm + 145.1mm).

- ***The Board are not entitled to grant for a nuisance causing activity (Flooding)***
- ***The Supreme Court case UCC v, ESE [2020] 'ESC 38 emphasised the need to protect downstream landowners.***
- ***The FSR does not provide detailed calculations as required by Clifford V An Bord Pleanála so that interested parties can see how an assessment was made.***

JBA Response:

The SSFRA demonstrates that the requirements of The Board are met by clearly demonstrating through the successful application of the Justification Test under Section 6 of the SSFRA report. This ensures that there is no increase in risk elsewhere (downstream or upstream).

Comments on the FSR method are noted but the flow estimation undertaken by JBA within the SSFRA did not use the FSR method. The detail of the flow estimation is clearly set out under the SSFRA and further information response. JBA utilised the FSU method which supersedes the FSR.

HRA Response:

It is proposed that a number of SuDS features are to be used within the proposed development including permeable paving, infiltration blankets, underground attenuation storage, detention basin / attenuation pond, oil interceptors etc. These features have been designed has been used to reduce the volume of surface water entering the millrace / Ferganstown Stream and to remove pollutants such as oil, silt etc. Refer to the Engineering Services report for more details.

Discharge from the developed site is significantly less than the existing greenfield runoff from the site. The proposed development will discharge less surface water into the millrace upstream of the factory than is currently being discharged from the site in its existing condition.

- ***National Policy Objective 77 Enhance water quality and resource management by: Ensuring that River Basin Management Plan objectives are fully considered throughout the physical planning process. Integrating sustainable water. management solutions. such as Sustainable Urban Drainage (SUDS), nonporous surfacing and green roofs, and nature-based solutions, to create safe places 2***
- ***The culvert infrastructure along the length of the Ferganstown Stream is not adequate to cope with even 1% Flood events. Long sections of the Ferganstown stream are manmade and there is no evidence that infrastructure is adequately sized.***
- ***The flooding caused to my property is as a result of inadequate channel section in terms of depth of invert or width of the channel along growth of vegetation factors. Different roughness factors will apply depending on the extent of vegetation or underbrush***

JBA Response:

Flooding in the local area (Tubberclare Meadows and the appellant's site) is documented but the proposed LRD development is predominantly located in Flood Zone C; at low probability of flooding and it has been clearly demonstrated within the SSFRA and stormwater management reporting that the development will not increase risk elsewhere.

- ***NPO 78 (NPF 2025)• Promote sustainable development by ensuring flooding and risk management informs place-making by:***
- ***Avoiding inappropriate development in areas at risk of flooding that do not pass the Justification Test, in accordance with the Guidelines on the Planning System and Flood Risk Management.***

- ***Taking account of the potential impacts of climate change on flooding and flood risk, in line with national policy regarding climate adaptation***

JBA Response:

The LRD proposal and the SSFRA follows NPO 78 and ensures that risk is appropriately managed, following the sequential approach as set out under the Planning System and Flood risk Management Guidelines. This is evidenced by the narrative set out in the SSFRA report and under the application and passing of the Justification Test under Section 6. The development does not place any of the highly vulnerable houses within Flood Zone A or B, and there is only negligible encroachment of the Flood Zones within the site which are managed with riparian buffer zones.

We would highlight that the Planner's report on the further information submission stated that subject to condition, *"noting the above, it is the opinion of the Env Flooding section that planning permission can be granted for the proposed development from a flooding perspective..."*

We note the Board's Inspector under ABP 318533-23) in response to similar arguments by the same appellant, outlined the following in relation to previous commentary on the appeal:

"I have reviewed the information submitted with the appeal and the application and I am satisfied that the implementation of the surface water management system proposed would not increase the flood risk to the adjoining lands. I note that the PA had no objection to the drainage system proposed which was designed in consultation with the PA and subject to their requirements."

The JBA technical note concludes:

"From reviewing the tabulated summary response of the appellant's submission and the SSFRA completed for the site, JBA can confirm there is no increase in flood risk to the site itself or surrounding lands/properties as a result of the proposed LRD. Any flood risk to the appellant's land/property is pre-existing and not related to the LRD. Furthermore, the SSFRA is compliant with European Directives as well as National and Local policy. The proposed LRD site is predominantly within Flood Zone C, as determined by a Stage 3 detailed level of assessment and has been confirmed as passing the Justification Test as set out under The Planning System and Flood Risk Management Guidelines."

We refer the Board to the accompanying JBA Appeal Response Document for further details which is considered to fully address the concerns of the appellant and respectfully request that the Board dismisses the appellants assertions, as having no basis.

6.3. ENERGY EFFICIENCY DIRECTIVE & CLIMATE TARGETS

6.3.1. Energy Efficiency Directive

In response to the appellants' contentions in relation to energy efficiency, we refer the Board to the accompanying Appeal Response Document prepared by Metec Consulting Engineers.

At the outset we would like to highlight to the Board that the energy requirements of the buildings and their construction are dealt with through the Building Regulations, which is a separate legislative code and not strictly relevant to the appeal.

Notwithstanding, we note the following responses from Metec and Byrne Environmental:

2. Policy and Legal Framework 2.1 Energy Efficiency Directive and Energy Efficiency First Principal

The appellant considers that projects such as the development subject of this appeal “*must save energy, using energy efficiency first to cut emissions*”. The applicant agrees with this sentiment as the proposed development has been designed (as noted by Metec in their response) to meet a minimum, all dwellings will achieve Nearly zero energy building (NZEB) requirements and A3-rated BER in line with the current Energy Performance of Buildings Directive. The Directive defines a Nearly Zero Energy Building (NZEB) as a building that has a very high energy performance. Thus, the proposed development will save energy and provide a sustainable form of development.

Metec also note the following within their response in respect of the Directive:

At the time of application, the revised Energy Performance of Buildings Directive has not yet come into force. The revised Energy Performance of Buildings Directive is currently pending approval by the legislature.

It states that the nearly zero or very low amount of energy required should be covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on-site or nearby. The proposed development will avail of Air Source Heat Pumps in houses, Exhaust Air Heat Pumps for apartments and VRV Systems for communal spaces. This approach will ensure that the complex is not only provided with a low-emission heating system but is also future-proofed to avail and benefit from future electrical grid improvements.

3. The Energy Performance Gap 3.1 Defining the Energy Performance Gap 3.2 Projected vs Actual Energy Performance 3.3 Degrading Airtightness as a Key Factor 3.4 Implications for the LRD

The appellant make reference to what is considered as an ‘energy performance gap’, and certain assumptions in relation to energy performance. Contrary to the assertions of the appellant, as set out in the Metec response, as a minimum, all dwellings are to achieve Nearly zero energy building (NZEB) requirements and A3-rated BER in line with the current Energy Performance of Buildings Directive. The Directive defines a Nearly Zero Energy Building (NZEB) as a building that has a very high energy performance. It states that the nearly zero or very low amount of energy required should be covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on-site or nearby.

During detailed design, further consideration can be given to operational modelling to minimise the Energy Performance Gap. Occupant training and education will also be provided to the end user on the correct use of all space heating and ventilation systems to ensure efficient

use of the equipment and to minimise wastage. The target airtightness value of 3 m³ h⁻¹ m⁻² @50Pa specified is an improvement on the minimum required airtightness value of 5 m³ h⁻¹ m⁻² @50Pa as outlines in TGD Part L 2022 (Current version for Dwellings). Airtightness performance will be confirmed through multiple on-site tests in accordance with the current Building Regulations.

As such the proposed development will provide excellent energy rated homes and has been designed to meet the relevant requirements of the Building Regulations which as noted above, are a separate legislative code and not strictly relevant to the appeal.

4. Heat Pumps and Primary Energy Demand 4.1 Primary energy Demand and Thermal Generation Efficiency 4.2 Varying Capacity Factor of Irelands Wind Fleet 4.3 Performance of Air Source vs. Ground Source Heat Pumps 4.4 Dismissing District Heating.

The appellant considers that the proposal should include ground source pumps/district heating which Metec consider are not a viable option for this type of development, due to high capital costs and plant space requirements, as well as the difference in seasonal efficiencies between air source heat pumps versus ground source heat pumps are minimal when compared to the overall capital outlay required for the latter. The payback period between both technologies is highly in favour of air source heat pumps when compared to an equivalent ground source-based design.

Metec further outline in their enclosed appeal response that the higher costs associated with ground source heat pumps would only lead to higher costs for both developer and buyer. Ground source heat pumps also rely on electricity to operate the circulating pump and heat pump. Both ASHP and EAHP options proposed similarly use electricity and convert each kWh of electricity into 3-4 kWh of usable heat. As the national grid currently uses high volumes of renewable energy and is likely to become carbon neutral in the future, by default, any dwelling heated using an electrically powered heat pump will also become carbon neutral. During detailed design, further consideration can be given to determine the appropriate heating source for the development.

The Appellant states "*The EIAR plans homes using more energy than needed, likely adding to emissions and costs*"

In response as outlined by Byrne Environmental, "*the Appellant has not provided any qualifying information or data as to how he established this fact. The buildings in the development are designed to be energy efficient and to use sustainable methods of heating and ventilation which will benefit all users including residents in affordable homes as a result of lower running costs for homes. Airtightness is a fundamental aspect of increasing energy efficiency in a building and this is included in the design of all buildings in the development. Air tightness testing is conducted to validate the integrity of the system.*"

The Byrne Environmental response further outlines that there is a decreasing trend in greenhouse gas emissions in Ireland based on the most recent published EPA data. Regarding the residential sector all homes must be designed and constructed in accordance with *The Irish Building Regulations Technical Guidance Document L – Conservation of Fuel &*

Energy – Dwellings includes requirements for all residential dwellings to be “Nearly Zero Energy Buildings” (NZEB’s) by 31st December 2020.

The Byrne Environmental response sets out the following energy saving aspects are proposed for the subject development:

- *Energy Efficiency* - The development shall seek to meet the highest standards of sustainable design and construction with regard to the optimum use of sustainable building design criteria such as passive solar principles and also green building materials.
- *In order to reduce energy consumption, the following key design features have been considered in the design process and will be incorporated into the construction of the residential units:*
 - o *Passive solar design including the orientation, location and sizing of windows*
 - o *The use of green building materials: low embodied energy & recycled materials*
 - o *Energy efficient window units and frames with certified thermal and acoustic insulation properties*
 - o *Building envelope air tightness*
 - o *Installation of Mechanical Ventilation & Heat Recovery systems in all apartment units which operate by extracting warm air from kitchens and bathrooms, cleaning it and distributing it to other rooms in the unit.*
 - o *Air to Water Heat Pumps in residential houses*
 - o *Thermal insulation of walls and roof voids of all units*
 - o *All buildings will have a minimum Building Energy Rating of A3*
 - o *Electric Vehicle charging points will be installed within the development.*

In summary, the proposed development is designed in accordance with and shall be constructed in accordance with The Irish Building Regulations Technical Guidance Document L – Conservation of Fuel & Energy – Dwellings and the operation of the buildings once occupied will generate negligible greenhouse gas emissions which will contribute to achieving Ireland’s targets for the reduction of greenhouse gas emissions by 2030.”

6.3.2. Climate Targets

With reference to the commentary contained in the appeal in relation to climate targets, we refer the Board to the enclosed appeal response prepared by Byrne Environmental.

Under the With Existing Measures scenario, emissions from the residential sector are projected to decrease by 15% between 2022 and 2030 to 4.9 Mt CO₂ eq.

Emissions are projected to decrease by 27% between 2022 and 2030 to 4.2 Mt CO₂ eq under the With Additional Measures scenario (shown as the line in the graph below). This scenario assumes full implementation of the measures in Ireland’s Climate Action Plan 2024 that includes home retrofits, supports for domestic heat pumps and district heating.

With regard to the EIAR, specific Climate Mitigation measures have been designed into the construction and operational phase of the development as follows:

Construction Phase

- Implementation of the site-specific Resource and Construction Waste Management Plan which defines how the reuse and recycling of materials shall be maximised.
- Prevention of site plant and machinery engines idling.
- Ensure all plant and machinery are well maintained.

Operational Phase

- Minimum A3 Building Energy Rated buildings
- Implementation of the site-specific Operational Waste Management Plan which defines how the reuse and recycling of materials shall be maximised.
- Landscaping of site areas using native species

Having regard to the detail provided in the application and the responses prepared by Byrne Environmental and Metec, it is submitted that the proposed development has been designed to the highest standards, and that the buildings are energy efficient, reducing the long-term heating requirements and as a consequence, CO2 emissions during the lifetime of the development.

6.4. PLANNING POLICY, HOUSING TYPOLOGIES AND DENSITY

Contrary to the Appellant's assertions, the proposed density of the development has taken into account the provisions of the Compact Settlement Guidelines 2024 which was published by the Department of Housing, Local Government and Heritage on the 15th of January 2024. The guidelines replaced the previous Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009).

The Guidelines provide for different densities to respond to settlement size, greater flexibility in residential design standards, setting national standards that support innovation in housing design and a greater range of house types, and more compact own-door housing as an alternative to apartment development. This in turn supports higher densities for own-door housing schemes.

	Centre	Urban Neighbourhood	Suburban / Urban extension
Dublin/Cork City and Suburbs	100-300 dph	50-250 dph	40-80 dph (+ 150 dph)*
Limerick / Galway / Waterford	100-250 dph	50-200 dph	35-50 (+ up to 100 dph)*
Metropolitan Towns (>1,500)	50-150 dph	50-150 dph	35-50 dph (+ up to 100 dph)*
Metropolitan Area Villages (<1,500)	Reflect existing density and/or built form not below 25 dph		
Regional Growth Centres	50-150 dph	50-150 dph	35-50 dph (+ up to 100 dph)*
Key Towns and Large Towns (5,000+)	40-100 dph	40-100 dph	30-50 dph (+ up to 80 dph)*
Small to Medium Sized Town (1,500 – 5,000)	Respond to existing context	n/a	25-40 dph
Rural Towns and Villages (<1,500)	Respond to existing context	n/a	Respond to existing context

Navan would be considered a 'Key Town' with the subject site considered to be a suburban/urban extension located at the edge of the town. In this respect, the indicative net density range for the subject site would be 30-50 dwelling per hectare (dph):

The net density (on the A2 zoned lands) of the proposed LRD Phase 1B development is 36.8 dph (298/8.09 ha) and when the permitted Phase 1A development is included the net density is 41 dph. As such the proposed development is compliant with the relevant provisions of the Compact Settlement Guidelines 2024.

When the C1 mixed use area (1.1ha) is included in the calculations, the net density is 34.6 (322/9.29 ha).

It is further noted that the net site area has been appropriately calculated and has included local parks, private open space, and other ancillary areas. The net site area excludes the District Park (on F zoned lands) as well as the Link Street contained within the site's boundary, which is allowable as per Table 1 Appendix A of the Compact Settlement Guidelines.

6.4.1. National Planning Framework First Update

The first Revision of the NPF was recently adopted by the Oireachtas in accordance with Section 20C(5)(a) of the Planning and Development Act 2000 (as amended). The Framework is revised and updated to take account of changes that have occurred since it was published in 2018 and to build on the framework that is in place.

The revised NPF notes that *in the period between 2022 and 2040 it is expected that there will be roughly an extra one million people living in our country. This population growth will require new jobs and new homes.*

With reference to compact growth, the revised NPF states that:

"Carefully managing the sustainable growth of compact cities, towns and villages will add value and create more attractive places in which people can live and work. All our urban settlements contain many potential development areas, centrally located and frequently publicly owned, that are suitable and capable of re-use to provide housing.."

In addition, the revised NPF is seeking to target *"a greater proportion (40%) of future housing development to be within the existing 'footprint' of built-up areas"* as well as *"Making better use of under-utilised land and buildings, including 'infill', 'brownfield' and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport."*

The following NPOs are noted:

National Policy Objective 9 Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints and ensure compact and sequential patterns of growth."

The proposed development accords with the Compact Settlement Guidelines 2024 and could be best described as being suitable for sequential development, within a larger masterplan area, between the Navan-Drogheda railway line and the Navan-Kentstown Road. The site is located 2.5 km from the town centre, with the Navan-Kentstown Road (R153) to the south. The subject lands are sequentially located to adjacent development in Tubberclaire Meadows

to the south west and the now under construction developments to the south east along the newly constructed LRD6.

National Policy Objective 11 Planned growth at a settlement level shall be determined at development planmaking stage and addressed within the objectives of the plan. The subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

The subject lands are zoned for development under the Meath County Development Plan 2021-2027 which includes a range of open space areas to be delivered, in the MP12 lands area. The proposed development provides a series of open spaces including a district park of some 1.65 hectares as well as other areas of open space distributed evenly throughout the site, which include active play and passive areas to cater for a wide range of persons. The proposed development provides 17.2% (15,833 sq.m) open space on A2 zoned lands which is in addition to the F1 area park (c.1.65 hectares) within the subject site.

The public open space areas provided on site include:

- Central Park (4,753sq.m).
- Green Link East (1,464sq.m).
- Green Link West (690sq.m).
- Old Athlumney Road Park (8,926sq.m).

According to the revised NPF, *"The long term vision for Ireland's housing future aims to balance the provision of good quality housing that meets the needs of a diverse population, in a way that makes our cities, towns, villages and rural areas good places to live now and in the future."*

"National Policy Objective 12 Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 43 Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location

The proposed development will provide a sustainable quantum of phased development within the key town of Navan. It is considered that there is significant social infrastructure and facilities in the local area to cater for the proposed development as set out in the Social Infrastructure Assessment, prepared by John Spain Associates included with the application.

The proposed development includes a Neighbourhood Centre with a convenience anchor (1,000 sq. m net), along with GP Surgery, Café, Pharmacy and Take Away, as well as a Community Centre with an internal sports hall and 4 no. meeting rooms. In addition, public open space is provided. The adjacent MP12 lands include employment zoned lands which will encourage a sustainable live-work community.

National Policy Objective 42 To target the delivery of housing to accommodate approximately 50,000 additional homes per annum to 2040."

The proposed development will promote a sustainable compact form of development within the key town of Navan and contribute to the provision of new dwellings in a phased basis.

"National Policy Objective 45 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, increased building height and more compact forms of development."

The proposed development will promote a compact form of development within the key town of Navan, which has a range of local services. The development proposes a density of 40 no. units per hectare (Net) and is considered to be suitable for the subject location within a key town within an urban extension and is in compliance with the Compact Settlement Guidelines 2024.

The Appellant also references the following NPOs:

National Policy Objective 101 Planning authorities will be required to apply a standardised, tiered approach to differentiate between i) zoned land that is serviced and ii) zoned land that is serviceable within the life of the plan.

National Policy Objective 102 When considering zoning lands for development purposes that require investment in service infrastructure, planning authorities will make a reasonable estimate of the full cost of delivery of the specified services and prepare a report, detailing the estimated cost at draft and final plan stages.

National Policy Objective 103 When considering zoning land for development purposes that cannot be serviced within the life of the relevant plan, such lands should not be zoned for development.

With regard to the above, the lands are zoned under the applicable Meath County Development Plan 2021-2027. As such the NPOs above are not relevant to the current LRD application.

6.4.2. Dwelling Mix

The Third-Party Appeal incorrectly considers that the proposed development is made up of semi-detached houses. With reference to the proposed mix, it is considered that the proposed development has support from national, and local planning policy, and will provide a sustainable mix of unit types across the development at Athlumney and Ferganstown. We refer the Board to the Statement of Housing Mix contained in Appendix 1 of the Statement of Consistency, prepared by John Spain Associates.

Contrary to the content of the appeal, the mix proposed includes 84 no. apartments and 26 no. duplex apartments which comprise some 34% of the overall number of dwellings

proposed. A further 90 no. dwellings are terraced/end of terrace configurations, resulting in some 62% of dwellings which are either, apartments, duplexes or within a terrace.

The proposal is in compliance with Specific Planning Policy Requirement (SPPR) 4 of the Urban Development and Building Height Guidelines (December 2018) which requires that developments meet the Sustainable Residential Development in respect of density, provides an appropriate mix of building heights and typologies and to avoid mono-type building typologies. The proposal for Phase 1B provides an appropriate density of 36.8 dph net which is in accordance with the Compact Sustainable Guidelines 2024 and also the Meath County Development Plan.

In compliance with SPPR 4 the proposal provides a mix of building heights, 2 and 3-storey dwellings, 3-storey duplex apartments, and 4 and 5-storey apartment buildings. In addition, the proposal avoids mono-type building typologies, and includes a range of dwelling types, comprising 10.9% 1-bedroom units, 19.2% 2-bedroom units, 59% 3-bedroom units and 10.9% 4-bedroom units.

Policy DM POL 6 of the Meath County Development Plan 2021-2027 requires that unit typologies proposed provide a sufficient unit mix which addresses wider demographic and household formation trends.

Paragraph 1.8 of the Apartment Guidelines (updated July 2023) state: *"it is therefore critical to ensure that apartment living is an attractive and desirable housing option for a range of household types and tenures, building on and learning from experience to date, and that the economic and regulatory conditions are such that apartment development attracts both the investment and sustained demand for this form of housing by households, that will then result in greater delivery of apartments in Ireland's cities and towns and other appropriate locations."*

The overall development provides a wide range of unit types in a sustainable mix which will ensure a wide variety of tenures for a cross section of society.

According to the CSO, apartments still make up a minority of built development for Meath at just 8.4% of the total number of units during the 2022 Census. In this respect, the level of apartment development at this juncture is falling well short of what is promoted in Government Policy such as the National Planning Framework and also S.28 Guidelines such as the Apartment Guidelines (July 2023).

The proposed unit mix is as follows:

Table 6.1: Proposed unit mix

Phase 1b Athlumney	1-bed	2-bed	3-bed	4-bed	Total
Houses	-	-	177	35	212
Duplexes/Apartments	-	13	13	-	26
Apartments	35	49	-	-	84
Total	35	62	190	35	322
Overall Mix %	10.9%	19.2%	59%	10.9%	100%

Source: Wilson Hill Architects

A range of unit types are proposed as part of this development including apartments and houses. The proposed development provides for a range of unit types which will allow for a new mixed community through providing a choice of housing, suitable to all age groups and persons at different stages of the life cycle. Proposed units to be provided on site include houses, apartments and duplex units and will include 1-, 2-, 3- and 4-bedroom units.

Conclusions

The overall development provides an appropriate range of unit types in a sustainable mix which will ensure a variety of tenures for a cross section of society. The proposed development includes diversity in the form, size and type of dwellings within the layout which policy DM POL 6 of the County Development Plan is seeking. It is considered that the proposed mix as submitted provides for an appropriate and sustainable mix of dwellings which will allow for a broad range of household formation. The objective of the design team has been to include a range of dwelling and tenure types for a cross section of society.

6.5. METHODS OF CONSTRUCTION

5. Building Information Modelling and Modern Methods of Construction 5.1 Defining BIM and MMC 5.2 Background: Egan and Fermer Reports 5.3 Irish Government Policy on BIM and MMC 5.4 Opportunities for Cost, Waste, Resource and Energy Reduction 5.5 Case Studies Demonstrating BIM and MMC Benefits 5.6 BIM and MMC as Reasonable Alternatives in EIAR

The appellant considers that BIM/MMC could make homes more affordable, cut waste and save energy.

In response, Metec note the following within their response:

"Whilst the benefits of utilising Building Information Modelling (BIM) are generally understood - in particular for large-scale projects which are heavily serviced - there is no legal obligation for the developer to adapt this methodology. The developer may wish to discuss utilising BIM as a potential option for delivery the project at the design stage when more detail is understood on the scope of services required. Building Information Modelling (BIM) offers numerous advantages for construction and design projects, including cost savings, increased efficiency, and improved visualization. During detailed design, further consideration can be given to the integration of BIM."

8. Grounds of Appeal 8.5 Failure to Integrate BIM and Modern Methods of Construction

Metec note the following within their response:

"Building Information Modelling (BIM) offers numerous advantages for construction and design projects, including cost savings, increased efficiency, and improved visualization. During detailed design, further consideration can be given to the integration of BIM."

We would highlight that the applicant on the adjoining site is in the process of utilising Modern Methods of Construction (MMC)

Figure 6.2: Phase 1A by Applicant under construction (Phase 1A)



Figure 6.3: Timber frame Houses (Phase 1A)



Figure 6.4: Timber frame Duplexes (Phase 1A)



As per the photos above, MMC in the form of a timber framed construction approach has already been effectively utilised in Phase 1A of the overall masterplan at Athlumney Navan. This will continue in the subject Phase 1B phase and all follow-up phases.

The use of these off-site / factory-built modules provides certainty of delivery, reduces on-site labour activity, eliminates unnecessary waste and improves overall build quality.

6.6. DEVELOPMENT NOT COMPLIANT WITH PROVISIONS OF DMURS;

The Appellant notes and considers that connections should be brought to the Boyne Road to the north. In response to the above, the MP12 lands are to be served by the constructed LIHAF Road which has been designed to be able to connect to the Boyne Road to the north if required in the future.

It is highlighted that the Board's Inspector (under ABP 318533-23) in response to similar arguments by the same appellant, relating to connectivity to the Boyne Road stated:

"The future extension of the LDR 6 is outside the scope of the application and the appeal. Access to the development is facilitated by the LDR 6 which is substantially completed, and which is included in the Development Plan and the Masterplan."

The Board's Inspector further outlined that:

"I am satisfied that the access and transport facilities proposed are in accordance with Development Plan policy and do not require an additional connection at this point in the development of the Master Plan lands due to the level of proposed development."

As set out in the TrafficWise DMURS document, the stated objective of DMURS is to achieve better street design in urban areas. Better design will encourage more people to choose to walk, cycle or use public transport by making the experience more attractive, safer and more pleasant. Inherent in DMURS street design strategy are objectives to create a self-enforcing low speed environment, to reduce unnecessary car use through providing for and encouraging the use of non-car modes thus promoting healthy lifestyles. DMURS also aims to provide for creating communities with a sense of place

As set out in the TrafficWise DMURS document included with the LRD application, pedestrian connectivity is provided through the development by a system of connected Green Links and footways along the street network. The Green Links connect to neighbourhood amenities, open spaces and bus stops on the LDR6. Bus Eireann provides a local service within the environs of Navan Town. This 'Navan town Centre Service' operates Monday to Saturday inclusive and serves the surrounding residential areas. The service operates on three unique circular routes. Route 110 C follows a route from Navan Shopping Centre serving the Kentstown Road and Johnstown Wood area to the south. It is reasonable to expect that this service can will be extended to include service to the Athlumney area of Masterplan 12 via LDR6.

The applicant submitted a full and comprehensive Traffic & Transportation Assessment at planning application stage following constructive pre-application consultation with Meath County Council Transportation Planning Department. The relevant sections of the submitted TTA.

According to the TTA:

The road network junction analysis has demonstrated that the scale of impact forecast to arise from the Phase 1B and Phase 1 Masterplan as a result of the additional traffic movements within the context of Masterplan 12 and through existing key off-site junctions at Kentstown Road and Boyne Road is not likely to be significant and these junctions will operate within capacity with or without the proposed development without giving rise to congested or delay. The LDR6 road provides connectivity and servicing to the application site which will be enhanced through the proposals through the construction of a significant section of footway along the eastern side of the LDR6, as confirmed by Trafficwise, with a continuous footway on the northern side of the road.

Having regard to the above it is submitted that the proposed LRD provides a high quality design which has taken into account the relevant provisions of DMURS and will provide a high degree of permeability throughout the subject site, which will encourage sustainable modes of transport and that the Appellant's concerns have been addressed in the application material and in this appeal response.

6.7. EIAR SCOPE

Contrary to the Appellant's commentary, the EIAR provides detail on the estimated emissions from the proposed development in section 2 as well as the respective chapters with some extracts below:

6.7.1. Energy Statement and Climate Action Plan

The Metec Sustainability Report/Energy Statement included with the LRD application sets out to demonstrate a number of methodologies in Energy Efficiency, Conservation and Renewable Technologies that will be employed in part or in combination with each other for this development.

The plan is to follow the requirements of the E.P.B.D. (Energy Performance of Buildings Directive), Building Regulations Technical Guidance Document (TGD) Part L and the Meath County Development Plan 2021-2027 which are the current drivers for sustainable building design in Ireland. The design team plan to achieve building envelope and HVAC performance that is an improvement on the statutory requirements contained in the Irish Building Regulations by using the latest and greatest technologies and design practices.

The design team will achieve TGD Part L 2022 Nearly Zero Energy Buildings (NZEB) for the proposed development. A preliminary DEAP analysis has been undertaken on the residential units within the development to inform the design strategy, demonstrate compliance with the domestic Building Regulations Part L and to ensure that the targeted Building Energy Ratings (BERs) of A3 (or better) will be achieved.

A Thermal Dynamic Simulation Model of the communal areas has been constructed to demonstrate compliance with the non-domestic Building Regulations Part L and to ensure that the targeted BER of a A3 (or better) will be achieved using the SEAI-approved NEAP methodology. This simulation model will be used to generate heating loads in an energy conscious manner and will also be used to inform key decisions in the building design such as the fabric performance metrics. NZEB will be achieved for these areas. The proposed development is consistent with the relevant policies and objectives of the Meath CDP. It is noted that the Planning Authority did not request further information in respect of any aspects of the scheme relating to climate change and energy efficiency and the development is considered to be compliant with all relevant policies, objectives and technical requirements as demonstrated in the Metec response and Sustainability Report submitted with the planning application. Please refer to the accompanying Metec Appeal Response Document for further details.

6.7.2. Emissions and Waste

With regard to the commentary in respect of the EIAR and inclusion of detail in respect of emissions and resource use, we would note the following detail from the EIAR extracted for the convenience of the Board:

6.7.2.1. Effluents

Effluent arising from foul drainage from the proposed development will be discharged through piped systems to the local authority sewers. Operation of the development will involve the discharge of uncontaminated surface water from the impermeable areas to a proposed

network all linking into the established public system in the environs. Details of the impacts and mitigation measures for surface water and foul drainage are recorded at Chapter 6 of this Environmental Impact Assessment Report.

The envisaged foul flow calculations are 157,106 litres per day (157 cubic metres per day or 1.82 litres per second).

Mitigation measures include measures designed to avoid, reduce, remedy, or offset impacts.

6.7.2.2. Construction Waste Disposal Management

Chapter 11 of the EIAR (Material Assets – Waste Management) and the Construction and Demolition Waste and By-Product Management Plan, prepared by Byrne Environmental (included with the LRD application in Appendix E Volume III of the EIAR), provides detail on the construction related waste management for the proposal.

The Objective of the Waste Management Plan is to minimise the quantity of waste generated by construction activities, to maximise the use of materials in an efficient manner and to maximise the segregation of construction waste materials on-site to produce uncontaminated waste streams for off-site recycling.

The Waste Management Plan shall be implemented throughout the construction phase of the development to ensure the following:

- That all site activities are effectively managed to minimise the generation of waste and to maximise the opportunities for on-site reuse and recycling of waste materials.
- To ensure that all waste materials are segregated into different waste fractions and stored on-site in a managed and dedicated waste storage area.
- To ensure that all waste materials generated by site activities are removed from site by appropriately permitted waste haulage contractors and that all wastes are disposed of at approved waste licensed / permitted facilities in compliance with the Waste Management Act 1996 and all associated Waste Management Regulations.

The calculated construction waste tonnage has been derived from the Building Research Establishment Environmental Assessment Method (BREEAM) which specifies that 11.1 tonnes of construction waste is generated for every 100m² of development area. Based on the combined building area contained in the Schedule of Accommodation for the development of c.37,237m², it has been calculated that up to c. 4,133 tonnes of construction waste may be produced.

6.7.2.3. Contaminated Soil

Where contaminated soils/materials are discovered or occur as a result of accidental spillages of oils or fuels during the construction phase, these areas of ground will be isolated and tested in accordance with the 2002 Landfill Directive (2003/33/EC) for contamination, and pending the results of laboratory WAC testing, will be excavated and exported off-site by an appropriately Permitted Waste Contractor holding an appropriate Waste Collection permit and that this hazardous material will be sent for appropriate treatment / disposal to an appropriately Permitted / Licenced Waste Facility.

6.7.2.4. Domestic Municipal Waste/Waste Management

Chapter 11 of the EIAR (Material Assets – Waste Management) and the Operational Waste Management Plan, prepared by Byrne Environmental, provides detail on the domestic waste management for the proposal.

The Objective of the Waste Management Plan is to maximise the quantity of waste recycled by providing sufficient waste recycling infrastructure, waste reduction initiatives and waste collection and waste management information to the residents of the development. The Goal of the Waste Management Plan is to achieve a residential recycling rate of 50% of managed municipal waste by 2020 in accordance with The Eastern-Midlands Region Waste Management Plan 2015-2021.

The subject development includes 843 no. bedrooms in 322 no. residential units. The total domestic waste generated per week is detailed below.

Table 6.2: Total weekly Domestic waste generation

Scenario	#	Factor	Weekly Waste litres
Bedrooms	843	70 Litres per week / bedroom	59,010
Units	322	30 litres per week / unit	9,660
<i>Total Weekly Domestic Waste</i>			68,670

The volume of commercial waste that will be generated has been calculated with regard to British Standard BS 5906:2005 Waste Management in Buildings-Code of Practice as detailed below.

Table 6.3: Total weekly Commercial waste generation

Unit	Area (m ²)	Weekly Waste litres
Anchor Retail	1000	10,000
GP Surgery	232	600
Cafe	210	4500
Take Away	82	3300
Pharmacy	88	2200
Creche	512	3600
Community Centre	1848	500
<i>Totals</i>	-	24,700

6.7.2.5. Emissions

The principal forms of air emissions relate to discharges from motor vehicles and heating appliances. With regard to heating appliances, the emission of nitrogen oxides and carbon

monoxide will be minimised by the use of modern, efficient heating appliances and as a result, the potential impact is estimated to be negligible. Exhaust gases from motor vehicles will arise from car parking areas and will be discharged directly to the atmosphere. Car parking for motor vehicles is provided at surface level. Chapter 7 of the EIAR sets out the potential impacts and mitigation in respect of Air Quality and Climate.

Noise may be considered in two separate stages, during construction, and when the development is operational. Construction related noise impacts are an inevitable short term limited inconvenience feature which, in general, is accepted by members of the public, subject to the standard controls typical of planning conditions attached to urban based development projects. These impacts can be reduced in a number of ways. It is standard practice to limit construction to normal working hours during the day. In addition, there are a number of regulations relating to noise during construction which the contractor will be expected to adhere to throughout the construction phase. Chapter 8 of the EIAR sets out the potential impacts and mitigation in respect of Noise and Vibration.

6.7.2.6. Electricity Demand

The demand on power supply and telecommunications supply will all increase due to the development of the lands. The total increase in the capacity of the local electrical infrastructure as a result of the proposed development will be approximately 2.8MW. The infrastructure of both networks in the immediate vicinity of the site is adequate to meet these anticipated demands and there will be no adverse effect on the ability of the respective network to meet the existing demands in the areas surrounding the site. The development of the lands will be constructed in phases, with the final phase being due for completion circa 2029.

The EIAR sets out that:

"Embodied Carbon is the amount of carbon emitted during the construction of a building. The extraction of raw materials, the manufacturing of materials, transportation and installation can all produce carbon emissions. Using the ECOM Embedded Carbon Calculation Tool the estimated construction phase embodied carbon will be 68,733 kg CO₂e.

The impact on Climate associated with the construction phase in the absence of mitigation will have a negative, not significant, long-term effect."

It is also noted that Ongoing maintenance has been accounted for in the construction stage. Operational stage GHG relates to operational energy use. The development has been designed to reduce the impact to climate and to ensure the operational phase emissions are minimised. This equates to a significance of effect of GHG emissions during the operation phase as direct, long-term, negative and slight.

It is noted that Meath County Council outlined the following in relation to the EIAR:

"I have reviewed the documentation submitted and I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR, and its supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000-2025. In carrying out this EIA I have examined all the

information presented by the Applicant, including the EIAR, and the submissions and observations received during the course of the consideration of the application."

We respectfully request that the Board agrees that the EIAR adequately identifies and describes the direct, indirect, secondary, and cumulative effects of the proposed development on the environment and that the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable.

7.0 CONCLUSIONS

This appeal response has been prepared by John Spain Associates to address the issues raised within 1 no. third party appeal submitted against the permitted development.

The proposed development is considered to be wholly compliant in the context of national, regional and local planning policy and will deliver a high-quality mixed-use development on appropriately zoned and serviced lands, within the context of a Masterplan for the area.

The proposals will make optimal use of the LIHAF road, which provides access to the site and will provide new footpath and cycle lane connections as well as bus stop layby, promoting sustainable travel in the area and contributing to the live-work community at Boyne Village as promoted by the Meath County Development Plan.

It is considered that the information provided above satisfactorily addresses the issues raised within the single third-party appeal and justifies the proposals in the context of the Meath County Development Plan and other relevant national and regional policy and guidelines.

The proposed development is considered to be compliant in the context of national, regional and local planning policy and will deliver a mix of high-quality residential development with a substantial c.3.72 hectares of open space. The proposed development is largely located on lands zoned specifically to accommodate new residential communities and will activate the newly completed LDR6 Road which will provide the main access point to the site. This road has been completed for the purposes of providing key infrastructure to access new residential communities. The proposed scheme provides a strong urban edge including 4 -6 storey buildings overlooking the road and activating this new public space.

The proposed neighbourhood centre will ensure that the development becomes a true 'live work' environment with employment opportunities provided within the anchor retail unit, GP surgery, pharmacy, café and takeaway units proposed. The new community centre will provide an indoor community space directly adjacent to the 1.65ha district park.

Having regard to the location of the appeal site within the settlement boundary of Navan, which is a key town within the settlement hierarchy of the county, and on lands designated as a masterplan area (MP12), which seeks to create inter alia a mixed-use neighbourhood, it is respectfully submitted that the proposed development will provide an appropriate form of high-quality development comprising residential, open space, retail units, a community centre and a creche on the subject lands. On this basis, it is respectfully requested that the Board grant permission for the proposed development.

Yours sincerely,

Rory Kunz

Rory Kunz Executive Director
John Spain Associates

Enclosures

Appendix 1 – ABP Letter 23rd April 2025

Appendix 2 – MCC Decision 25th March 2025

Appendix 3 – MCC Planner's Report 24th March 2025

- JBA Appeal response;
- HRA Appeal response;
- Metec Appeal response;
- Byrne Environmental Appeal response;
- Applicant's previous engagement with appellant

Appendix 1 – ABP Letter 23rd April 2025

Our Case Number: ABP-322341-25

Planning Authority Reference Number: 2460415

Our Reference: Albert Developments Ltd



John Spain Associates
39 Fitzwilliam Place
Dublin 2
D02 ND61



Date: 23 April 2025

Re: Large-scale residential development: Construction of a mixed-use development comprising 322 dwellings, a community centre and sports hall, a neighbourhood centre and a district public park, together with all other associated site works. EIAR and an NIS was submitted to PA Within the townlands of Ferganstown, Ballymacon and Athlumney, Navan, Co. Meath.

Dear Sir / Madam,

Enclosed is a copy of a large-scale residential development appeal under the Planning and Development Act 2000, as amended.


As a party to the appeal under section 129 of the Planning and Development Act 2000, as amended, you may make submissions or observations in writing to the Board **within a period of 4 weeks** beginning on the date of this letter.

Any submissions or observations received by the Board outside of that period shall not be considered and where none have been validly received, the Board may determine the appeal without further notice to you.

Please note when making a response/submission only to the appeal it may be emailed to appeals@pleanala.ie and there is no fee required.

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,



David Behan
Executive Officer
Direct Line: 01-8737146

LRD05

Teil
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Facs
Láithreán Gréasáin
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64 Sráid Maoilbhríde
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Appendix 2 – MCC Decision 25th March 2025

Comhairle Chontae na Mi

Roim Pleanáil,
Teach Buvinda, Bóthar Átha Cliath,
An Uaimh, Contae na Mi, C15 Y291
Fón: 046 – 9097500/Fax: 046 – 9097001
R-phost: planning@meathcoco.ie
Web: www.meath.ie



Meath County Council

Planning Department
Buvinda House, Dublin Road,
Navan, Co. Meath, C15 Y291
Tel: 046 – 9097500/Fax: 046 – 9097001
E-mail: planning@meathcoco.ie
Web: www.meath.ie

Planning & Development Act 2000 – 2023

NOTIFICATION OF DECISION

TO: Albert Developments Ltd
John Spain
John Spain Associates,
39 Fitzwilliam Place,
Dublin 2 D02 ND61

PLANNING REGISTER NUMBER: 24/60415
APPLICATION RECEIPT DATE: 07/06/2024
FURTHER INFORMATION DATE: 20/01/2025

GRANT

In pursuance of the powers conferred upon them by the above-mentioned Act, Meath County Council has by Order dated 25/03/2025 decided to **GRANT PERMISSION** to the above named for development of land, in accordance with the documents submitted namely:- a Large-Scale Residential Development - The (Phase 1B) development will consist of the construction of a mixed-use development comprising 322 no. dwellings, a Community Centre and Sports Hall, a Neighbourhood Centre, and a district public park as follows: A) 212 no. houses consisting of 177 no. 3-bedroom houses and 35 no. 4-bedroom houses (all houses 2-storeys except House Types F1, F2, F3 [corner], E1, E2, and E3 [corner] – (with variations to finishes); B) 26 no. duplex units comprising 13 no. 2-bedroom units and 13 no. 3-bedroom units (in 2 no. 3-storey blocks [with 8 no. duplex units abutting Apartment Block 2 in a 3-storey configuration]; C) 84 no. apartments across 3 no. apartment buildings (Block 2 [5-storeys] comprises 24 no. apartments consisting of 12 no. 1-bedroom apartments and 12 no. 2-bedroom apartments), Block 3 [5-storeys above neighbourhood centre – 6-storeys in total] comprising 36 no. apartments consisting of 14 no. 1-bedroom apartments and 22 no. 2-bedroom apartments and Block 4 [4-storeys above community centre – 5-storeys in total] comprising 24 no. apartments consisting of 9 no. 1-bedroom apartments and 15 no. 2-bedroom apartments (all apartments with balconies). D) Series of landscaped/Public Open Space areas of c.3.72 hectares including playground areas and a Public Park of c.1.65 ha of open space as well as additional communal open space for the apartments and duplex apartments; E) Provision of a c. 512 sq. m creche at ground floor of Block 2 as well as a 1,778 sq.m. Community Centre and Sports Hall (including a c.837 sqm sports hall [double height] ancillary changing rooms, 4 no. community rooms and ancillary administration/office space rooms/ESB Substation); F) Provision of a convenience anchor retail unit (net floor space 1,000 sq. m [GFA 1,390 sq. m.]), takeaway, c. 82 sq. m, café, c. 210 sq. m, pharmacy c. 88 sq. m and General Practice Surgery c. 232 sq. m) as well as ESB substation and bins, all accommodated within the ground floor level of the neighbourhood centre to the north-west of the site; G) 693 no. car parking spaces, 289 no. bicycle parking spaces throughout the development; H) Provision of a temporary foul water pumping station (and associated storage) located within the district public park to service the scheme; I) Provision of surface water attenuation measures as well as all ancillary site development works (reprofiling of site and field drain diversions as required) as well as connection to the public water supply and drainage services (including culvert along the Old Road frontage); (J) Hard and soft landscaped areas, public lighting, bin stores, all ancillary landscape works including planting and boundary treatments and the provision of cycle paths, and all ancillary site development works. An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared in respect of the proposed development and will be submitted to the planning authority with the application. Significant further information/revised plans submitted on this application at Within the townlands of 'Ferganstown, and Ballymacon' and 'Athlumney', Navan, Co. Meath, subject to the 32 conditions set out in the Schedule attached.

DATE: 25/03/2025

On behalf of MEATH COUNTY COUNCIL

Provided there is no appeal against this DECISION a grant of planning permission will issue at the end of six weeks.
THIS NOTICE IS NOT A GRANT OF PERMISSION AND WORK SHOULD NOT COMMENCE UNTIL GRANT OF PLANNING PERMISSION HAS ISSUED

NOTE:

1. Any appeal against a decision of a Planning Authority under Section 34 of the Planning and Development Act, of 2000-2023 may be made to An Bord Pleanála. Any person may appeal **WITHIN FOUR WEEKS** beginning on the date of the decision.
2. Appeals should be addressed to An Bord Pleanála, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. **In the case of a third party appeal, the acknowledgement from the Planning Authority of receipt of the submission or observation made by the person to the Planning Authority at application stage should be submitted and the name of the person, particulars of the proposed development and the date of the decision of the Planning Authority should be stated.**

Comhairle Chontae na Mí

*Roim Pleanáil,
Teach Buvinda, Bóthar Átha Cliath,
An Uaimh, Contae na Mí, C15 Y291
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Guide to Fees payable to the Board

- a. Appeal against a decision of a planning authority on a planning application relating to commercial development¹ made by the person by whom the planning application was made, where the application included the retention of development is € 4,500 or € 9,000 if EIA R/ NIS involved².
 - b. Appeal against a decision of a planning authority on a planning application relating to commercial development¹, made by the person by whom the planning application was made, other than an appeal mentioned at (a) is € 1,500 or € 3,000 if EIA R / NIS involved².
 - c. Appeal against a decision of a planning authority on a planning application made by the person by whom the planning application was made, where the application included the retention of development, other than an appeal mentioned at (a) or (b) is € 660.
 - d. Appeal other than an appeal mentioned at (a), (b), (c) or (f)³ is € 220
 - e. Application for leave to appeal is € 110.
 - f. Appeal following a grant of leave to appeal € 110.
 - g. Any first party appeal solely against contribution conditions under section 48 or 49 of the 2000 – 2023 Acts, as amended, attracts a fee of €220 irrespective of the nature of the application
- An appeal will be invalid unless accompanied by the appropriate fee and evidence of payment of submission fee to the Planning Authority.**

Submissions or observations to An Bord Pleanála by or on behalf of a person (other than the applicant) as regards an appeal made by another person must be submitted within four weeks of receipt of the appeal by An Bord Pleanála and must be accompanied by a fee of € 50.

Footnote

¹ Commercial development includes 2 or more dwellings. See Board's order determining fees and its appeal guide.

² The higher fee applies where an Environmental Impact Assessment Report (EIA R) or Natura Impact Statement (NIS) was submitted to the planning authority under section 172(1) and / or 177T of the 2000 - 2023 Planning Act or article 103(1) of the 2001-2025 Planning Regulations, as amended except where the appeal relates solely to a section 48 / 49 development / supplementary development contribution scheme and/or a special financial contribution. (refer to (g) above).

³ Applies to:- (i) All third party appeals except where the appeal follows a grant of leave to appeal; (ii) First party normal planning appeals (section 37) not involving commercial or unauthorised development, or an EIA R; (iii) All other appeals (non-section 37).

While every care has been taken to ensure the accuracy and completeness of this information, it is the responsibility of any person / body making an appeal to ensure that their appeal is accompanied by the correct fee.

For more information on Appeals you can contact An Bord Pleanála at:

Tel: 01 - 8588100 or LoCall: 1890 275 175

Fax: 01 - 8722684

E-mail: bord@pleanala.ie

Web: www.pleanala.ie

Schedule of Conditions

1. The development hereby permitted shall be constructed in accordance with the plans and particulars including the Environmental Impact Assessment Report and Natura Impact Statement lodged with the Planning Authority on the 07/06/24 and 20/01/25 and 29/01/25 except where conditions hereunder specify otherwise. 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 strict accordance with the agreed particulars.

Reason: In the interests of the proper planning and development of the area and to ensure a satisfactory standard of development in accordance with the approved plans and particulars

2. The development hereby permitted shall contain **322 no. residential units**. Each residential unit shall be used and occupied as a single unit for residential purposes and shall not be subdivided or used for any commercial purpose (including short-term letting) without a separate planning permission.

Reason: In the interest of clarity and to ensure the maintenance of a residential community.

3. The appropriate period for this permission shall be seven years from the date this Order. The development shall be carried out within this period in accordance with a phasing plan. No development shall commence on any subsequent phase of the development authorised by this permission until the planning authority has certified in writing that the works in the previous phase have been completed to a satisfactory extent.

Reason: In the interest of clarity and to ensure the timely and orderly development of the site for housing with the required supporting infrastructure.

4. The development shall be carried out on a phased basis. The phasing plan which accompanies the application shall not be permitted.

The revised phasing scheme shall provide for the following:

- (i) The childcare facility shall be included in phase one.
- (ii) The district park shall be complete by the end of phase two and shall be developed for, and devoted to, public use and shall be maintained as a district park by the developer until taken in charge by the local authority or management company.
- (iii) The Community Building and Sports Centre shall be complete by the end of phase three and shall be developed for, and devoted to, public use in perpetuity.
- (iv) A revised site layout plan plans and particulars which incorporates the alterations listed above and any other considered necessary shall be submitted prior to the commencement of any development on site for the written agreement of the Planning Authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed residential development/wider area.

5. Prior to the commencement of development the developer shall submit details of the proposed management arrangements for the Community Building and Sports Centre for the written agreement of the Planning Authority. These shall include details sufficient to demonstrate that the proposed "manager" or management system of the centre have the capacity and experience to manage such a centre.

Reason: To ensure the timely provision of community facilities, for the benefit of the occupants of the residential units /wider master plan area.

6. (a) The developer is required to employ a suitably qualified archaeologist to co-ordinate the archaeological mitigation measures proposed in the Archaeological Impact Assessment Report (Section 13.7) to include the excavation of the archaeological features identified to date (to be carried out in advance of any construction works) and archaeological monitoring under license of all groundworks in the designated area.
- (b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
- (c) The Planning Authority and this Department shall be furnished with a report describing the results of the archaeological testing and subsequent monitoring.
- (d) the Department in advance of the commencement of construction works. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.'

7. Proposals for names for the overall development, buildings, neighbourhood centre/community centre, home zones/streets inclusive of a numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signage and unit numbers, shall be provided in accordance with the agreed scheme unless the planning authority agrees in writing to an alternative scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the 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 and to ensure the use of locally appropriate place names for new residential areas.

8. All of the mitigation measures detailed in the submitted documentation, including the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement (NIS) and addendums/updates shall be implemented in full within the timescales listed in the EIAR and the NIS. Prior to commencement of any development an ecological clerk of works shall be appointed to supervise the implementation of these measures. Details of the appointment including the qualifications of the individual shall be submitted for the review and written agreement of the Planning Authority.

Reason: To clarify the plans and particulars for which permission is granted and to ensure that the mitigation measures contained in the NIS are implemented to avoid any likelihood of significant effects on any European site, having regard to the qualifying interests and conservation interests for any such site and in the interest of environmental protection.

9. The recommendations of the NIS and the CEMP supporting this application to prevent pollution from the development site being mobilised as surface water runoff shall be incorporated into the final CEMP which shall be submitted for the written agreement of the Planning Authority prior to commencement of any works on site and shall be implemented in full.

Reason: To avoid any potential adverse effects on the River Boyne and River Blackwater SAC and SPA resulting from water borne pollution originating from the development. (Planning)

10. The clearance of vegetation on site shall only take place between September and February i.e. outside the main bird breeding season.

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

11. (a) The external wall, roof finishes and design detail of the entire development shall be as illustrated on the plans submitted on 07/06/24 and 20/01/25 and 29/01/25, unless otherwise agreed in writing with the Planning Authority. All public facing external finishes shall be of durable materials.

(b) No development of a class specified in column 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2025, shall be permitted within the curtilage of any residential unit hereby permitted.

Reason: In the interests of visual amenity and to ensure the integrity of the design concept is retained. (Planning)

12. (a) Prior to the commencement of any site works all existing trees to be retained shall be fenced off. This must be at a distance of the crown spread (the outer drip-line of the tree) or half the tree height, whichever is the greater. Fencing shall be at least 1.2m high cleft chestnut pale or chain link, well braced to resist impacts or similar to be agreed in writing with the planning authority. These works shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within these areas shall not be altered, nor shall any excavation be made, or any other works carried out, without the prior written consent of the planning authority.

Reason: To ensure the protection of trees and other vegetation to be retained and to ensure the continuity of amenity afforded by existing trees. (Planning)

13. (a) Prior to the occupation of any residential unit hereby permitted, the applicant shall provide the public open space and landscaping as indicated on the drawings and specification date received 07/06/24 and 20/01/25 and 29/01/25. The open spaces shall be developed for, and devoted to, public use and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.
- (b) 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.
- (c) All hard and soft landscaping works shall be carried out in accordance with the approved details and the appropriate British Standard document or other recognised Code of Practice, unless otherwise agreed in writing with the Planning Authority.
- (d) Final details of all boundary treatments shall be agreed in writing with the Planning Authority prior to commencement of development.
- (e) Prior to commencement of development, details of a public art feature to be incorporated into the overall scheme or a financial contribution to facilitate the Council to provide a piece of public art in order to enhance the amenities of the local environment shall be submitted for the written agreement of the Planning Authority.

Reason: To ensure that the public open space, planting provision, boundary treatment, public art is provided in a timely manner and retained for the benefit of the occupiers and to aid integration of the development into the local landscape as soon as possible. (Planning)

14. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each residential unit), pursuant to Section 47 of the Planning and Development Acts 2000-2023, that restricts all residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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

15. Prior to commencement of development hereby permitted, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of Section 94(4) and Section 96(2) and (3) (Part V) of the Planning and Development Acts 2000-2023, unless an exemption certificate shall have been applied for and been granted under Section 97 of said Act. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which Section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning & Development Acts 2000-2021 and of the housing strategy in the development plan for the area. (Housing)

16. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting in accordance with the requirements of the Planning Authority shall be provided to facilitate the provision of broadband infrastructure within the proposed development the detail of which shall be agreed in writing with the Planning Authority prior to the commencement of the development hereby permitted.

Reason: In the interest of orderly development and the visual amenities of the area.

17. Prior to commencement of any of the proposed development, the applicant/developer shall agree final details of the proposed attenuation systems in writing with the planning authority.

Reason: In the interest of orderly development, environmental protection, public health and safety and residential amenity. (Environment)

18. Prior to commencement of any of the proposed development, the proposed surface water system shall be revised to include discharge from the neighbouring Lagan Homes site which is located to the east. The applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Acts 2000-2023 to this effect or as otherwise agreed. The following details shall be submitted for the written agreement of the Planning Authority prior to commencement of development:

- (a) Details of the discharge rate & location of connection are to be agreed between the applicant, Lagan Homes and the planning authority.
- (b) The receiving surface water network shall be upsized to accommodate the additional flow and the attenuation system/hydrobrake redesigned to cater for the additional flow.
- (c) Details of the proposed SuDS features and a maintenance plan for same.

- (d) The applicant shall submit a maintenance plan for the Millrace stream and culverts on the subject site for the written agreement of the Planning Authority prior to the commencement of any development on the site.

Reason: In the interest of orderly development, environmental protection, public health and safety, residential amenity and to prevent flooding. (Environment)

19. (a) All work shall comply fully with the Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Volume 2, for New Developments.

(b) All work shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works Volume 6.'

Reason: In the interest of orderly development, environmental protection, public health and safety and residential amenity. (Environment)

20. (a) Prior to the commencement of development hereby permitted, the developer shall submit a construction and demolition Waste Management Plan (WMP) to the Planning Authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects (Department of the Environment, Heritage and Local Government, July 2006). The WMP shall include but not be limited to project description, legislation requirements, demolition waste, construction phase waste, categories of construction waste, anticipated hazardous waste, non-construction waste, segregation of waste streams, estimated waste generated, waste hierarchy and adherence to same, roles and responsibilities and communication of WMP, details of recovery and disposal sites, details of waste hauliers, record keeping and documentation, waste audit procedures. The WMP shall be treated as a live document and communicated to all relevant personnel.

(b) The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The CEMP shall provide details of intended construction practice for the development, including but not be limited to operational controls for dust, noise and vibration, construction traffic management, waste management, protection of soils and groundwaters, protection of flora and fauna, site housekeeping, emergency response planning, site environmental policy, environmental regulatory requirements and project roles and responsibilities. The CEMP shall also address extreme of weather (drought, wind, precipitation, temperature extremes) and the possible impacts on receptors and mitigation of same. The CEMP shall be treated as a live document.

(c) Dust emissions at the site boundaries shall not exceed 350mg/m²/day.

(d) All refuelling shall take place in a designated refuelling area at least 30m from watercourses, details of same to be included in the CEMP.

(e) All hydrocarbons, chemicals, oils, etc. shall be stored in a dedicated bunded area at least 30m from watercourses and capable of storing 110% of the container/tank capacity.

(f) The applicant shall ensure adequate supply of spill kits and hydrocarbon absorbent pads are stocked on site.

(g) Burning of waste, including green waste, is prohibited on site.

Reason: In the interest of sustainable waste management, environmental protection, public health and safety and residential amenity. (Environment)

21. (a) A designated Community Liaison Officer (CLO) shall be appointed prior to commencement of construction works; appointment shall be confirmed in writing with the Planning Authority.

(b) The site and building works required to implement the development shall only be carried out between the hours of 8.00am to 7.00 pm Monday to Friday and 9.00 am to 1.00pm on Saturdays. No activity on site Sundays and Bank Holidays. In exceptional circumstances, hours of operation may be extended for a specified period of time subject to written agreement from the Planning Authority

(c) During the construction phase noise levels at noise sensitive locations shall not exceed 70dB(A) between 0700 to 1900 hours Monday to Friday and 0800 to 1400 hours Saturday and 45dB(A) at any other time. Noise exceedance activities must be agreed in writing with the Planning Authority prior to the activity taking place.

(d) The construction works shall be carried out in accordance with the noise guidance set by BS 5228-1:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites and the NRA Guidelines for the treatment of Noise and Vibration in National Roads Schemes.

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

22. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's *Taking in Charge Policy*. Prior to commencement of development, the developer shall agree with the authority, in writing, the procedures for inspection and monitoring of the development by the authority to ensure compliance with these standards and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable construction standard.

23. The open spaces shall be developed in accordance with the phasing arrangement and shall devoted to public use and shall be kept free of any development. When the development is being taken in charge, the roads and all public areas including open spaces that have been designated for taking in charge shall be vested in the Planning Authority, at no cost to the Authority

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

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

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

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

25. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on any building (or within the curtilage of same) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

26. (a) The final design for construction details for all roads and footpaths which form part of the development shall be submitted for the written agreement of the Planning Authority prior to commencement of the development. These details include and are not limited to drainage, paving, kerbs, home zones, public lighting, surface finishes & road construction details.

(b) Prior to the commencement of development, the developer shall submit for agreement in writing with the planning authority details of the boundary treatment of the site along the LDR6. Details shall include wall/hedge, type/height etc. This infrastructure shall be in accordance with DMURS requirements.

(c) Prior to the commencement of development, the developer shall submit for agreement in writing with the planning authority, the location and detailed design of a pedestrian/cycle/shared access which shall be provided along the northern site boundary from the proposed development onto the LDR6 Road (within red outline of site).

(d) Prior to the commencement of development, the developer shall submit for agreement in writing with the planning authority details of fencing / gates required to restrict access to the northern arm of the roundabout until such time as the LDR6 scheme is extended.

(e) All problems highlighted within the Quality Audit & Road Safety Audit shall be addressed. Layouts shall be updated and agreed in writing with the planning authority prior to commencement of the development.

(f) The applicant shall complete a Road Audit Stage 3 post construction for the proposed development. These details to be agreed with the planning authority post completion, and prior to occupation of the proposed development.

(g) Cycle storage shall be compliant with the "Sustainable Urban Housing: Design Standards for New Apartments" published by the Department of Housing, Planning and Local Government. Revised details shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

(h) The following layouts and details shall be submitted for the written agreement of the planning authority prior to commencement of the development:

- All shared 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.
- 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.
- Total number, type and location of EV chargers

Reason: In the interest of clarity, traffic safety and to ensure the timely and orderly development of the site for housing with the required supporting infrastructure.

27. Within four weeks of the date of the final grant of planning permission a Badger Conservation Plan for the development site shall be submitted to the Planning Authority for its written agreement as follows:

- (a) This plan shall provide for the immediate resurvey of the development site and surrounding lands for badger setts, and the construction on the development site as soon as possible of an artificial badger sett at the previously selected location;
- (b) This plan shall provide the clear demarcation on the ground of a 50 m exclusion zone for machinery around the existing main sett on the site, this machinery exclusion zone shall be maintained until the badgers from the main sett are themselves excluded from this sett.
- (c) This plan shall provide a clear methodology and timetable for the works proposed to encourage the badgers to move from the main sett on the development site to the artificial sett including the laying of a bait trail from the main to the artificial sett and provision made for the option of trapping the badgers from the main sett to remove them to the artificial sett.

If the construction program for the principal elements of the proposed development results in the main sett being cut off from the artificial sett and open country before the badgers from the main sett have established themselves in the artificial sett or a neighbouring alternative sett, and their exclusion from the main sett becomes necessary for other development works to proceed; this plan to be implemented in full and a report on its implementation to be submitted to the Planning Authority on the successful removal of the badgers from the main sett on the development site or within a year of the granting of planning permission, whichever is sooner.

Reason: To avoid the proposed development causing detrimental effects on fauna and natural habitats.

28. The developer shall pay the sum of **€846,579.00** to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision and extension of social infrastructure (open spaces, recreational and community facilities, amenities and landscaping works) by the Council benefiting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Acts 2000 - 2023. Payment of this sum shall be made prior to commencement of development unless the

phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development.

The above sum shall apply until 31st December 2025 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices - Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: The provision of such social infrastructure in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing these services.

29. The developer shall pay the sum of **€1,217,061.00** to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision, refurbishment, upgrading, enlargement or replacement of public roads and public transport infrastructure by the Council benefiting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Acts 2000 - 2023. Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development.

The above sum shall apply until 31st December 2025 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices - Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: The provision of such roads and public transport infrastructure in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing these services.

30. The developer shall pay the sum of **€105,977.00** to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision of surface water drainage infrastructure by the Council benefiting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Acts 2000 - 2023. Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development.

The above sum shall apply until 31st December 2025 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution

Scheme in accordance with the Wholesale Price Indices - Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: The provision of surface water drainage in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing these services.

31. The developer shall lodge with the Planning Authority a cash deposit of **€452,400.00** as a security for the satisfactory completion and maintenance until taken in charge by the Council of roads, footpaths, surface water drains, public lighting, open space, landscaping and any other services required with the development. In the event of the non-completion or maintenance of the services the Planning Authority shall be empowered to apply the said funds or part thereof for the satisfactory completion of and maintenance as aforesaid of any part of the development.

Reason: To ensure that the development is carried out and completed to an acceptable construction standard.

32. The developer shall pay the sum of **€64,400.00** as a contribution towards expenditure to be incurred by the Planning Authority in the monitoring of the construction phases of the development. Payment of this sum shall be made prior to the commencement of development.

The above sum shall apply until 31st December 2025 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices - Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the Planning Authority's monitoring costs associated with the development.

Advice Notes

- (i) It should be clearly understood that a grant of permission does not relieve the applicant/developer of the responsibility of complying with any requirements under other statutory codes affecting the development.
- (ii) This permission does not confer title. It is the responsibility of the applicant/developer to ensure that they control all the lands necessary to carry out the proposed development.
- (iii) This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
- (iv) The Applicant/Developer shall make all necessary arrangements to apply for and obtain a Road Opening License(s) from Meath County Council in respect of all openings in public areas and shall pay Road Opening License fees and Road Restoration costs. The Applicant/Developer shall abide by all of the conditions as set out in said license(s).

- (v) The Applicant/Developer shall make all necessary arrangements to apply for and obtain a Section 50 Consent from the OPW.
 - (vi) The applicant/developer is responsible for the full cost of repair in respect of any damage caused to any adjoining public roadway arising from the construction work and should make good any such damage forthwith to the satisfaction of Meath County Council.
 - (vii) During construction the applicant should provide adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road.
 - (viii) No muck, dirt, debris or other material should be deposited on the public road or verge by machinery or vehicles travelling to or from the site during the construction phase. The applicant/developer should arrange for vehicles leaving the site to be kept clean.
 - (ix) All waste generated during construction, including surplus excavation material to be taken off-site, shall be only recovered or disposed of at an authorised site which has a current Waste Licence or Waste Permit in accordance with the Waste Management Acts, 1996 to 2008. This shall not apply to the reuse of excavated uncontaminated soil and other naturally occurring material within the applicant's site boundary.
 - (x) All applicants are advised to make themselves aware of the requirements of the Building Control Regulations 1997 to 2015 and the Construction Products Regulations (CPR) (Regulation (EU no. 305/2011). Information leaflets can be viewed or downloaded from the Department of Environment, Community and Local Government website <http://www.environ.ie/en/>.
 - (xi) Where the applicant proposes to connect to a public water/wastewater network operated by Uisce Éireann, the applicant must sign a connection agreement with Uisce Éireann prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
- Note 1:** In the interest of Public Health and Environmental Sustainability, Uisce Éireann Infrastructure capacity requirements and proposed connections to the Water and Wastewater Infrastructure will be subject to the constraints of the Uisce Éireann Capital Investment Programme.
- Note 2:** All work to comply with current Uisce Éireann Code of Practice for Water and Wastewater.
- Note 3:** Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Uisce Éireann for written approval prior to works commencing.
- (xii) Planning Compliance must be submitted (hard copies not required) in the following format: Forward by e mail to planningcompliance@meathcoco.ie and shall include a cover letter outlining relevant compliance issues together with appropriate drawings in PDF format.

Appendix 3 – MCC Planner's Report 24th March 2025



comhairle chontae na mí
meath county council

Planning Report

To: Alan Russell, Senior Planner

From: Wendy Bagnall, Senior Executive Planner

Development: 322 no residential units, community centre, sports hall, neighbourhood centre and a district pub
(Please refer to body of report for detailed development description.)

Location: Ferganstown and Ballymacon and Athlumney Navan, Co. Meath

Reference Number: 2460415

LRD Reference: LRD0008

Applicant: Albert Developments Ltd

Type of Application: Planning Permission

Site Inspection Date: 31/07/24 & 21/03/25

Date Report Submitted: 24/03/25

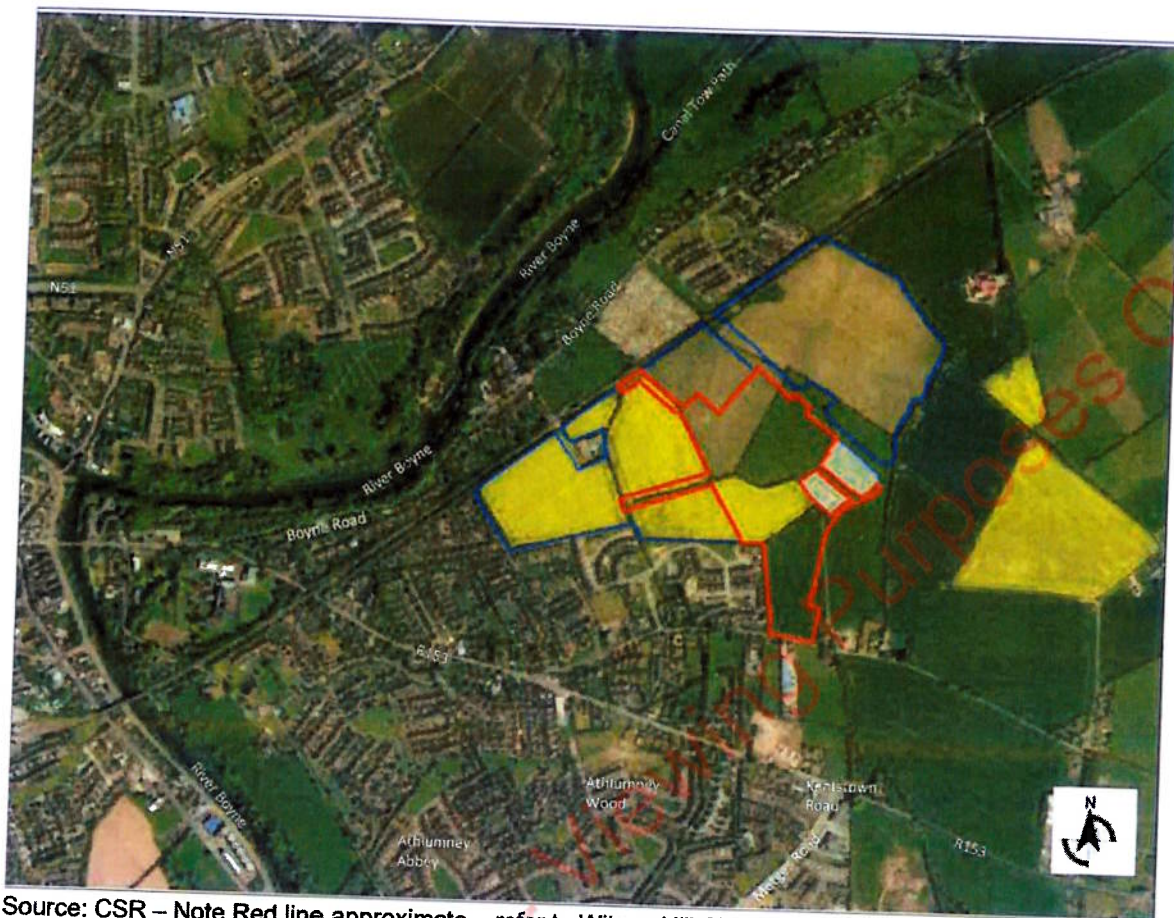
Due Date: 25th March 2025

Recommendation: To grant permission

This Report should be read in conjunction with the previous planning report dated 31/07/24.

Table of Contents

- 1.0 Site Location and Description
- 2.0 Proposed LRD Development
- 3.0 Planning History
- 4.0 LRD Consultation Process
- 5.0 Further Information
- 6.0 3rd Party Submissions
- 7.0 Internal and External Consultation
- 8.0 Planning Assessment
- 9.0 EIAR
- 10.0 Development Contributions
- 11.0 Conclusion and Recommendation



Source: CSR – Note Red line approximate – refer to Wilson Hill Site Location Map.

1.0 Site Location & Description

This planning application is being made pursuant to Section 32A of the Planning and Development Act, 2000, as amended. The gross application site area is 13.26 ha, with a 12ha net developable area.

Navan is the County Town and administrative capital of County Meath and is designated a Key Town in the RSES.

The site is circa 2 km southeast of the centre of Navan. The suburbs of Navan have extended from the town centre along the Kentstown road in the last 30 years with housing developments either side of the road. The Kentstown road has a footpath on each side and is served by the N1 town bus service. The LDR 6 local distributor road, footpaths, cycleway, bus stops recently completed and funded by the LIHAF will link the site to the R153 Kentstown road. LRD 6 links to the R153 via a signalised junction to the south of the application site.

The application site stretches from the Old Road Athlumney, which is a leafy, almost rural road which no footpath provision near the application site to the under construction live-work community at Farganstown. The Millrace (Farganstown & Ballymacon Stream) runs to the front of the site along the Old Road Athlumney. There is an existing tree/hedgerow boundary

here which comprises hawthorn, sycamore, ash, elder etc. To the west of the site at this location is a housing scheme of two storey dwellings, Tubberclaire Meadows, two the east are single storey individual dwellings. To the southeast a new housing development is under construction at present. The Old Road Athlumney junctions with the LDR 6 by means of a roundabout.

The southern portion of the lands comprise of fields in crop. There are farm buildings comprising some 530 m² proposed for demolition as part of this application in the centre of the site. This area of the lands is disused/ some construction material/ soil noted at time of site inspection. A row of Sitka spruce surrounds the farm buildings which are in disrepair and appear to be disused for some time.

The application site forms part of Masterplan 12. The application site is part of the natural and planned extension of the town as set out in the Meath County Development Plan 2021-2027 and the Navan 2050 Vision Document.

The Navan Drogheda Rail line (used by Tara Mines), River Boyne and Boyne Road are located to the north. There are agricultural lands to the northeast and southeast of the site.

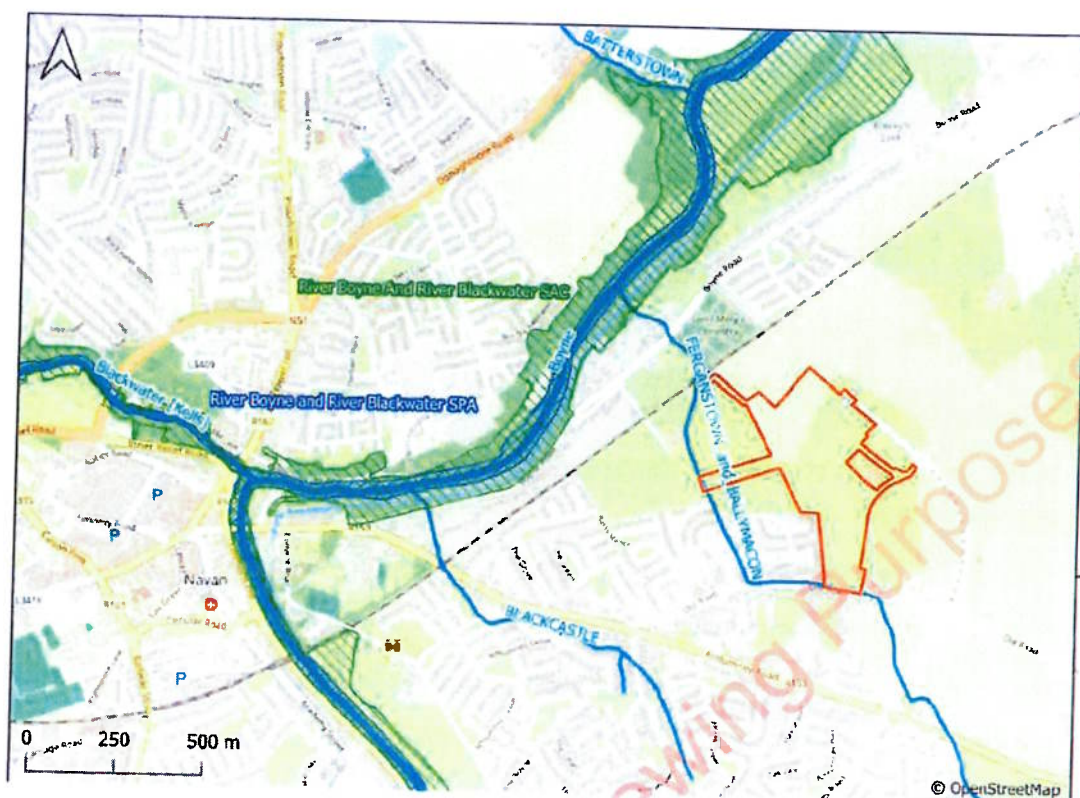
The current proposal is 'Phase 1B' of Phase 1 of MP12. The application site contains and adjoins Pl. Ref. 211046/ABP 312746 for 98 no. residential units (Phase 1A).

The existing site levels vary from approximately 51.0m to 44.0m. The level of the River Boyne is approximately 31.0m.

Site topography varies between:

- 44.89mOD – 51.1mOD (north-west and north-east)
- 44.6mOD - 49.44mOD (south-west and south-east)
- 43.59mOD (area of site boundary adjoining the Mill Race)

Ground investigations carried out by the applicant indicate that cohesive deposits were encountered beneath the topsoil and were described typically as brown sandy gravelly clay with many cobbles and occasional boulders overlying a brownish grey sandy gravelly clay. Bedrock was not encountered during these investigations and there was no contamination identified in the site investigation report.



Source Enviroguide Consulting

In respect of appropriate assessment and European Sites, the application site lies to the southeast of the River Boyne and River Blackwater Special Area of Conservation (SAC) and Special Protection Area (SPA). The existing site surface water drainage ditch network discharges to the Ferganstown and Ballymacon Stream (also known as the Mill Race) and then to the River Boyne. Mill Race is part of the Boyne sub-catchment and has a 'moderate' WFD status. It flows in a north-west direction towards the River Boyne. The proposed surface water network will also discharge to this stream therefore a hydrological pathway exists from the proposed development to a Natura 2000 site.

The application is accompanied by a Natura Impact Statement. This will be discussed in detail in the body of the report.

There is a Flood Zone - FZA located in the south-west corner associated with the Mill Race on F1 zoned lands and along the southern portion of the site along the Old Athlumney Road (where the land is also zoned F1).

The application site is not within an ACA, there are no protected structures on site.

No trees on site are subject to a TPO. The CDP identifies 'Trees to be Protected' along the Old Athlumney Rd.

The site is not within a zone of archaeological potential. There are no recorded monuments within the application site boundaries. The following are in the vicinity:

- ME025-052 Souterrain: ALEXANDER REIDRPS, ACA

- ME025-053 Enclosure: FERGANSTOWN and BALLYMACON
- ME025-028 Cist: FERGANSTOWN and BALLYMACON
- ME025-029 Barrow - unclassified: FERGANSTOWN and BALLYMACON

There are no sites of geological importance near the proposed development site.

The site is located within the Central Lowlands Landscape Character Area (LCA 6) in the Landscape Character Assessment, Appendix 5 of the Meath County Development Plan (CDP) 2021-2027, refers.

- Landscape Value: High
- Landscape Sensitivity: Medium
- Landscape Importance: Regional

This LCA includes part of Navan, Kentstown, Duleek and in the west of the County includes Ballivor, Longwood, Kilmessan.

There are no protected views in the CDP relevant to the application site.

The site is not within consultation distance for any SEVESO sites.

2.0 Proposed Large-scale Residential Development

A grant of planning permission for a duration of 7 years is sought for development comprising 322 no. dwellings, a Community Centre and Sports Hall, a Neighbourhood Centre, and a district public park as follows:

- 212 no. houses consisting of 177 no. 3-bedroom houses and 35 no. 4-bedroom houses (all houses 2-storeys except House Types F1, F2, F3 [corner], E1, E2, and E3 [corner] – (with variations to finishes).
- 26 no. duplex units comprising 13 no. 2-bedroom units and 13 no. 3-bedroom units (in 2 no. 3-storey blocks [with 8 no. duplex units abutting Apartment Block 2 in a 3-storey configuration]).
- 84 no. apartments across 3 no. apartment buildings (Block 2 [5-storeys] comprises 24 no. apartments consisting of 12 no. 1-bedroom apartments and 12 no. 2-bedroom apartments), Block 3 [5-storeys above neighbourhood centre – 6-storeys in total] comprising 36 no. apartments consisting of 14 no. 1-bedroom apartments and 22 no. 2-bedroom apartments and Block 4 [4-storeys above community centre – 5-storeys in total] comprising 24 no. apartments consisting of 9 no. 1-bedroom apartments and 15 no. 2-bedroom apartments (all apartments with balconies).
- Series of landscaped/Public Open Space areas of c.3.72 hectares including playground areas
- Public Park of c.1.65 ha of open space
- additional communal open space for the apartments and duplex apartments
- c. 512 sq. m creche at ground floor of Block 2
- 1,778 sq.m. Community Centre and Sports Hall (including a c.837 sqm sports hall [double height] ancillary changing rooms, 4 no. community rooms and ancillary administration/office space rooms/ESB Substation)
- convenience anchor retail unit (net floor space 1,000 sq. m [GFA 1,390 sq. m.]),
- takeaway, c. 82 sq. m
- café, c. 210 sq. m
- pharmacy c. 88 sq. m
- General Practice Surgery c. 232 sq. m

- ESB substation
- 693 no. car parking spaces, 289 no. bicycle parking spaces throughout the development.
- temporary foul water pumping station (and associated storage) located within the district public park to service the scheme.
- surface water attenuation measures
- all ancillary site development works (reprofiling of site and field drain diversions as required) as well as connection to the public water supply and drainage services (including culvert along the Old Road frontage);
- Hard and soft landscaped areas, public lighting, bin stores, all ancillary landscape works including planting and boundary treatments and the provision of cycle paths, and all ancillary site development works.

The application is accompanied by:

- Environmental Impact Assessment Report (EIAR)
- Natura Impact Statement (NIS)

The application website: www.boynevillagelrd.ie

Significant Further Information/Revised Plans have been furnished to the Planning Authority.

3.0 Planning History

The following are considered the most relevant applications, updated since previous report:

- **Planning reference 211046 & ABP 312746-22**, Permission granted with revised conditions for demolition of agricultural structures and construction of 98 houses. **Under construction.**
- **Planning reference 221703 & ABP 318533- 23** Phase 1 of Boyne Village Enterprise Park comprising of 3 no warehouse buildings. **Granted by ABP 14th January 2025.**
- **MCC Part X development JP17.309332**, permission granted in 2021 for an 84-unit development of 2 no 4 storey apartment blocks, 8 no. 2 storey duplex units and 10 no. 2 storey semi-detached units. **Complete, shortly to be occupied.**
- **Planning reference 2121 & ABP 311673-21** permission granted for the construction of 95 no. residential units, accessed off the Old Road Athlumney and west of LDR6. **Under construction.**
- **Planning reference 221008** permission granted for the development of 93 no. residential units and a complementary crèche facility (164 sqm) at Boyne Road, Athlumney, north of the application site. **Under construction.**

4.0

LRD Consultation Process

A pre-application consultation in accordance with Section 247 of the Planning and Development Act 2000 -2022 was held on 13th December 2022.

A section 32C consultation meeting took place at the offices of the Planning Authority and online at on 8th November 2023 between representatives of the Planning Authority and the prospective LRD applicant regarding the proposed development. A detailed record of this meeting is available.

The LRD opinion was issued on 5th December 2023. The LRD opinion set out that the documentation submitted required further consideration and/or amendment to constitute a reasonable basis for an application for permission for the proposed LRD under section 34 of the Act.

5.0 Further Information

Application Timeline

Application Lodged	07/06/24
FI request issued	01/08/24
FI extension requested	14/08/24
FI response submitted	20/01/25
Revised public notices submitted	29/01/25
Date Decision Due	25/03/25

This report assesses the following:

- The applicant's response to the Planning Authority's request for further information,
- The 3rd party submission which comments on the applicant's further information response.
- Internal and external referral reports on the applicant's further information response.

The LRD consultation process and the content of the LRD opinion are set out in my previous report, as these are not altered by the further information request, they are not repeated here.

The planning policy landscape largely remains the same as that in place in August 2024 with the exception of the adoption of Variation 3 of the CDP 2021-2027 in January 2025. V3 incorporates the Compact Settlement Guidelines, 2024 into the CDP. The scheme was assessed, in my previous report, for compliance with the compact settlement guidelines therefore no further assessment is required in this regard.

All matters pertaining to compliance with Development Management Standards were assessed in detail previously, as the FI response does not alter the layout the previous assessment remains valid and is not repeated.

By way of a recap, the development takes the form of 6 character areas as follows (moving south from neighbourhood centre):

- Character Zone / Area 1 – Neighbourhood Centre
- Character Zone / Area 2 - LDR6/Farganstown Road
- Character Zone / Area 3 - West Park
- Character Zone / Area 4 - Central Park
- Character Zone / Area 5 – Athlumney Park
- Character Zone / Area 6 - Old Athlumney Road



6.0 3rd Party Submissions received as a response to the applicants FI submission

Stephen Ward, on behalf of Lagan Homes	Jocelyn House Jocelyn Street Dundalk Co Louth A91 A03Y
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In summary the following issue was raised:

- Adjoining developer, Lagan Homes expresses concern that the surface water layout as presented fails to make provision to accommodate the Lagan Homes site.

Response: I note that MCC Environment Section are happy to recommend that a revised surface water layout be conditioned to address the submission. This is sensible,

particularly as the area has been master planned, to ensure there is a coherent approach to infrastructure provision across the master plan area.

7.0 Internal & External Consultation of Further information response

Internal

Referral	Recommendation
Environment- Surface Water , report returned, 24/03/25	Grant subject to conditions
Environment- Flooding , report returned, 24/03/25	
Transportation , report returned, 26/02/25	Grant subject to conditions
Public lighting , no report returned	Previous report recommended amendment which can be addressed by condition

External

Referral	Recommendation
Department of Housing, Local Government and Heritage (Archaeology) report received 07/03/25	Grant subject to conditions
An Taisce , no report returned	N/A
Tetra Tech on behalf of Plan Energy Consulting , report received.	Grant subject to conditions

8.0 Planning Assessment

My previous report set out that I was satisfied that the proposed development is supported by the CDP, can be accommodated by the Core Strategy, accords with the land use zoning objectives of the CDP and the requirements of the Master Plan. The further information submission does not alter these conclusions.

The applicants further information response includes the following:

- Revised/updated Natura Impact Statement by Enviroguide Consulting;
- FI Response Cover Letter, engineering drawings and issue sheets prepared by Hendrick Ryan and Associates;

- Briefing Note – Flanagan Submission Response, Briefing Note – Fagan Submission Response, Note to File RFI Response prepared by JBA Consulting;
- Cover Letter and Landscape plans and Issue Sheet by CSR Land Planning and Design; and
- Badger Conservation Report by Wildlife Services Ireland.
- Public Lighting Plan and Lighting Report by Metec Consulting Engineers
- Cover Letter prepared by Trafficwise

Further Information was requested as follows:

1. Flooding

- (i) The applicant is requested to clarify how the 0.1% AEP critical flow was calculated and revise the critical flows if required which would require the revision of the hydraulic modelling.
- (ii) Revised flood mapping is required with reference to item (i) above.
- (iii) The Planning Authority note that the applicant has assessed the historic flooding at the entrance to Tubberclaire Meadows and has adjusted the hydraulic model to replicate the reported flooding but was unable to re-create a similar flood event. The applicant should remodel this scenario with reference to item (i) above.
- (iv) The applicant should re-apply the Justification Test following any adjustment to the 0.1% AEP critical flows, with reference to item (1) above.

Applicant Response:

We refer to the briefing note prepared by JBA Consulting, dated 17th January 2025 which includes a detailed response to items (i) – (iv) above. The finalised design has changed the culvert layout on the Old Athlumney Road section of the site which reverts to the older two separate culverts design, as discussed in the MCC meeting of 06/12/2024 and this was set out in the Briefing Note of 08/01/2025. A further clarification on the justification of the two culvert design has been provided in this updated Briefing Note and this is based on the comments by David Keyes in relation to providing a single culvert with the maximum possible length in an email of 08/01/2025. Section 3.2.5 highlights the reasoning behind the favoured option which is strongly linked to achieving the maximum length of usable footpath connection whilst minimising culverted length (from 54m to 17m) and therefore achieving the preferable solution in terms of WFD alignment and better adherence to MCC INF POL 14, INF POL 15, INF OBJ 29, INF OBJ 38.

This Note explains how the flows have been adjusted in accordance with Point 1 (i), it sets out that the flooding patterns are now much more consistent with the CFRAM and historic flood reports (Point 1 (iii)). It then establishes revised baseline flood mapping and sets out the favoured post-development conditions, presenting revised flood mapping for both scenarios (Point 1 (ii)).

Finally it is clarified there is no increase in risk from adopting this solution and as such the Justification Test passes (Point 1 (iv)). As such it is clear that The Flood Risk Assessment was undertaken in accordance with 'The Planning System and Flood Risk Management' guidelines, the Meath County Development Plan and is in agreement with the core principles, policies and objectives contained within.

- (v) It is noted from the blockage analysis on the proposed culvert, that there is an increased flood risk to the immediate area including private properties and the public road. The applicant has proposed to install screens on the inlet and the outlet of the proposed culvert. The applicant shall submit details of the proposed screens which will reduce flood risk in the area.

Applicant Response:

We refer the Planning Authority to the response prepared by Hendrick Ryan Consulting Engineers that is submitted with this response under separate cover. HRA confirm that: "It was previously proposed to install a culvert along the full length of the millrace / Farganstown Stream at the site boundary with the Old Athlumney Road. The length of this culvert would have been approximately 100-120m. It was proposed to provide a screen at each end of the culvert to minimise the risk of blockages occurring and to prevent unauthorised access to the culvert (by children, small animals etc)."

The HRA response further confirms that, following a meeting with MCC on 4th of December 2024;

"it was agreed that the full-length culvert would be replaced with two shorter crossings to provide vehicular and pedestrian access to the site. The longer culvert, which is located at the proposed vehicular crossing, is 14m long"

We note that the culvert at the pedestrian bridge to the western boundary of the site is 3m long.

The HRA Consulting response concludes that:

"It is considered that the risk of blockages occurring within the 14m long culvert is considerably less than it would have been in the 120m long culvert. The risk of children or animals entering the culvert and becoming trapped is also significantly reduced. Therefore, the screens are no longer considered necessary. The proposed culverts are shown on Drawing No. 2135/1B-431 & 2135/1B-432."

We also refer to the response (conclusions) prepared by JBA Consulting which addresses any potential additional flood risk as a result of the proposed amendment as follows:

"This Briefing Note has set out the workflow since the original issue of the FI request on 02/08/2024. The finalised design has changed the culvert layout on the Old Athlumney Road section of the site which reverts to the older two separate culverts design, as discussed in the MCC meeting of 06/12/2024 and this was set out in the Briefing Note of 08/01/2025. A further clarification on the justification of the two culvert design has been provided in this updated Briefing Note and this is based on the comments by David Keyes in relation to providing a single culvert with the maximum possible length in an email of 08/01/2025. Section 3.2.5 highlights the reasoning behind the favoured option which is strongly linked to

achieving the maximum length of usable footpath connection whilst minimising culverted length (from 54m to 17m) and therefore achieving the preferable solution in terms of WFD alignment and better adherence to MCC INF POL 14, INF POL 15, INF OBJ 29, INF OBJ 38.

This Note explains how the flows have been adjusted in accordance with Point 1 (i), it sets out that the flooding patterns are now much more consistent with the CFRAM and historic flood reports (Point 1 (iii)). It then establishes revised baseline flood mapping and sets out the favoured post-development conditions, presenting revised flood mapping for both scenarios (Point 1 (ii)).

Finally it is clarified there is no increase in risk from adopting this solution and as such the Justification Test passes (Point 1 (iv)). As such it is clear that The Flood Risk Assessment was undertaken in accordance with 'The Planning System and Flood Risk Management' guidelines, the Meath County Development Plan and is in agreement with the core principles, policies and objectives contained within"

We note that the existing hedgerow fronting the Old Athlumney Road has been largely retained. In addition, and following consultation with MCC Roads Department, a footpath has been provided on the northern side of the existing stream and hedgerow. The hedgerow in addition to the proposed chestnut paling fencing will provide a natural boundary to the stream ensuring pedestrian safety. A similar arrangement has been implemented on the same frontage of the adjoining Old Athlumney Manor housing estate to the west of the site. It is proposed to connect the new footpath to the existing pedestrian path provided on the adjoining site to the west, completing the connection to Old Athlumney Manor. A future connection is also provided for to the lands to the west of the site, if needed in the future.

This will provide continuity of pedestrian access on this portion of the road. It is noted that there are no other footpaths provided elsewhere on the Old Athlumney Road.

Regarding the footpath, it is located to the north of the existing hedge and the hedge will be retained in situ as there is no need to remove it (save for achieving the necessary sightlines).

The detail has been reviewed by the Road Safety Auditor who is satisfied with the layout which is set out in the Trafficwise response and there was no requirement to revisit or update the Quality Audit & Stage 1 Road Safety Audit.

In direct response to consultation undertaken with MCC Roads Department on the proposed pedestrian and vehicular access arrangement from Old Athlumney Road, we refer to the response from Trafficwise confirming that no additional road safety concerns arise as a result of the proposal. Traffic Road Safety Engineering who prepared the original Road Safety Audit reviewed the revised solution and advised:

"the same matters were reviewed in the original audit and that the changes on the drawings are a matter of detailed design, so no new audit is warranted."

We also refer the planning authority to drawing nos. 431 and 432 of the HRA engineering pack which show the appropriate sightlines for vehicles exiting the site have been provided. The existing hedgerow is to be retained and cut back to achieve the sightlines. The extent of hedgerow removal is shown on the CSR information. It will be trimmed/pruned back (to

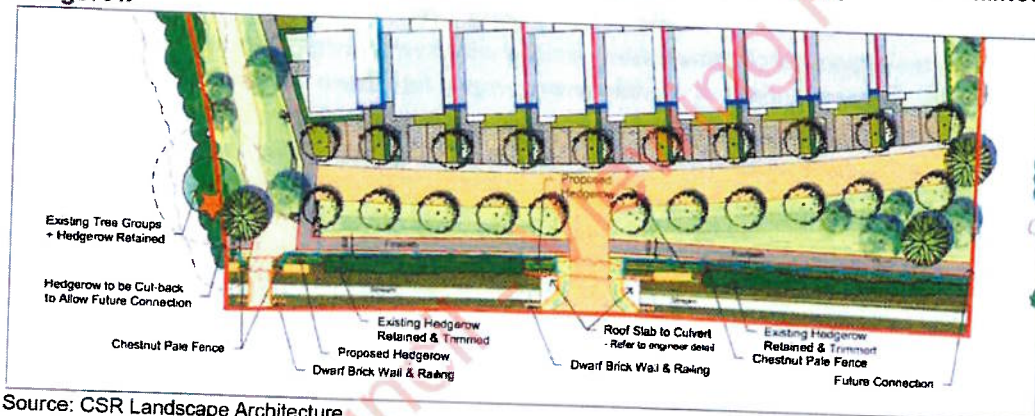
achieve the necessary sightlines). The cover letter provided by CSR Landscape Architects states the following in relation to the retention and maintenance of the hedge:

"From a landscape and ecological perspective, this proposal allows for significantly reduced disruption to the existing stream enabling the retention of parts of the existing hedgerow and stream banks. We consider this change to be a benefit to the scheme in terms of bank stabilisation, biodiversity and landscape amenity. The existing hedgerow can be pruned back significantly as required to allow for the necessary overlooking or view lines."

In this regard we would note that the applicant would be happy for the inclusion of a condition in the event of a grant of permission to agree details of the extent of the provision of the necessary sightlines at the entrance.

We also refer to the public lighting plan prepared by Metec Engineering demonstrating sufficient public lighting of the area.

Figure 2: Extract - updated landscape drawing showing proposed footpath and retained hedgerow



Source: CSR Landscape Architecture

- (vi) The applicant shall submit a maintenance plan for the proposed culvert and screens.

Applicant Response:

We refer the Planning Authority to the response prepared by HRA that states: "As noted above, due to the reduced lengths of culverts (as agreed with Meath CoCo on 6th December 2024) the screens are no longer considered necessary. The culvert should be maintained in accordance CIRIA C689 Culvert Design and Operation Guide (accessible from the link below) and standard maintenance procedure used by Meath CC / OPW on other culverts in the area". Having regard to the detailed response to this first item by the design team, and extensive discussions between the design team and the departments of Meath County Council, it is submitted that all of the issues raised have been fully addressed. It is submitted that the applicant has undertaken and passed the necessary justification steps required in the Flood Risk Guidelines and the details provided in the further information response has demonstrated that an increase in flood risk would not arise on the site or in the vicinity of the site. The proposed buildings are clearly shown to be located on lands that are not prone to flooding and no additional flooding of sensitive properties is shown to arise in the various future flood scenarios.

Planning Authority Response to Item 1:

Report of MCC Environment Section -Flooding dated 24/03/25, indicates no further objection and recommends conditions as follows:

Following numerous communications with MCC, the Applicant has submitted a response to the further information request. In the submitted response, the Applicant has updated the critical flows for the relevant watercourse on the site and has updated the modelling for the existing and proposed scenarios to demonstrate flood risk on the site. Flood mapping has been updated, and the justification test has been reapplied.

It is noted that the foregoing has been applied to the preferred solution as proposed in the JBA report which is two additional culverts on the Millrace stream adjacent to the site, ie one for pedestrian access at the western end of the Millrace stream on the southern boundary of the site and the other for vehicular access on the same boundary/ stream. The Justification test has been applied and passed on this basis. It is noted from the JBA report that the inclusion of a third culvert to facilitate a second pedestrian crossing culvert at the eastern end of the Millrace stream on the southern boundary of the site would increase flood risk elsewhere and is discounted.

MCC transport has required that a second pedestrian crossing culvert be provided at the eastern end of the Millrace stream on the southern boundary of the site. It appears that the only configuration considered for such a crossing in the Flood risk assessment submitted is for a culverted solution; different configuration of such crossing has not been assessed in the FI submitted. The applicant could consider a bridging option which would not have a detrimental flood risk effect. To progress, such an option will have to be thoroughly assessed, and which shall not cause increased flood elsewhere and such detail shall have to be agreed with the PA.

It is noted that the Applicant does not now propose to include screens on the Millrace on the site because of the shorter Culvert lengths proposed.

The applicant addresses the issue of Maintenance on the culverts, but it is not specific and not satisfactory; it can be conditioned as follows below.

Noting the above, it is the opinion of the Env Flooding section that Planning permission can be granted for the proposed development from a flooding perspective on condition that:

- The Applicant shall submit proposals for a second pedestrian crossing at the eastern end of the Millrace stream on the southern boundary of the site, that shall not increase flood risk elsewhere. All details of this crossing including a thorough revised site specific flood risk assessment associated with the proposed development shall be submitted for the written agreement of the Planning Authority before the commencement of any development on the site.
- The applicant shall submit Section 50 consents from the OPW for all watercourse crossings on the Millrace stream in the proposed development to the PA before the commencement of any development on the site.
- The applicant shall submit a maintenance plan for the Millrace stream and culverts on the subject site for the written agreement of the Planning Authority before the commencement of any development on the site.

The applicant will be advised of the requirements pertaining to Section 50 consents. I am of the opinion that an additional pedestrian access is unnecessary at this location as connectivity to the community and commercial facilities which will be a destination at this location is accommodated through the linear open space along the boundary of the site with Tubberclaire.

Attenuation

2. The Planning Authority is concerned as to the functionality of the proposed provision of open space for active recreational use by future residents with particular reference to the use of part of the Neighbourhood Park and all of the western open space areas as SUDs attenuation measures. Accordingly, the applicant is requested to address the following:
 - (i) Provide detailed cross sections of all attenuation basins/underground stormtech systems proposed for the site. The applicant shall indicate the 1 in 30yr and 1 in 100yr water levels and any proposed finish ground levels for each proposed attenuation system. The applicant shall include details of a positive drainage system for each basin so that each basin base will not be waterlogged for a prolonged duration. These basins/underground attenuation systems shall be positively drained systems to allow for their use as active recreational areas.
 - (ii) If the response to item 2 (i) above cannot demonstrate the functionality of these areas, the layout of the scheme shall be amended to provide an increased provision of functional open space.

Applicant Response:

As part of their response to the request for Further Information HRA Consulting Engineers have re-designed the surface water strategy to reduce the number of open detention basins on site. As part of their response, HRA have confirmed that the open detention basins have been removed from the northern and southern ends of the neighbourhood park and replaced with storm-tech systems as agreed with Meath County Council. A detailed response and corresponding drawings are included in the HRA engineering response accompanying this cover letter.

As outlined in the response prepared by HRA, "the SuDS strategy has been re-designed to remove the detention basins (except at one location). There are no longer depressions at the locations noted in the RFI with the exception of the storage system at the north of the neighbourhood park. All attenuated surface water within the residential development is stored a minimum 300mm below ground level for the 1-in-100yr storm event (except at the north of the central park) and there will be no standing water / waterlogged ground at these locations."

As part of the revised development proposal, Cunnane Stratton Reynolds (CSR) have prepared an updated Landscape Plan that is submitted with this response under separate cover. As part of their response, CSR confirm that:

"To address this concern, HRA have removed all attenuation basins on the western boundary and one attenuation basin in the neighbourhood park. The landscape drawings have been

adjusted to accommodate this change and has resulted in the provision of level areas in these green spaces allowing a greater level of functionality and flexibility of use."

Please refer to the information provided by HRA Engineers and coordinated drawings by CSR, namely drawing no. 19187-1-PhB-100-Rev A in particular.

Planning Authority Response to Item 2:

Report of MCC Environment Section -Surface water dated 24/03/25, indicates no further objection and recommends conditions as follows:

- The proposed revised surface water layout submitted as part of the further information response is acceptable in principle to the planning authority. Prior to commencement of any of the proposed development, the applicant shall agree details of the proposed attenuation systems in writing with the planning authority. Initially it was agreed that detention basins would be used but due to potential impact on the functionality of the public open green space, underground stormtech systems were proposed.
- Prior to commencement of any of the proposed development, the proposed surface water system shall be revised to include discharge from the neighbouring Lagan Homes site which is located to the east of the subject site. Details of the discharge rate & location of connection are to be agreed between the applicant, Lagan Homes and the planning authority. The receiving surface water network shall be upsized to accommodate the additional flow and the attenuation system/hydrobrake redesigned to cater for the additional flow also. The redesign of the affected surface water system shall be carried out by Lagan Homes and agreed with the applicant and the planning authority.
- Prior to commencement of any of the proposed development, the applicant shall agree in writing all details of the proposed SuDS features and submit a maintenance plan for same.
- All drainage design/work shall comply fully with the Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Volume 2, for New Developments.
- All drainage design/work shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works Volume 6.

I am satisfied that the revised proposal addresses my previous concerns pertaining to the functionality of the open space. Detention basins have been removed save for adjacent to the district park. MCC Environment section are satisfied with the functionality of the revised surface water system. I am satisfied with the revised Cunnane Stratton Reynolds landscape information.

3. It is noted that an active badger sett is located within the application site, this information was not available to the Planning Authority during the LRD process. The Applicant is requested to note the content of the report of the Department of Housing, Local Government and Heritage as follows:

The applicant is requested to submit a badger conservation plan, this plan to incorporate a methodology and timetable for the interference with and/or destruction of any badger sett that might be required in order to undertake the construction of this project, and to include all details of how it is intended to monitor the presence of badgers in the sett, the location and design of the new artificial sett it is proposed to provide for the badgers, how the badgers are to be trapped and transferred to the artificial sett and the original sett(s) destroyed; a licence from the NPWS permitting the trapping and transfer of badgers to the new artificial sett should be submitted with the conservation plan.'

Applicant Response:

'We refer to the accompanying Badger Conservation Plan prepared by Wildlife Surveys Ireland which provides a detailed response to each of the items above. Consultation with the NPWS, including a site visit, was undertaken by Wildlife Surveys Ireland on the 24th of September 2024. The Conservation Plan states:

"It is not intended that badgers will be trapped and movement to an alternative sett will be left to the badgers to perform. Only in enclosed areas such as built-up towns or cities is trapping required and it is not proposed by WSI for this situation.'

"As the sett exclusion and destruction have been proposed within this application, this is accepted as sufficient by NPWS without a licensing procedure. (licensing would be required for trapping the badgers)."

Following the site visit and review of the proposed Badger Conservation Plan, the NPWS provided the following response:

"I have looked at the results of the assessments of the setts for Dec '23, Jan '24 and May '24 and am satisfied, that once the requirements you specified in your report are strictly adhered to, for the project to go ahead. The methodology and timetable must be supervised by a Badger Ecologist and any issues must be communicated to me."

Accordingly, the proposed Badger Conservation Plan and the recommendations contained therein have been agreed with the NPWS and will be implemented upon grant of planning permission.'

Planning Authority Response to Item 3:

The FI response was referred to the NPWS and the following comments were received in a referral response dated 6th March 2025:

'a Badger Conservation Plan has now submitted such a plan entitled 'Badgers and setts at Boyne Village, Athlumney, Navan and Protection of badger during and following construction Phase 1B', which was prepared by Brian Keeley of wildlife Services Ireland (WSI) Ltd. This Plan was referred to the NPWS Conservation Ranger covering the North-East Meath area by Mr. Keeley in September 2024, who, having made a site visit, expressed his satisfaction in principle, once the requirements of the plan/report were strictly adhered to, for the project to go ahead.

In the Conservation Plan it is stated in relation to the badgers inhabiting the main sett on the development site that "It is not intended that badgers will be trapped and movement to an alternative sett will be left to the badgers to perform", on the grounds that only in built-up areas is trapping required, but it is stated that if trapping is considered essential it can be put in train as the WSI team have undertaken trapping before. It is proposed to construct an artificial sett on the development site and plant thorny/spiny vegetation to screen it at a location, which from comparison with the planned layout for the development appears to be near the North-Western boundary of an area to be retained as open space. But it is considered unlikely that badgers will establish themselves in the artificial sett when the main sett on the site is excluded after the artificial sett is constructed, given that the badgers may move away from the area. It is in addition proposed that the surrounding area will be

examined for other badger setts to determine if there are alternative setts to which the badgers may move.

The Badger Conservation Plan was drawn up at the beginning of October 2024 and in relation to the timing of the measures set out in it states "Sett exclusion will be undertaken no later than November to ensure that badgers are not breeding when excluded. Ideally this should be completed by the end of November." In the meantime until the exclusion of badgers from the main sett the plan proposes a 30 m zone will be maintained around this sett from which machinery will be excluded. Time has elapsed since this plan was drawn up however, and at this time of year (March) cubs can be expected to be present in the main sett on the development site. This sett must therefore be treated as a breeding sett and in line with TII guidelines a 50 m exclusion zone for machinery maintained around it until the end of June. Other details in the Badger Conservation Plan also require fleshing out, in particular the timing of the works proposed in it in relation to the overall timetable for the construction of the different elements of the planned development. Construction of the artificial sett on the development site and baiting it with food attractive to badgers should begin as soon as possible after planning permission is granted for the development. The artificial sett can then be monitored using trail cameras until it is established that badgers from the main sett are using it (or it is proved that the badgers have moved to an alternative sett), when exclusion of the latter sett can be begun. If the construction program for the development works results in the exclusion zone around the main sett becoming enveloped by development works cutting it off from the artificial sett and/or the undeveloped lands to the North-East of the main sett before the badgers have started using the artificial sett, then the option of trapping the badgers to remove them to the artificial sett (which will then have to enclosed and the badgers confined in the enclosure fed) should be adopted.'

The report recommends a condition to be attached in the event of a grant of planning permission.

4. Natura Impact Statement

The applicant is requested to address the following by way of the submission of a revised NIS:

- (i) The NIS has not considered if Air pollution (dust, volatiles and other pollutants) will lead to an adverse effect to the integrity of Natura 2000 sites either alone or in combination with other plans or projects.
- (ii) The NIS has not considered if Ex-situ impacts will lead to an adverse effect to the integrity of Natura 2000 sites either alone or in combination with other plans or projects.
- (iii) The NIS has not considered if Recreational pressure impacts will lead to an adverse effect to the integrity of Natura 2000 sites either alone or in combination with other plans or projects.
- (iv) The NIS has not considered if Noise and vibration; impacts will lead to an adverse effect to the integrity of Natura 2000 sites either alone or in combination with other plans or projects.
- (v) The NIS has not considered if Lighting impacts will lead to an adverse effect to the integrity of Natura 2000 sites either alone or in combination with other plans or projects.
- (vi) There is insufficient evidence to be certain that the long-term security of foul water management and co-dependence of Phase 2 consent is secure.

- (vii) All relevant Mitigation, monitoring and enhancement should be secured within a comprehensive Construction Environment Management Plan and Environment Enhancement Plan.

Applicant Response:

'A revised/updated NIS has been submitted.

Consideration of Air pollution on Natura 2000 sites can be found in:

- Section 4.4. Summary of S-P-R Pathways Screened Out in Phase 1 AA Screening Report, subsection 4.4.1.2.
- Consideration of ex-situ habitat on Natura 2000 sites can be found in: Table 6 below,
- Section 4.6.4 Operational Phase (Mitigation 1: Public Signage).
- Consideration of increased Recreational pressures on Natura 2000 sites can be found in:
 - o Table 6 below,
 - o Section 4.6.4 (Mitigation 1: Public Signage)
- Consideration of Noise and Vibration impacts on Natura 2000 sites can be found in:
 - o Table 6 below,
 - o Section 4.6.3 Construction Phase (Mitigation 2: Noise Reduction and Mitigation 4: Hours of Operation).
- Consideration of Lighting impacts on Natura 2000 sites can be found in:
 - o Table 6 below,
 - o Section 4.4 Summary of S-P-R Pathways Screened Out in Phase 1 AA Screening Report, subsection 4.4.1.2.2,
 - o Section 4.6.3 Construction Phase (Mitigation 3: Lighting and Mitigation 4: Hours of Operation), and
 - o Section 4.6.4 Operational Phase (Mitigation 2: Lighting).
- Further information regarding the proposed foul water system can be found in:
 - o Section 1.3.3.2 Foul Drainage (1.3.3.2.1 Additional information regarding the proposed foul water system),
 - o Section 4.4 Summary of S-P-R Pathways Screened Out in Phase 1 AA Screening Report (subsection 4.4.1.1).
- Reference to a Construction Environmental Management Plan (CEMP) (Hedrick Ryan Consulting Engineer, 2024b) can be found in:
 - o Section 4.6.2 and the relevant mitigation measures outlined in the CEMP are detailed throughout Section 4.6.3.

Planning Authority Response:

The Planning Authority retained Tetra Tech (Plan Energy) to undertake a technical review of the amended NIS, their report dated 13/02/25 refers. Tetra Tech report contains a review and assessment of the revised NIS, updates the summary of Enviroguide Consulting's NIS opinion as to whether AEIS will occur and updates the conclusion on Tetra Tech's review of the opinions presented by Enviroguide Consulting's Revised NIS regarding AEIS. Tetra Tech also considered the content of the CEMP.

The review of the amendments is presented in Table 2 in their report as follows:

Action	Amendment Made	Comments
<i>"The NIS has not considered if Air pollution (dust, volatiles and other pollutants) will lead to an adverse effect to the integrity of Natura 2000 sites either alone or in combination with other plans or projects.</i>	<i>Consideration of Air pollution on Natura 2000 sites can be found in: Section 4.4. Summary of S-P-R Pathways</i>	The NIS has addressed the consideration of whether Air Pollution is likely to have an adverse effect on the integrity of the Natura 2000 Sites. Meath County Council should accept the NIS in its current form.
<i>The NIS has not considered if Ex-situ impacts will lead to an adverse effect to the integrity of Natura 2000 sites either alone or in combination with other plans or projects.</i>	<i>Consideration of ex-situ habitat on Natura 2000 sites can be found in: Table 6, Section 4.6.4 Operational Phase (Mitigation 1: Public Signage).</i>	The NIS has addressed the consideration of whether Ex-situ impacts could lead to an adverse effect on the integrity of the Natura 2000 Sites. Meath County Council should accept the NIS in its current form.
<i>The NIS has not considered if Recreational pressure impacts will lead to an adverse effect to the integrity of Natura 2000 sites either alone or in combination with other plans or projects.</i>	<i>Consideration of increased Recreational pressures on Natura 2000 sites can be found in: Table 6, Section 4.6.4 (Mitigation 1: Public Signage)</i>	The NIS has addressed the consideration of whether Recreational pressure impacts could lead to an adverse effect on the integrity of the Natura 2000 Sites. Meath County Council should accept the NIS in its current form.
<i>Noise and vibration.</i>	<i>Consideration of Noise and Vibration impacts on Natura 2000 sites can be found in: Table 6, Section 4.6.3 Construction Phase (Mitigation 2: Noise Reduction and Mitigation 4: Hours of Operation).</i>	The NIS has addressed the consideration of whether Noise and Vibration impacts could lead to an adverse effect to the integrity of the Natura 2000 Sites. Meath County Council should accept the NIS in its current form.

<p><i>There is insufficient evidence to be certain that the long-term security of foul water management and co-dependence of Phase 2 consent is secure.</i></p>	<p>Further information regarding the proposed foul water system can be found in: Section 1.3.3.2 Foul Drainage (1.3.3.2.1 Additional information regarding the proposed foul water system), Section 4.4 Summary of S-P-R Pathways Screened Out in Phase 1 AA Screening Report (subsection 4.4.1.1).</p>	<p>The NIS has addressed long-term security of foul water management and co-dependence of Phase 2 consent is secure. Meath County Council should accept the NIS in its current form.</p>
<p><i>The NIS has not considered if Lighting impacts will lead to an adverse effect to the integrity of Natura 2000 sites either alone or in combination with other plans or projects.</i></p>	<p>Consideration of Lighting impacts on Natura 2000 sites can be found in: Table 6 below, Section 4.4 Summary of S-P-R Pathways Screened Out in Phase 1 AA Screening Report, subsection 4.4.1.2.2, Section 4.6.3 Construction Phase (Mitigation 3: Lighting and Mitigation 4: Hours of Operation), and Section 4.6.4 Operational Phase (Mitigation 2: Lighting).</p>	<p>The NIS has addressed the consideration if Lighting impacts will lead to an adverse effect to the integrity of the Natura 2000 Sites could occur. Meath County Council should accept the NIS in its current form.</p>
<p><i>All relevant Mitigation, monitoring and enhancement should be secured within a comprehensive Construction Environment Management Plan and Environment Enhancement Plan.</i></p>	<p>Reference to a Construction Environmental Management Plan (CEMP) (Hedrick Ryan Consulting Engineer, 2024b) can be found in: Section 4.6.2 and the relevant mitigation measures outlined in the CEMP are detailed throughout Section 4.6.3.</p>	<p>The NIS has addressed the concerns of having a comprehensive Construction Environment Management Plan and Environment Enhancement Plan. Meath County Council should accept the NIS in its current form.</p>

The report concludes as follows:

'The NIS has been updated and addresses the concern present in the first round of assessment of the NIS for Albert Developments Ltd Proposed Development at Boyne Village (Phase 1B), to which these have been addressed.

Providing Meath can be certain that mitigation measures reduce the adverse effects caused by secure and certain to work then no adverse effect either alone or in combination with any other plan or project can occur.

Mitigation measures must include:

Construction phase:

1. *Standard anti-pollution best practices, provided within CEMP;*
2. *Surface water pollution prevention methods, detailed within CEMP;*
3. *Noise reduction measures;*
4. *Lighting reduction measures; and*
5. *Prevention of nighttime working in areas where otter could be disturbed.*

Operational phase

1. *Suitable signage to inform the public of sensitive ecological receptors;*
2. *Appropriate fencing to reduce incursion into the river by dogs; and*
3. *Sensitive lighting scheme.*

Providing the mitigation can be secured, there is sufficient information to be certain that AEIS will not occur either alone or in combination with any other plan or project.

The Planning Authority considered the nature, scale and location of the proposed development and other plans and projects (where there could be potential for cumulative or in-combination effects), the conservation objectives/ qualifying interests of European Sites within the vicinity of the site and the distance to European Sites, any protected habitats or species, the WFD catchment location, the underlying aquifer type and vulnerability and the excavation works, emissions, transportation requirements and duration of construction and operation and cumulative impacts associated with the proposal.

The Planning Authority's Screening for Appropriate Assessment has considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans or projects on European Sites. The Screening Report indicates that a Stage 2 assessment is required in this instance.

The applicant submitted a revised Natura Impact Statement. This report has recommended a number of mitigation measures. The Stage 2 NIS is considered appropriate and adequately deals with potential issues/ likely significant effects associated with the proposed development. It is recommended that the mitigation measure be included by way of condition in any grant of permission.

Based on the above the Planning Authority is therefore in a position to grant planning permission with relevant conditions attached which will address the recommendations of Tetra Tech.

5. The applicant is invited to address the content of the 3rd party submissions received.

The applicant has, as invited, responded to the 3rd party submissions.

6. You will be required to publish a notice in an approved newspaper in accordance with S.34(8) of the Planning and Development Acts 2000 – 2023. You should not submit public and/or publish notices until such time as the Planning Authority issues you with a notification to submit such notices pursuant to the Planning & Development Acts 2000 – 2023.

Applicant Response:

Revised site and newspaper notice published 29/01/2025 submitted.

Planning Authority Response:

Acceptable.

9.0 Environmental Impact Assessment Report

Class 10(b) & 15 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001-2023 and section 172(1)(a) of the Planning and Development Act 2000 -2022 are relevant.

The proposed development falls within Class 10(b) of Annex II – 'Urban Development'. An Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- Class 10 (b)(i) – 'Construction of more than 500 dwelling units',
- Class 10(b)(iv) 'urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere'.
- **The site is c. 13.26 hectares and is therefore considered to require an EIA.**

Article 3(1) of the Directive requires that the EIAR describes and assesses the direct and indirect significant effects of the project on the following: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. Interaction between (a) to (d) is assessed.

Article 3(2) requires consideration of vulnerability to major accidents and / or disasters that relevant to the project.

Cumulative impacts of the proposed development in conjunction with other planned projects in the vicinity are considered in each relevant chapter of the EIAR.

A comprehensive review of the EIAR was set out in my previous report.

I have reviewed the documentation submitted and I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR, and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of

the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000-2025. In carrying out this EIA I have examined all the information presented by the applicant, including the EIAR, and the submissions and observations received during the course of the consideration of the application.

I concur with the EIAR conclusions, the content of which has been fully considered in my planning assessment, and I am satisfied that the content of same represents a reasonable assessment of the environmental impacts of the proposed development. I consider that the proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. Considering the location of the proposed development and the environmental sensitivity of area the proposed development is unlikely to have significant effects on the environment.

10.0 Development Contributions

Development contributions are applicable in accordance with the Meath County Council Development Contribution Scheme 2024-2029 for the development as follows:

97 Units	< 100 sqm
225 Units	100-140 sqm
Creche	512 Sqm
Anchor Retail Unit	1390 Sqm
Pharmacy	88 Sqm
Take Away	82 Sqm
Café	210 Sqm
GP/medical	232 sqm
Community Building & Sports Centre	1778 Sqm

Surface Water Drainage €105,977

Roads €1,217,061

Social Infrastructure €846,579

Cash Deposit (322 residential units) = €452,400

Monitoring (322 residential units) at €200 per residential unit (€64,400)

Total €2,686,417

11.0 Conclusion & Recommendation

As set out above the development of Navan the County's Growth town identified in the RSES is an objective of Meath County Council. Therefore, there is no objection in principle to the development of these lands.

This application contains community and commercial facilities which are essential for future residents of the overall master plan area. The timely delivery of these facilities is critical to the future success of this area as a 'live work community' and is addressed by condition.

Having regard to the nature and scale of the proposed development, the suitability of the site, the pattern of development in the vicinity, national, regional and local planning policy in relation to urban housing, I **conclude** that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the residential amenities of the properties in the vicinity, would not be likely to have significant effects on the environment or the ecology of the area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In light of the foregoing, I **recommend** that planning permission be **GRANTED** for the proposed development, subject to the following conditions:

1. The development hereby permitted shall be constructed in accordance with the plans and particulars including the Environmental Impact Assessment Report and Natura Impact Statement lodged with the Planning Authority on the 07/06/24 and 20/01/25 and 29/01/25 except where conditions hereunder specify otherwise. 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 strict accordance with the agreed particulars.

Reason: In the interests of the proper planning and development of the area and to ensure a satisfactory standard of development in accordance with the approved plans and particulars

2. The development hereby permitted shall contain **322 no. residential units**. Each residential unit shall be used and occupied as a single unit for residential purposes

and shall not be sub-divided or used for any commercial purpose (including short-term letting) without a separate planning permission.

Reason: In the interest of clarity and to ensure the maintenance of a residential community.

3. The appropriate period for this permission shall be seven years from the date this Order. The development shall be carried out within this period in accordance with a phasing plan. No development shall commence on any subsequent phase of the development authorised by this permission until the planning authority has certified in writing that the works in the previous phase have been completed to a satisfactory extent.

Reason: In the interest of clarity and to ensure the timely and orderly development of the site for housing with the required supporting infrastructure.

4. The development shall be carried out on a phased basis. The phasing plan which accompanies the application shall not be permitted.

The revised phasing scheme shall provide for the following:

- (i) The childcare facility shall be included in phase one.
- (ii) The district park shall be complete by the end of phase two and shall be developed for, and devoted to, public use and shall be maintained as a district park by the developer until taken in charge by the local authority or management company.
- (iii) The Community Building and Sports Centre shall be complete by the end of phase three and shall be developed for, and devoted to, public use in perpetuity.
- (iv) A revised site layout plan plans and particulars which incorporates the alterations listed above and any other considered necessary shall be submitted prior to the commencement of any development on site for the written agreement of the Planning Authority.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed residential development/wider area.

5. Prior to the commencement of development the developer shall submit details of the proposed management arrangements for the Community Building and Sports Centre for the written agreement of the Planning Authority. These shall include details sufficient to demonstrate that the proposed "manager" or management system of the centre have the capacity and experience to manage such a centre.

Reason: To ensure the timely provision of community facilities, for the benefit of the occupants of the residential units /wider master plan area.

6. (a) The developer is required to employ a suitably qualified archaeologist to co-ordinate the archaeological mitigation measures proposed in the Archaeological Impact Assessment Report (Section 13.7) to include the excavation of the archaeological features identified to date (to be carried out in advance of any construction works) and archaeological monitoring under license of all groundworks in the designated area.

- (b) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.
- (c) The Planning Authority and this Department shall be furnished with a report describing the results of the archaeological testing and subsequent monitoring.
- (d) the Department in advance of the commencement of construction works. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.'

7. Proposals for names for the overall development, buildings, neighbourhood centre/community centre, home zones/streets inclusive of a numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signage and unit numbers, shall be provided in accordance with the agreed scheme unless the planning authority agrees in writing to an alternative scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the 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 and to ensure the use of locally appropriate place names for new residential areas.

8. All of the mitigation measures detailed in the submitted documentation, including the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement (NIS) and addendums/updates shall be implemented in full within the timescales listed in the EIAR and the NIS. Prior to commencement of any development an ecological clerk of works shall be appointed to supervise the implementation of these measures. Details of the appointment including the qualifications of the individual shall be submitted for the review and written agreement of the Planning Authority.

Reason: To clarify the plans and particulars for which permission is granted and to ensure that the mitigation measures contained in the NIS are implemented to avoid any likelihood of significant effects on any European site, having regard to the qualifying interests and conservation interests for any such site and in the interest of environmental protection.

9. The recommendations of the NIS and the CEMP supporting this application to prevent pollution from the development site being mobilised as surface water runoff shall be incorporated into the final CEMP which shall be submitted for the written agreement of the Planning Authority prior to commencement of any works on site and shall be implemented in full.

Reason: To avoid any potential adverse effects on the River Boyne and River Blackwater SAC and SPA resulting from water borne pollution originating from the development. (Planning)

10. The clearance of vegetation on site shall only take place between September and February i.e. outside the main bird breeding season.

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

11. (a) The external wall, roof finishes and design detail of the entire development shall be as illustrated on the plans submitted on 07/06/24 and 20/01/25 and 29/01/25, unless otherwise agreed in writing with the Planning Authority. All public facing external finishes shall be of durable materials.

(b) No development of a class specified in column 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2025, shall be permitted within the curtilage of any residential unit hereby permitted.

Reason: In the interests of visual amenity and to ensure the integrity of the design concept is retained. (Planning)

12. (a) Prior to the commencement of any site works all existing trees to be retained shall be fenced off. This must be at a distance of the crown spread (the outer drip-line of the tree) or half the tree height, whichever is the greater. Fencing shall be at least 1.2m high cleft chestnut pale or chain link, well braced to resist impacts or similar to be agreed in writing with the planning authority. These works shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within these areas shall not be altered, nor shall any excavation be made, or any other works carried out, without the prior written consent of the planning authority.

Reason: To ensure the protection of trees and other vegetation to be retained and to ensure the continuity of amenity afforded by existing trees. (Planning)

13. (a) Prior to the occupation of any residential unit hereby permitted, the applicant shall provide the public open space and landscaping as indicated on the drawings and specification date received 07/06/24 and 20/01/25 and 29/01/25. The open spaces shall be developed for, and devoted to, public use and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

(b) 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.

(c) All hard and soft landscaping works shall be carried out in accordance with the approved details and the appropriate British Standard document or other recognised Code of Practice, unless otherwise agreed in writing with the Planning Authority.

(d) Final details of all boundary treatments shall be agreed in writing with the Planning Authority prior to commencement of development.

(e) Prior to commencement of development, details of a public art feature to be incorporated into the overall scheme or a financial contribution to facilitate the Council to provide a piece of public art in order to enhance the amenities of the local environment shall be submitted for the written agreement of the Planning Authority.

Reason: To ensure that the public open space, planting provision, boundary treatment, public art is provided in a timely manner and retained for the benefit of the occupiers and to aid integration of the development into the local landscape as soon as possible. (Planning)

14. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each residential unit), pursuant to Section 47 of the Planning and Development Acts 2000-2023, that restricts all residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

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

15. Prior to commencement of development hereby permitted, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of Section 94(4) and Section 96(2) and (3) (Part

V) of the Planning and Development Acts 2000-2023, unless an exemption certificate shall have been applied for and been granted under Section 97 of said Act. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which Section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning & Development Acts 2000-2021 and of the housing strategy in the development plan for the area. (Housing)

16. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting in accordance with the requirements of the Planning Authority shall be provided to facilitate the provision of broadband infrastructure within the proposed development the detail of which shall be agreed in writing with the Planning Authority prior to the commencement of the development hereby permitted.

Reason: In the interest of orderly development and the visual amenities of the area.

17. Prior to commencement of any of the proposed development, the applicant/developer shall agree final details of the proposed attenuation systems in writing with the planning authority.

Reason: In the interest of orderly development, environmental protection, public health and safety and residential amenity. (Environment)

18. Prior to commencement of any of the proposed development, the proposed surface water system shall be revised to include discharge from the neighbouring Lagan Homes site which is located to the east. The applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Acts 2000-2023 to this effect or as otherwise agreed. The following details shall be submitted for the written agreement of the Planning Authority prior to commencement of development:

- (a) Details of the discharge rate & location of connection are to be agreed between the applicant, Lagan Homes and the planning authority.
- (b) The receiving surface water network shall be upsized to accommodate the additional flow and the attenuation system/hydrobrake redesigned to cater for the additional flow.
- (c) Details of the proposed SuDS features and a maintenance plan for same.
- (d) The applicant shall submit a maintenance plan for the Millrace stream and culverts on the subject site for the written agreement of the Planning Authority prior to the commencement of any development on the site.

Reason: In the interest of orderly development, environmental protection, public health and safety, residential amenity and to prevent flooding. (Environment)

19.(a) All work shall comply fully with the Greater Dublin Strategic Drainage Study (GDSDS) Regional Drainage Policies Volume 2, for New Developments.

(b) All work shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works Volume 6.'

Reason: In the interest of orderly development, environmental protection, public health and safety and residential amenity. (Environment)

20.(a) Prior to the commencement of development hereby permitted, the developer shall submit a construction and demolition Waste Management Plan (WMP) to the Planning Authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects (Department of the Environment, Heritage and Local Government, July 2006). The WMP shall include but not be limited to project description, legislation requirements, demolition waste, construction phase waste, categories of construction waste, anticipated hazardous waste, non-construction waste, segregation of waste streams, estimated waste generated, waste hierarchy and adherence to same, roles and responsibilities and communication of WMP, details of recovery and disposal sites, details of waste hauliers, record keeping and documentation, waste audit procedures. The WMP shall be treated as a live document and communicated to all relevant personnel.

(b) The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan (CEMP), which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The CEMP shall provide details of intended construction practice for the development, including but not be limited to operational controls for dust, noise and vibration, construction traffic management, waste management, protection of soils and groundwaters, protection of flora and fauna, site housekeeping, emergency response planning, site environmental policy, environmental regulatory requirements and project roles and responsibilities. The CEMP shall also address extreme of weather (drought, wind, precipitation, temperature extremes) and the possible impacts on receptors and mitigation of same. The CEMP shall be treated as a live document.

(c) Dust emissions at the site boundaries shall not exceed 350mg/m²/day.

(d) All refuelling shall take place in a designated refuelling area at least 30m from watercourses, details of same to be included in the CEMP.

(e) All hydrocarbons, chemicals, oils, etc. shall be stored in a dedicated bunded area at least 30m from watercourses and capable of storing 110% of the container/tank capacity.

(f) The applicant shall ensure adequate supply of spill kits and hydrocarbon absorbent pads are stocked on site.

(g) Burning of waste, including green waste, is prohibited on site.

Reason: In the interest of sustainable waste management, environmental protection, public health and safety and residential amenity. (Environment)

21. (a) A designated Community Liaison Officer (CLO) shall be appointed prior to commencement of construction works; appointment shall be confirmed in writing with the Planning Authority.
- (b) The site and building works required to implement the development shall only be carried out between the hours of 8.00am to 7.00 pm Monday to Friday and 9.00 am to 1.00pm on Saturdays. No activity on site Sundays and Bank Holidays. In exceptional circumstances, hours of operation may be extended for a specified period of time subject to written agreement from the Planning Authority
- (a) During the construction phase noise levels at noise sensitive locations shall not exceed 70dB(A) between 0700 to 1900 hours Monday to Friday and 0800 to 1400 hours Saturday and 45dB(A) at any other time. Noise exceedance activities must be agreed in writing with the Planning Authority prior to the activity taking place.
- (b) The construction works shall be carried out in accordance with the noise guidance set out by BS 5228-1:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites and the NRA Guidelines for the treatment of Noise and Vibration in National Roads Schemes.

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

22. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's *Taking in Charge Policy*. Prior to commencement of development, the developer shall agree with the authority, in writing, the procedures for inspection and monitoring of the development by the authority to ensure compliance with these standards and shall thereafter comply with the agreed procedures during the construction of the overall development. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable construction standard.

23. The open spaces shall be developed in accordance with the phasing arrangement and shall devoted to public use and shall be kept free of any development. When the development is being taken in charge, the roads and all public areas including open spaces that have been designated for taking in charge shall be vested in the Planning Authority, at no cost to the Authority

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

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

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

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

25. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on any building (or within the curtilage of same) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

26. (a) The final design for construction details for all roads and footpaths which form part of the development shall be submitted for the written agreement of the Planning Authority prior to commencement of the development. These details include and are not limited to drainage, paving, kerbs, home zones, public lighting, surface finishes & road construction details.

(b) Prior to the commencement of development, the developer shall submit for agreement in writing with the planning authority details of the boundary treatment of the site along the LDR6. Details shall include wall/hedge, type/height etc. This infrastructure shall be in accordance with DMURS requirements.

(c) Prior to the commencement of development, the developer shall submit for agreement in writing with the planning authority, the location and detailed design of a pedestrian/cycle/shared access which shall be provided along the northern site boundary from the proposed development onto the LDR6 Road (within red outline of site).

(d) Prior to the commencement of development, the developer shall submit for agreement in writing with the planning authority details of fencing / gates required to restrict access to the northern arm of the roundabout until such time as the LDR6 scheme is extended.

(e) All problems highlighted within the Quality Audit & Road Safety Audit shall be addressed. Layouts shall be updated and agreed in writing with the planning authority prior to commencement of the development.

(f) The applicant shall complete a Road Audit Stage 3 post construction for the proposed development. These details to be agreed with the planning authority post completion, and prior to occupation of the proposed development.

(g) Cycle storage shall be compliant with the "Sustainable Urban Housing: Design Standards for New Apartments" published by the Department of Housing, Planning and Local Government. Revised details shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

(h) The following layouts and details shall be submitted for the written agreement of the planning authority prior to commencement of the development:

- All shared 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.
- 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.
- Total number, type and location of EV chargers

Reason: In the interest of clarity, traffic safety and to ensure the timely and orderly development of the site for housing with the required supporting infrastructure.

27. Within four weeks of the date of the final grant of planning permission a Badger Conservation Plan for the development site shall be submitted to the Planning Authority for its written agreement as follows:

- (a) This plan shall provide for the immediate resurvey of the development site and surrounding lands for badger setts, and the construction on the development site as soon as possible of an artificial badger sett at the previously selected location;
- (b) This plan shall provide the clear demarcation on the ground of a 50 m exclusion zone for machinery around the existing main sett on the site, this machinery exclusion zone shall be maintained until the badgers from the main sett are themselves excluded from this sett.
- (c) This plan shall provide a clear methodology and timetable for the works proposed to encourage the badgers to move from the main sett on the development site to the artificial sett including the laying of a bait trail from the main to the artificial sett and provision made for the option of trapping the badgers from the main sett to remove them to the artificial sett.

If the construction program for the principal elements of the proposed development results in the main sett being cut off from the artificial sett and open country before the badgers from the main sett have established themselves in the artificial sett or a neighbouring alternative sett, and their exclusion from the main sett becomes necessary for other development works to proceed; this plan to be implemented in full and a report on its implementation to be submitted to the Planning Authority on the successful removal of the badgers from the main sett on the development site or within a year of the granting of planning permission, whichever is sooner.

Reason: To avoid the proposed development causing detrimental effects on fauna and natural habitats.

28. The developer shall pay the sum of **€846,579.00** to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision and extension of social infrastructure (open spaces, recreational and community facilities, amenities and landscaping works) by the Council benefiting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Acts 2000 - 2023. Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the

commencement of development. The above sum shall apply until 31st December 2025 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices - Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: The provision of such social infrastructure in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing these services.

29. The developer shall pay the sum of €1,217,061.00 to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision, refurbishment, upgrading, enlargement or replacement of public roads and public transport infrastructure by the Council benefiting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Acts 2000 - 2023. Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development. The above sum shall apply until 31st December 2025 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices - Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: The provision of such roads and public transport infrastructure in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing these services.

30. The developer shall pay the sum of €105,977.00 to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the Planning Authority in the provision of surface water drainage infrastructure by the Council benefiting development in the area of the Authority, as provided for in the Contribution Scheme of Meath County Council adopted in accordance with the provisions of Section 48 of the Planning & Development Acts 2000 - 2023. Payment of this sum shall be made prior to commencement of development unless the phasing of payments and the giving of security to ensure payment in full is agreed in writing with the Planning Authority prior to the commencement of development. The above sum shall apply until 31st December 2025 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices - Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: The provision of surface water drainage in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing these services.

31. The developer shall lodge with the Planning Authority a cash deposit of **€452,400.00** as a security for the satisfactory completion and maintenance until taken in charge by the Council of roads, footpaths, surface water drains, public lighting, open space, landscaping and any other services required with the development. In the event of the non-completion or maintenance of the services the Planning Authority shall be empowered to apply the said funds or part thereof for the satisfactory completion of and maintenance as aforesaid of any part of the development.

Reason: To ensure that the development is carried out and completed to an acceptable construction standard.

32. The developer shall pay the sum of **€64,400.00** as a contribution towards expenditure to be incurred by the Planning Authority in the monitoring of the construction phases of the development. Payment of this sum shall be made prior to the commencement of development. The above sum shall apply until 31st December 2025 and shall be subject to review on that date and to annual review thereafter unless previously paid. The contribution rates shall be updated effective from January 1st each year during the lifetime of the Development Contribution Scheme in accordance with the Wholesale Price Indices - Building and Construction (Capital Goods) published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the Planning Authority's monitoring costs associated with the development.

W Bagnall

GRANT

Wendy Bagnall
Senior Executive Planner
24/03/2025

Padraig Maguire

Padraig Maguire
Director of Service
24/03/2025

RECOMMENDATION

ACCEPTED

25 March 2025

SIGNED:

Dara McGowan

Dara McGowan
Deputy Chief Executive
25/03/2025

Advice Notes

- (i) It should be clearly understood that a grant of permission does not relieve the applicant/developer of the responsibility of complying with any requirements under other statutory codes affecting the development.
- (ii) This permission does not confer title. It is the responsibility of the applicant/developer to ensure that they control all the lands necessary to carry out the proposed development.
- (iii) This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
- (iv) The Applicant/Developer shall make all necessary arrangements to apply for and obtain a Road Opening License(s) from Meath County Council in respect of all openings in public areas and shall pay Road Opening License fees and Road Restoration costs. The Applicant/Developer shall abide by all of the conditions as set out in said license(s).
- (v) The Applicant/Developer shall make all necessary arrangements to apply for and obtain a Section 50 Consent from the OPW.
- (vi) The applicant/developer is responsible for the full cost of repair in respect of any damage caused to any adjoining public roadway arising from the construction work and should make good any such damage forthwith to the satisfaction of Meath County Council.
- (vii) During construction the applicant should provide adequate off carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road.
- (viii) No muck, dirt, debris or other material should be deposited on the public road or verge by machinery or vehicles travelling to or from the site during the construction phase. The applicant/developer should arrange for vehicles leaving the site to be kept clean.
- (ix) All waste generated during construction, including surplus excavation material to be taken off-site, shall be only recovered or disposed of at an authorised site which has a current Waste Licence or Waste Permit in accordance with the Waste Management Acts, 1996 to 2008. This shall not apply to the reuse of excavated uncontaminated soil and other naturally occurring material within the applicant's site boundary.
- (x) All applicants are advised to make themselves aware of the requirements of the Building Control Regulations 1997 to 2015 and the Construction Products

Regulations (CPR) (Regulation (EU no. 305/2011). Information leaflets can be viewed or downloaded from the Department of Environment, Community and Local Government website <http://www.environ.ie/en/>.'

- (xi) Where the applicant proposes to connect to a public water/wastewater network operated by Uisce Éireann, the applicant must sign a connection agreement with Uisce Éireann prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

Note 1: In the interest of Public Health and Environmental Sustainability, Uisce Éireann Infrastructure capacity requirements and proposed connections to the Water and Wastewater Infrastructure will be subject to the constraints of the Uisce Éireann Capital Investment Programme.

Note 2: All work to comply with current Uisce Éireann Code of Practice for Water and Wastewater.

Note 3: Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Uisce Éireann for written approval prior to works commencing.

- (xii) Planning Compliance must be submitted (hard copies not required) in the following format: Forward by e mail to planningcompliance@meathcoco.ie and shall include a cover letter outlining relevant compliance issues together with appropriate drawings in PDF format.

Meath County Council - Viewing Purposes Only!

JBA Consulting Appeal Response

Briefing Note – Third Party Appeal

JBA Project Code 2023s0352
Contract Boyne Village Phase 1B LRD, Athlumney, Navan
Client Albert Developments Ltd
Date and Time 8 May 2025
Author Ross Bryant
Subject Third Party Appeal Review/Comment
Version Reference S3-P01




1 INTRODUCTION

JBA Consulting has been appointed by Albert Developments Ltd to review and comment on the third party appeal brought by the appellant: Stephen Flanagan, under Case Number ABP-322341-25. The appeal relates to Phase 1B construction of 322 dwellings. A Site-Specific Flood Risk Assessment (SSFRA) was completed for the Phase 1B LRD site by JBA Consulting Engineers and Scientists in May 2024 and details were also clarified under a response to a request for further information. The LRD was subsequently granted by Meath County Council under PA ref: 24/60415.

This Briefing Note focusses on statements made by the appellants under their submission to ABP dated 18 April 2025 that specifically relate to flooding. Sections 1 and 8.1 of the appellant's submission refer to flood risk and form the basis of this review.

2 GROUNDS OF THE APPEAL (RELATING TO FLUVIAL FLOOD RISK)

The relevant sections of the appellant's submission make the following statements regarding the grounds of the application, to which JBA has provided a tabulated response.

Section/Grounds	JBA Response
<p>1 <i>The development of such a large area of land in the MP12 Master plan area will undoubtedly result in indifferent infiltration rates and runoff rates to the Ferganstown stream, which will increase the flood hazard to my property and my business.</i></p> <p>The appellant's submission also includes a photo of the channel adjacent to the factory building in a state of flood.</p> <p>The appeal notes that: <i>The factory is already prone to flooding.</i></p> <p><i>The width and depth of the Frankstown mill stream is inadequate to prevent flooding to my property.</i></p> 	<p>The appellant's statement does not provide any further evidence to back up the claim that the proposed development will increase flooding to their property/business.</p> <p>The SSFRA confirms that there is a pre-existing potential flood risk to the appellant's site (regardless of any potential development of the Phase 1B site) and this is mirrored by the picture shown in the appeal (and reproduced below left).</p> <p>However, the SSFRA and subsequent FI Clarification set out that detailed hydrological and hydraulic modelling has been undertaken to analyse impacts. It is clearly explained that the proposed Phase 1B LRD site is predominantly located in Flood Zone C and does not increase flood risk elsewhere. This is due to it not impacting the floodplain, causing any negative impact on flood conveyance routes and in how the stormwater management system has been designed in compliance with Meath County Council Policy.</p>

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<p>8.1 The Application does not adequately assess the flood risk in accordance with the Floods Directive.</p> <ul style="list-style-type: none"> • The flood model is based on OPW guidance for larger catchment areas • The flood model does not consider all the lands to be developed when all options are open. • The flood model does not provide sufficient detail on road and drainage construction to allow preferential flow paths to be assessed in so far as they might avail flood water being discharged to the Frankstown stream as opposed to being attenuated. 	<p>The SSFRA is prepared in accordance with Meath County Development Plan policy/objectives and The Planning System and Flood Risk Management Guidelines, this is clearly set out within the document and is accepted by Meath County Council in their decision to Grant.</p> <p>The flood model is based on the Stage 3 FRA approach as set out in The Planning System and Flood Risk Management Guidelines. It is more detailed than any such 'larger catchment guidance'.</p> <p>The SSFRA comprehensively covers all lands within the redline boundary and an appropriate length of the watercourse both up and downstream as set out under Section 4 of the SSFRA.</p> <p>The SSFRA is sufficiently detailed regarding construction detail to model floodplain flow paths. Stormwater attenuation and discharge is dealt with under separate cover by the Henrick Ryan Consulting Engineers response, but the drainage design is commented on within the SSFRA under Section 5.2.3. This confirms accordance with GDSDS requirements and therefore the Meath County Development Plan.</p>
<p>8.1 continued...</p> <ul style="list-style-type: none"> • The mitigation measures only protect from increased runoff from development at rain fall levels less than 75mm in a 12-hour period 	<p>The stormwater management system is commented on under separate cover by Henrick Ryan Consulting Engineers, but has been designed appropriately as defined by relevant policy.</p>
<p>8.1 continued...</p> <ul style="list-style-type: none"> • The Board are not entitled to grant for a nuisance causing activity (Flooding) • The Supreme Court case UCC v, ESE [2020] 'ESC 38 emphasised the need to protect downstream landowners. • The FSR does not provide detailed calculations as required by Clifford V An Bord Pleanála so that interested parties can see how an assessment was made. 	<p>The SSFRA demonstrates that the requirements of The Board are met by clearly demonstrating through the successful application of the Justification Test under Section 6 of the SSFRA report. This ensures that there is no increase in risk elsewhere (downstream or upstream).</p> <p>Comments on the FSR method are noted but the flow estimation undertaken by JBA within the SSFRA did not use the FSR method. The detail of the flow estimation is clearly set out under the SSFRA and further information response. JBA utilised the FSU method which supersedes the FSR.</p>
<p>8.1 continued...</p> <p>National Policy Objective 77 Enhance water quality and resource management by:</p>	<p>Details of the SUDS and overall stormwater management approach are set out by Hendrick Ryan Consulting Engineers under</p>



www.jbagroup.co.uk
 www.jbaconsulting.ie
 www.jbarisk.com

Briefing Note – Third Party Appeal

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Ensuring that River Basin Management Plan objectives are fully considered throughout the physical planning process. Integrating sustainable water management solutions, such as Sustainable Urban Drainage (SUDS), nonporous surfacing and green roofs, and nature-based solutions, to create safe places 2.	separate cover.
8.1 continued... <ul style="list-style-type: none"> The culvert infrastructure along the length of the Ferganstown Stream is not adequate to cope with even 1% Flood events. Long sections of the Ferganstown stream are manmade and there is no evidence that infrastructure is adequately sized. The flooding caused to my property is as a result of inadequate channel section in terms of depth of invert or width of the channel along growth of vegetation factors. Different roughness factors will apply depending on the extent of vegetation or underbrush. 	Flooding in the local area (Tubberclare Meadows an the appellant's site) is documented but the proposed LRD development is predominantly located in Flood Zone C; at low probability of flooding and it has been clearly demonstrated within the SSFRA and stormwater management reporting that the development will not increase risk elsewhere.
8.1 continued... <ul style="list-style-type: none"> NPO 78 (NPF 2025) <ul style="list-style-type: none"> Promote sustainable development by ensuring flooding and risk management informs place-making by: Avoiding inappropriate development in areas at risk of flooding that do not pass the Justification Test, in accordance with the Guidelines on the Planning System and Flood Risk Management. Taking account of the potential impacts of climate change on flooding and flood risk, in line with national policy regarding climate adaptation 	The LRD proposal and the SSFRA follows NPO 78 and ensures that risk is appropriately managed, following the sequential approach as set out under the Planning System and Flood risk Management Guidelines. This is evidenced by the narrative set out in the SSFRA report and under the application and passing of the Justification Test under Section 6. The development does not place any of the highly vulnerable houses within Flood Zone A or B, and there is only negligible encroachment of the Flood Zones within the site which are managed with riparian buffer zones.

3 SUMMARY

From reviewing the tabulated summary response of the appellant's submission and the SSFRA completed for the site, JBA can confirm there is no increase in flood risk to the site itself or surrounding lands/properties as a result of the proposed LRD. Any flood risk to the appellant's land/property is pre-existing and not related to the LRD. Furthermore, the SSFRA is compliant with European Directives as well as National and Local policy. The proposed LRD site is predominantly within Flood Zone C, as determined by a Stage 3 detailed level of assessment and has been confirmed as passing the Justification Test as set out under The Planning System and Flood Risk Management Guidelines.



www.jbagroup.co.uk
 www.jbaconsulting.ie
 www.jbarisk.com

Hendrick Ryan Appeal Response

The Secretary
An Bord Pleanála
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Blackrock, County Dublin,
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Proposed Development at Athlumney, Navan, Co. Meath

Planning Ref: 24/60415

ABP Ref: 322341-25 – 3rd Party Appeal – Response

Date: 12th May 2025

Dear Sir/Madam,

Further to the 3rd Party appeal, please note our comments below relating to Civil & Structural Engineering aspects of the project.

Please note that prior to making our Planning Application (and again prior to responding to a Further Information Request), we discussed the proposed SuDS drainage strategy in great detail with Mr David Keyes, Mr. Damien O'Brien and Mr. Alan Wall (all from Meath CC – Drainage Department). We also attended additional discussions with JBA Consulting and Meath CC (attended by Mr. David Keyes, Mr. Damien O'Brien) regarding the Site-Specific Flood Risk Assessment (SSFRA) for the proposed development. Following a Request for Additional Information, we further discussed these items with each of the above

We have summarised comments from the appellant and our responses below. This response should be read in conjunction with the response provided by JBA Consulting.

Section 1 - Introduction

Third Party Comment

In his submission, the appellant notes "The factory is already prone to flooding" and attaches a photograph of localised flooding between the factory and the millrace channel (See Figure 1).

The appellant also notes "The width and depth of the channel in the Frankstown mill stream is inadequate to prevent flooding to my property and to the homes in the area".

HENDRICKRYAN

Consulting Engineers

The appellant further notes "The development of such a large area of land in the MP12 Master plan area will undoubtedly result in different infiltration rates and runoff rates to the Ferganstown stream, which will increase the flood hazard to my property and business."



Figure 1-1: Localised flooding between millrace and factory

Response

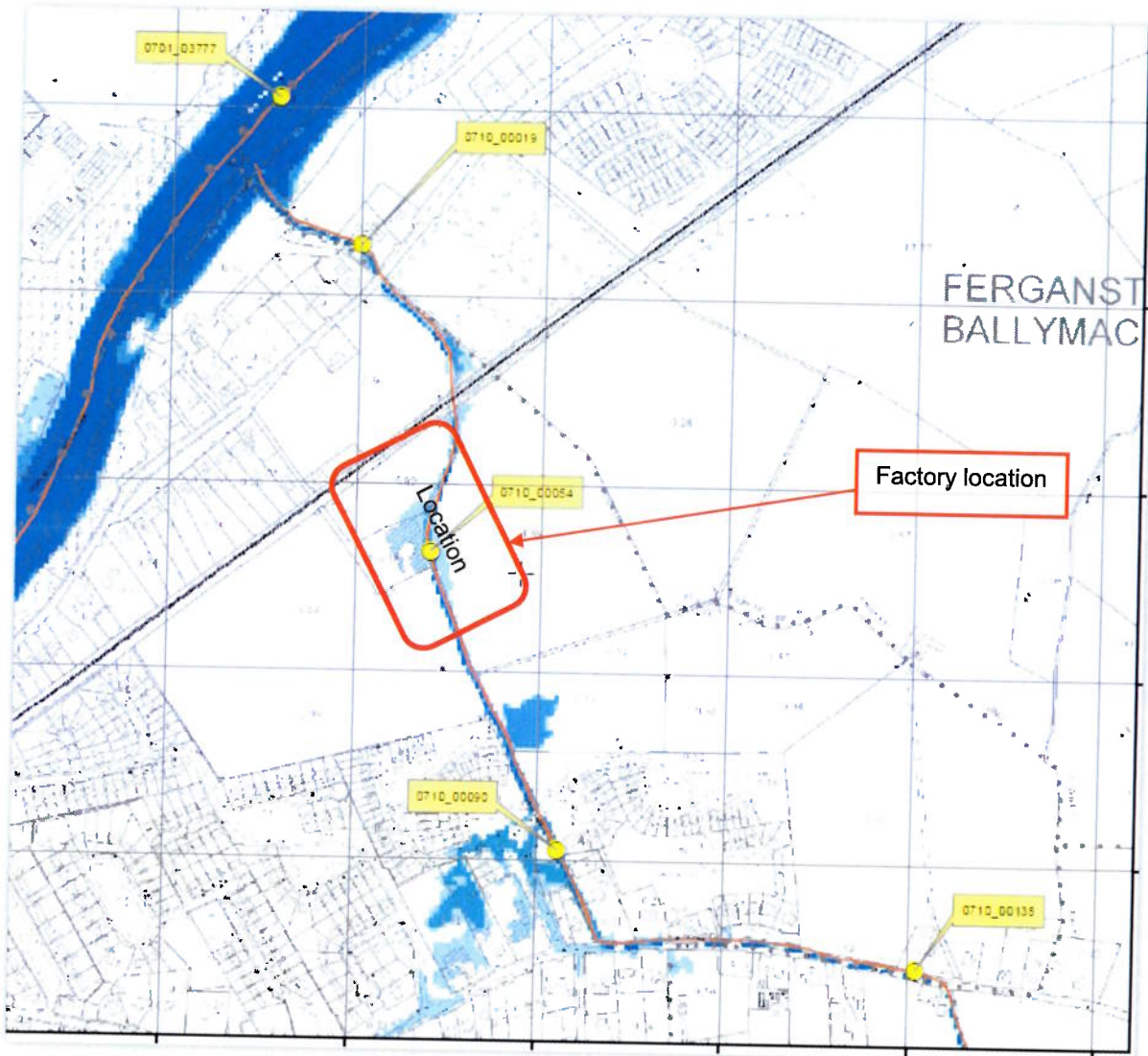


Figure 1-2: Extract from flood map showing predicted flood extents (source: OPW)

Figure 1-1 confirms that there is an existing flood risk at the factory location prior to any development of the adjoining lands. The flood map above (see Figure 1-2) provided by the OPW indicates an existing flood risk at the factory location. The Site-Specific Flood Risk Assessment (SSFRA) completed by JBA Consulting also confirms that there is an existing potential flood risk to the appellant's property regardless of any potential development in the area.

The SSFRA also notes that the proposed development (subject to this planning application) is generally located within Flood Zone C. It is not located within the floodplain of the millrace / Ferganstown Stream and does not affect the conveyance of water in the stream or increase the risk of flooding downstream of the proposed development.

The appellant notes that the development of the MP12 Masterplan lands "will undoubtedly result in different infiltration rates and runoff rates" to the Ferganstown stream but provides no evidence to support this claim.



Greenfield runoff rate estimation for sites

www.uksuds.com | Greenfield runoff tool

Calculated by: Tuba MATOSOVA

Site Details

Site name:

Latitude:

53.65414° N

Site location:

Longitude:

6.65416° W

This is an estimation of the greenfield runoff rates that are used to meet normal best practice criteria in line with Environment Agency guidance "Rational runoff management for developments" (SUDS2013 (2013)), the SuDS Manual (C153) (C153, 2015) and the non-statutory standards for SuDS (Defra, 2015). This information on greenfield runoff rates may be the basis for setting consents for the drainage of surface water runoff from sites.

Reference:

3196162439

Date:

Nov 20 2023 18:15

Runoff estimation approach 1H124

Site characteristics

Total site area (ha): 14

Notes

(1) Is $Q_{BAH} < 2.0$ l/s/ha?

Methodology

Q_{BAH} estimation method:

Calculate from SPR and SAAR

When Q_{BAH} is < 2.0 l/s/ha then limiting discharge rates are set at 2.0 l/s/ha.

SPR estimation method:

Calculate from SOIL type

Soil characteristics

	Default	Forced
SOIL type:	2	3
HOST class:	N/A	N/A
SPR/SPRHOST:	0.3	0.37

(2) Are flow rates < 5.0 l/s?

Where flow rates are less than 5.0 l/s consent for discharge is usually set at 5.0 l/s if blockage from vegetation and other materials is possible. Lower consent flow rates may be set where the blockage risk is addressed by using appropriate drainage elements.

Hydrological characteristics

	Default	Forced
SAAR (mm):	587	850
Hydrological region:	12	12
Growth curve factor 1 year:	0.85	0.85
Growth curve factor 30 years:	2.13	2.13
Growth curve factor 100 years:	2.61	2.61
Growth curve factor 200 years:	2.86	2.86

(3) Is $SPR/SPRHOST \leq 0.3$?

Where groundwater levels are low enough the use of soakaways to avoid discharge offsite would normally be preferred for disposal of surface water runoff.

Figure 1-3: Greenfield runoff rate estimation for site using hr wallingford / UKSuds design tool

Greenfield runoff rates	Default	Edited
Q _{BAR} (l/s):	33.66	50.48
1 in 1 year (l/s):	28.61	42.9
1 in 30 years (l/s):	71.69	107.51
1 in 100 year (l/s):	87.85	131.74
1 in 200 years (l/s):	93.25	144.38

This report was produced using the greenfield runoff tool developed by HR Wallingford and available at www.uksuds.com. The use of this tool is subject to the UK SuDS terms and conditions and licence agreement, which can both be found at www.uksuds.com/terms-and-conditions.html. The outputs from this tool are estimates of greenfield runoff rates. The use of these results is the responsibility of the users of this tool. No liability will be accepted by HR Wallingford, the Environment Agency, CEH, Hydrosolutions or any other organisation for the use of this data in the design or operational characteristics of any drainage scheme.

Figure 1-3: Greenfield runoff rate estimation for site using hr wallingford / UKSuds design tool

The design of the surface water drainage system serving all new developments in Ireland is subject to the requirements of the local Planning Authority. It is standard practice that this design is carried out in accordance with the SuDS Manual and the Greater Dublin Strategic Drainage Study (GSDSDS).

Sustainable Drainage Systems (SuDS) are a departure from the traditional approach to drainage of development sites. Traditionally, developed land has been constructed with buildings and hard surfaces (eg roads, paving) which have a greater runoff than undeveloped greenfield land. Developments have also been constructed with a drainage system which quickly removes rain water from the hard surfaces and conveys it through drainage pipes to rivers. The increased volume of water and the speed with which it enters streams and rivers can potentially contribute to flooding downstream of the site.

The primary purpose of SuDS is to mimic the natural drainage characteristics of greenfield land prior to its development. One of the features of SuDS is the storing of runoff and releasing it slowly (ie attenuation). By limiting the discharge of surface water from a developed site to its "pre-development greenfield runoff" or less, the risk of flooding downstream from the new development is reduced.

The calculated greenfield run-off (Q_{bar}) for the area within the proposed development is **50.48l/s** (see Figure 1-3). The greenfield runoff is **107.51l/s** for the 1-in-30year storm event and **131.74l/s** for the 1-in-100 year storm event.

Figure 1-4 shows the individual SuDS Design Zones for the proposed site along with the rate of surface water discharge to the millrace at three locations. The total discharge from the site is 44.7l/s (42.7 + 2.0) upstream of the factory. Surface water is to be diverted and discharged from the site at a rate of 5 l/s downstream of the factory.

When the 1-in-100year "post-development" storm event discharge of 44.7l/s is compared with the 1-in-100year "pre-development" storm event discharge of 131.74 l/s, it is evident that the discharge from the site of the proposed development to the millrace upstream of the factory is reduced by **66%** for the worst case 1-in-100yr storm event. The SuDS design is conservative and ignores that surface water within attenuation

systems can percolate / infiltrate into the ground. The actual discharge rate from site is likely to be less than the rate noted in the SuDS design as infiltration is ignored in the design.

Please refer to the Engineering Services Report which was issued with the planning application for further detail.

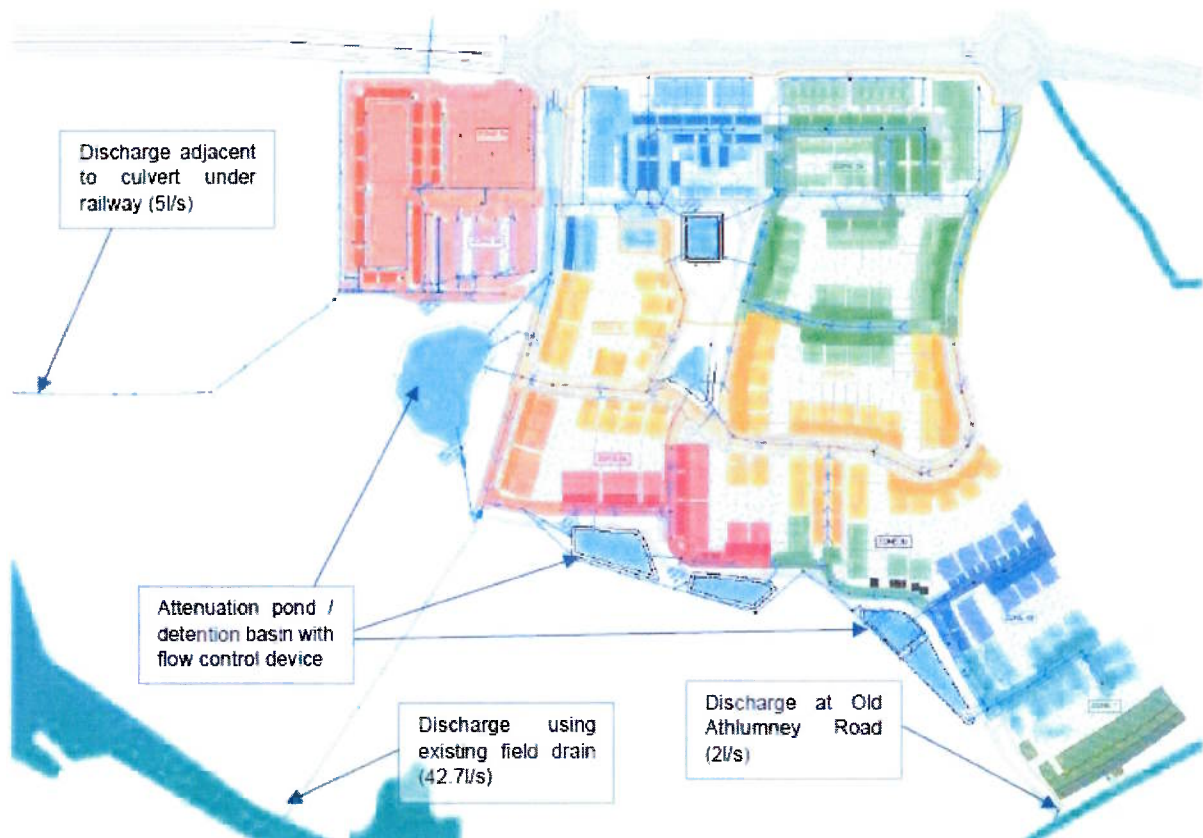


Figure 1-4: SuDS Design Zones with discharges (see Figure 6-10 in Engineering Services Report)

Section 8.1 – Grounds of Appeal

Third Party Comment

In his submission, the appellant notes

"The Application does not adequately assess the flood risk in accordance with the Floods Directive. factory is already prone to flooding" and attaches a photograph of localised flooding between

1. *The flood model is based on OPW guidance for larger catchment areas*
2. *The flood model does not consider all the lands to be developed when all options are open*
3. *The flood model does not provide sufficient detail on road and drainage construction to allow preferential flow paths to be assessed in so far as they might avail flood water being discharged to the Frankstown stream as opposed to being attenuated*
4. *The mitigation measures only protect from increase runoff from development at rainfall levels less than 75mm in a 12hr period.*
5. *The Board are not entitled to grant permission for a nuisance causing activity (Flooding)*
6. *The Supreme Court Case UCC v ESB [2020] IESC 38 emphasised the need to protect downstream landowners*
7. *The FSR does not provide details calculations as required by Clifford V An Bord Pleanala so that interested parties can see how an assessment was made*

National Policy Objective 77 Enhance water quality and resource management by: Ensuring that River Basin Management Plan objectives are fully considered throughout the physical planning process. Integrating management solutions, such as Sustainable Urban Drainage (SUDS), nonporous surfacing and green roofs, and nature-based solutions, to create safe places

8. *The culvert infrastructure along the lengths of the Ferganstown Stream is not adequate to cope with even 1% Flood events. Long sections of the Ferganstown stream are manmade and these is no evidence that the infrastructure is adequately sized*
9. *The flooding being caused to my property is as a result of inadequate channel section in terms of depth of invert or width of the channel along growth of vegetation or underbrush. Different roughness factors will apply depending on the extent of vegetation or underbrush*
10. *NPO 78 (NPF 2025)*
 - i. *Promote sustainable development by ensuring flooding and risk management informs place-making by:*
 - ii. *Avoiding inappropriate development in areas at risk of flooding that do not pass the Justification Test, in accordance with the Guidelines on the Planning System and Flood Risk Management*
 - iii. *Taking account of the potential impacts of climate change on flooding and flood risk, in line with national policy regarding climate adaption*

Response

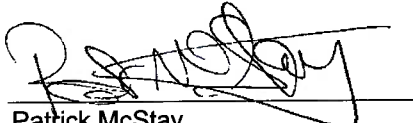
1. Refer to response by JBA Consulting
2. Refer to response by JBA Consulting
3. Refer to response by JBA Consulting regarding the SSFRA. The surface water design has been carried out in accordance with the SuDS Manual and the Greater Dublin Strategic Drainage Study (GDSDS). The SuDS design zones and attenuation systems are shown on Drg. No. 2135/411 issued with the planning application. An excerpt from this drawing is shown on Figure 1-4 above. All surface water falling onto roads located within the proposed development is attenuated and discharged at the greenfield runoff rate.
4. The surface water model includes a 1-in-100year storm with a duration of 7 days. Figure 1-5 shows an extract from calculations which accompanied the planning application. Figure 1-6 shows Met Eireann rainfall data for the site. The 1-in-100yr storm with a 7-day duration corresponds with a rainfall depth of approximately 138mm (average of 131.1mm + 145.1mm).

CAUSEWAY		Hendrick Ryan & Associates	File: PHASE 1 and 2.pfd Network: Phase 2 Lubica Matosova 29/04/2024	Page 3 2135-P2 Boyne Village
Simulation Settings				
Rainfall Methodology	FSR	Additional Storage (m ³ /ha)	0.0	
FSR Region	Scotland and Ireland	Check Discharge Rate(s)	✓	
M5-60 (mm)	15.300	1 year (l/s)	21.8	
Ratio-R	0.270	30 year (l/s)	43.3	
Summer CV	0.750	100 year (l/s)	51.4	
Analysis Speed	Detailed	Check Discharge Volume	✓	
Skip Steady State	✓	100 year +20% 360 minute (m ³)	1767	
Drain Down Time (mins)	240			
Storm Durations				
15	60	180	360	600
30	120	240	480	720
				960
				1440
				2160
				2880
				3600
				4320
				5040
				5760
				6480
				7200
				7920
				8640
				9360
				10080
				10800
				11520
				12240
				12960
				13680
				14400
				15120
				15840
				16560
				17280
				18000
				18720
				19440
				20160
				20880
				21600
				22320
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				23760
				24480
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				26640
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				29520
				30240
				30960
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				34560
				35280
				36000
				36720
				37440
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5. Refer to response from JBA Consulting
6. Our response to Section 1 demonstrates that discharge from the developed site is significantly less than the existing greenfield runoff from the site. The proposed development will discharge less surface water into the millrace upstream of the factory than is currently being discharged from the site in its existing condition.
7. Refer to response from JBA Consulting
It is proposed that a number of SuDS features are to be used within the proposed development including permeable paving, infiltration blankets, underground attenuation storage, detention basin / attenuation pond, oil interceptors etc. These features have been designed has been used to reduce the volume of surface water entering the millrace / Ferganstown Stream and to remove pollutants such as oil, silt etc. Refer to the Engineering Services report for more details.
8. Refer to response from JBA Consulting
9. Refer to response from JBA Consulting
10. Refer to response from JBA Consulting

If you have any queries, please do not hesitate to contact the undersigned.

Yours sincerely,



Patrick McStay
Hendrick Ryan + Associates

Metec Appeal Response



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13th May 2025

ABP CASE NUMBER: ABP-322341-25

PLANNING AUTHORITY REFERENCE NUMBER: 2460415

REF: ALBERT DEVELOPMENT LIMITED

METEC RESPONSE TO APPEAL

To Whom it May Concern,

We hereby submit our formal responses below to the relevant sections of the third-party planning appeal received for the construction of a mixed-use development comprising 322 dwellings, a community centre, sports hall, neighbourhood centre and district park at Athlumney, Navan, Co.Meath.

Managing Director	Bernard Denver MSc, BSc Eng, Dip. Eng, C Eng, MIEI, FConsEI	
Executive Directors	Cyril Creaven Eng. Tech, M.I.E.T	Gary Quinn BEng, Dip Eng, MIEI
Directors	Kevin Mulvany Dip Eng.	Daniel Lynch BEng (Hons), BEng (Tech)
Associate Directors	Cormac McCarthy BEng, CEng, MIEI	Ciarán Wilson BEng, BSc, MIEI
	Colm Byrne BEng, Eng Tech, AEng, AMIEI	Richard Denver MEng., BEng, BEng (Tech)
		Martin Kavanagh BEng., BEng, (Tech)
		Scott Caldwell BEng, LEED AP
Associates	James Murphy CAD Manager	Barry Dunne BEng, BEng (Tech)
	Owen Gubbins BEng (Hons), BEng (Tech), AEng	Kevin Bell BEng (Hons), CEng, MIEI
	Wayne McFall MSc, BEng, BEng (Tech)	Stephen McNulty BEng, BSc
		Valerie Smithers Executive Account's Manager

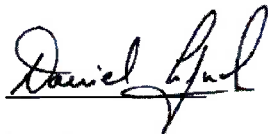
Page	Section	Response
9	<p>2. Policy and Legal Framework</p> <p>2.1 Energy Efficiency Directive and Energy Efficiency First Principal</p>	<p>At the time of application, the revised Energy Performance of Buildings Directive has not yet come into force. The revised Energy Performance of Buildings Directive is currently pending approval by the legislature.</p> <p>As a minimum, all dwellings will achieve Nearly zero energy building (NZEB) requirements and A3-rated BER in line with the current Energy Performance of Buildings Directive. The Directive defines a Nearly Zero Energy Building (NZEB) as a building that has a very high energy performance. It states that the nearly zero or very low amount of energy required should be covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on-site or nearby.</p> <p>The proposed development will avail of Air Source Heat Pumps in houses, Exhaust Air Heat Pumps for apartments and VRV Systems for communal spaces. This approach will ensure that the complex is not only provided with a low-emission heating system but is also future-proofed to avail and benefit from future electrical grid improvements.</p>

9-10	<p>3. The Energy Performance Gap</p> <p>3.1 Defining the Energy Performance Gap</p> <p>3.2 Projected vs Actual Energy Performance</p> <p>3.3 Degrading Airtightness as a Key Factor</p> <p>3.4 Implications for the LRD</p>	<p>As a minimum, all dwellings are to achieve Nearly zero energy building (NZEB) requirements and A3-rated BER in line with the current Energy Performance of Buildings Directive. The Directive defines a Nearly Zero Energy Building (NZEB) as a building that has a very high energy performance. It states that the nearly zero or very low amount of energy required should be covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on-site or nearby.</p> <p>During detailed design, further consideration can be given to operational modelling to minimise the Energy Performance Gap.</p> <p>Occupant training and education will also be provided to the end user on the correct use of all space heating and ventilation systems to ensure efficient use of the equipment and to minimise wastage.</p> <p>The target airtightness value of 3 m³ h⁻¹ m⁻² @50Pa specified is an improvement on the minimum required airtightness value of 5 m³ h⁻¹ m⁻² @50Pa as outlines in TGD Part L 2022 (Current version for Dwellings). Airtightness performance will be confirmed through multiple on-site tests in accordance with the current Building Regulations.</p>
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10	<p>4. Heat Pumps and Primary Energy Demand</p> <p>4.1 Primary energy Demand and Thermal Generation Efficiency</p> <p>4.2 Varying Capacity Factor of Irelands Wind Fleet</p> <p>4.3 Performance of Air-Source vs. Ground Source Heat Pumps</p> <p>4.4 Dismissing District Heating</p>	<p>Ground Source heat pumps and District Heating are not a viable options for this type of development, predominantly due to high capital costs and plant space requirements. The difference in seasonal efficiencies between air source heat pumps versus ground source heat pumps are minimal when compared to the overall capital outlay required for the latter. The payback period between both technologies is highly in favour of air source heat pumps when compared to an equivalent ground source-based design. The higher costs associated with ground source heat pumps would only lead to higher costs for both developer and buyer.</p> <p>Ground source heat pumps also rely on electricity to operate the circulating pump and heat pump. Both ASHP and EAHP options proposed similarly use electricity and convert each kWh of electricity into 3-4 kWh of usable heat. As the national grid currently uses high volumes of renewable energy and is likely to become carbon neutral in the future, by default, any dwelling heated using an electrically powered heat pump will also become carbon neutral.</p> <p>During detailed design, further consideration can be given to determine the appropriate heating source for the development.</p>
10-11	<p>5. Building Information Modelling and Modern Methods of Construction</p> <p>5.1 Defining BIM and MMC</p> <p>5.2 Background: Egan and Fermer Reports</p> <p>5.3 Irish Government Policy on BIM and MMC</p> <p>5.4 Opportunities for Cost, Waste, Resource and Energy Reduction</p> <p>5.5 Case Studies Demonstrating BIM and MMC Benefits</p> <p>5.6 BIM and MMC as Reasonable Alternatives in EIAR</p>	<p>Whilst the benefits of utilising Building Information Modelling (BIM) are generally understood - in particular for large-scale projects which are heavily serviced - there is no legal obligation for the developer to adapt this methodology. The developer may wish to discuss utilising BIM as a potential option for delivery the project at the design stage when more detail is understood on the scope of services required.</p> <p>Building Information Modelling (BIM) offers numerous advantages for construction and design projects, including cost savings, increased efficiency, and improved visualization. During detailed design, further consideration can be given to the integration of BIM.</p>

12, 17	8. Grounds of Appeal 8.5 Failure to Integrate BIM and Modern Methods of Construction	<p>Building Information Modelling (BIM) offers numerous advantages for construction and design projects, including cost savings, increased efficiency, and improved visualization.</p> <p>During detailed design, further consideration can be given to the integration of BIM.</p>
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Yours Sincerely,



Daniel Lynch
Executive Director

Byrne Environmental Appeal Response

Byrne Environmental

CONSULTING LTD

ENVIRONMENTAL MONITORING, ASSESSMENT & MANAGEMENT
Acoustics, Air Quality, Environmental Impact Assessment
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Response to 3rd Party Observations relating to noise impacts associated with the proposed LRD at Athlumney, Navan, Co. Meath

Planning Ref. 2460415
ABP Ref. ABP-322341-25

On behalf of

Albert Developments c/o
John Spain Associates
39 Fitzwilliam Place
Dublin 2

Ian Byrne

25th April 2025

Prepared by Ian Byrne MSc, MIOA, Dip in Environmental & Planning Law

1.0 Introduction

This document has been prepared by Ian Byrne MSc, MIOA Principal Environmental Consultant with Byrne Environmental Consulting Ltd on behalf of *Albert Developments c/o John Spain Associates*, and presents responses to points of appeal relating to submissions made by third parties regarding the proposed development at Athlumney, Navan, Co. Meath Planning application Ref. 2460415, ANP-322341-25.

It is noted that an Appeal to An Bord Pleanála from Mr. Stephen Flanagan, 12 The Court, Glenveigh, Navan, Co. Meath relates to Climate Targets (Section 7 of the Appeal document) and The Energy Efficiency Directive (Section 8.2 of the Appeal Document).

A response to third party points of objection relating to are presented below.

2.0 Section 7-Ireland's Progress on EU2020 and EU 2030 Energy & Climate Targets

The Appellant in Section 7 of the Appeal document states the following:

- *Ireland missed 2020 emission goals (EPA, 2024)*
- *By 2030, Ireland expects to fall short of its emission cut goal (EPA, 2024)*
- *EPA stresses efficient home to meet targets (EPA, 2024)*
- *The EIAR's inefficiency hurts Ireland's goals (CAP24, 2024)*

In response, the EPA's most recent greenhouse gas emissions data (May 2024) states the following:

- Greenhouse gas (GHG) emissions in Ireland decreased 6.8% in 2023 and are below the 1990 baseline for the first time in three decades. The decrease in emissions are reflected in all of the large sectors with the exception of a slight increase in transport.
- Agriculture emissions decreased by 4.6% in 2023 (1.01 Mt CO₂eq). The main reasons are decreases of synthetic nitrogen fertiliser use of 18%. Livestock numbers decreased in general, non-dairy cattle by 1.1%, sheep by 1.2% and pigs by 4.3%. Dairy cow numbers increased by 0.6%, however milk output per cow and overall production was reduced.
- Energy industry emissions decreased by 21.6% (2.16 Mt CO₂eq) in 2023 due to a 12-fold increase in the amount of imported electricity (9.5% of electricity supply in 2023), in combination with an increase in the share of renewable energy to 40.7% in 2023. The emissions intensity of power generation decreased from 332g CO₂/kWh in 2022 to a historic low of 255g CO₂/kWh in 2023.
- Household emissions (the residential sector) decreased by 7.1% (0.41 Mt CO₂eq) in 2023. The reduction was caused by a combination of a milder winter and increased fuel prices. Coal, peat, natural gas and kerosene sales declined by 22%, 13%, 14% and 0.3% respectively.
- Transport emissions increased slightly by 0.3% in 2023 (0.03 Mt CO₂eq). This increase follows a 6% increase in both 2021 and 2022, caused by the ending of remaining

COVID travel restrictions. Electric Vehicles now account for almost 56% of the 2025 policy target

In 2023, Ireland's GHG emissions are estimated to be 55.01 million tonnes carbon dioxide equivalent (Mt CO₂eq), which is 6.8% lower (or 4.00 Mt CO₂ eq) than emissions in 2022 (59.00 Mt CO₂ eq) and follows a 2.0% decrease in emissions reported for 2022. Emissions are 1.2% below the historical 1990 baseline for the first time in 33 years.

Decreased emissions in 2023 compared to 2022 were observed in the largest sectors except for transport which showed an increase of 0.3% shown highlighted red in the "Emissions change 2022-2023" table below.

Figure 1 Greenhouse gas emissions by sector 2023 (EPA 2024)

Greenhouse gas emissions share by sector in 2023

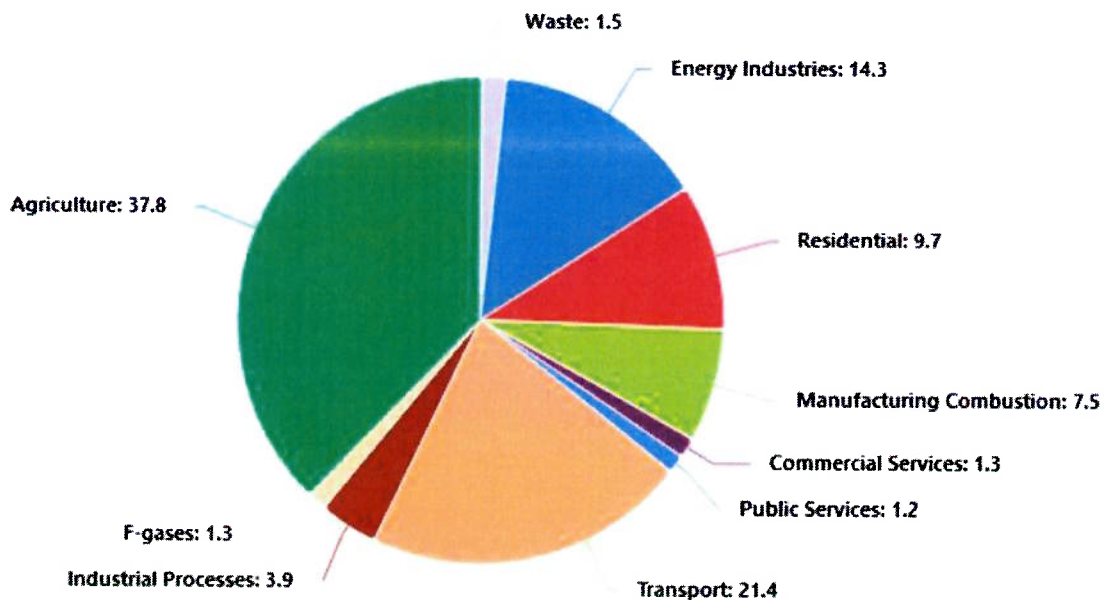


Table 1 Emission Changes 2022-2023 (EPA May 2024)

Mt CO₂ eq	2022	2023	% Change
Agriculture	21.795	20.782	-4.6%
Transport	11.760	11.791	0.3%
Energy Industries	10.003	7.845	-21.6%
Residential	5.753	5.346	-7.1%
Manufacturing Combustion	4.334	4.133	-4.6%
Industrial Processes	2.288	2.155	-5.8%
F-Gases	0.741	0.699	-5.7%
Commercial Services	0.751	0.732	-2.5%
Public Services	0.696	0.677	-2.7%
Waste	0.881	0.846	-4.0%
LULUCF	3.983	5.614	40.5%
Total excluding LULUCF	59.003	55.007	-6.8%
Total including LULUCF	62.986	60.620	-3.8%

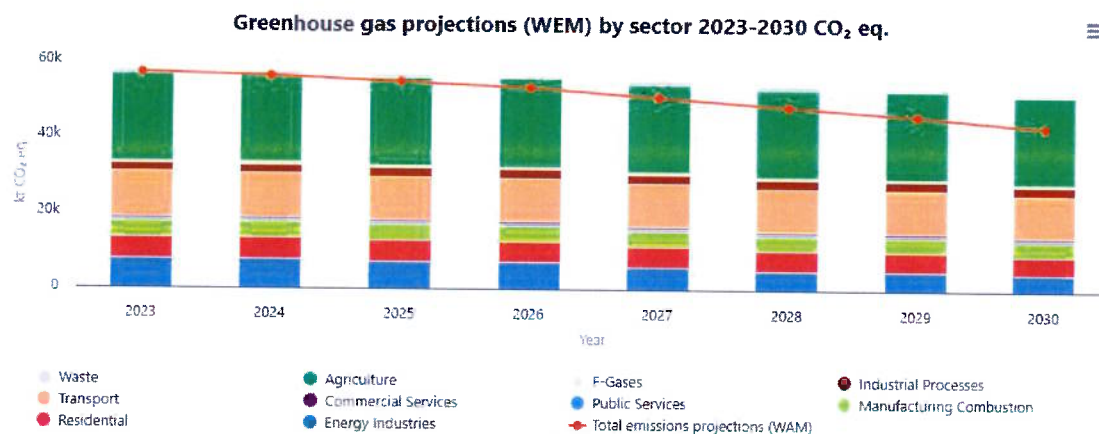
Note LULUCF Land Use, Land-use Change and Forestry covers the following categories; Forest land, Cropland, Grassland, Wetlands, Settlements, Other land and Harvested Wood products.

Ireland's Projected Emissions 2023-2030 (EPA, May 2024)

Ireland's latest projections show total emissions (without LULUCF) decreasing from 2022 levels by 14% by 2030 under the With Existing Measures (WEM) scenario and by 29% under the With Additional Measures (WAM) scenario. The gap between both scenarios is largely attributed to significant reductions in key sectors such as power generation, residential, transport, commercial and public services and agriculture as a result of the Climate Action Plan 2024 and other policy documents such as Ag Climatise.

Three key sectors; agriculture, transport and energy industries consistently have the largest share of emissions. Under the WEM scenario, emissions from agriculture and transport are projected to decrease by 1% and 5% respectively over the period 2022 to 2030. Emissions from energy industries are projected to decrease by 57% over the same period. When we look at the more ambitious WAM scenario, emissions from agriculture, energy and transport reduce by 18%, 62% and 26% respectively

The Chart below describes the EPA'S projections relating to the continued reduction of greenhouse gas emissions between 2023-2030.

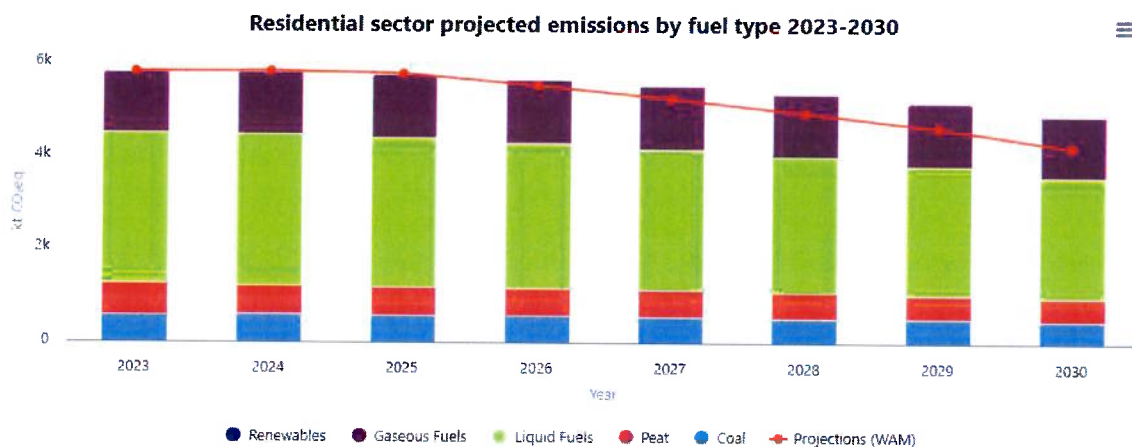


Ireland's Projected Emissions 2023-2030 Residential Sector (EPA, May 2024)

Under the With Existing Measures scenario, emissions from the residential sector are projected to decrease by 15% between 2022 and 2030 to 4.9 Mt CO₂ eq.

Emissions are projected to decrease by 27% between 2022 and 2030 to 4.2 Mt CO₂ eq under the With Additional Measures scenario (shown as the line in the graph below). This scenario assumes full implementation of the measures in Ireland's Climate Action Plan 2024 that includes home retrofits, supports for domestic heat pumps and district heating.

The Chart below describes the EPA'S projections relating to the continued reduction of greenhouse gas emissions associated with the Residential Sector between 2023-2030.



3.0 Section 8.2-Non-Compliance with Energy Efficiency Directive

The Energy Efficiency Directive 2012/27/EU and revised in 2023 as EU/2023/1791, establishes "energy efficiency first" as a fundamental principal of EU energy policy.

The Appellant states "The EIAR plans homes using more energy than needed, likely adding to emissions and costs"

In response the Appellant has not provided any qualifying information or data as to how he established this fact.

The buildings in the development are designed to be energy efficient and to use sustainable methods of heating and ventilation which will benefit all users including residents in affordable homes as a result of lower running costs for homes.

Airtightness is a fundamental aspect of increasing energy efficiency in a building and this is included in the design of all buildings in the development. Air tightness testing is conducted to validate the integrity of the system.

4.0 Conclusions

There is a decreasing trend in greenhouse gas emissions in Ireland based on the most recent published EPA data. Regarding the residential sector all homes must be designed and constructed in accordance with *The Irish Building Regulations Technical Guidance Document L – Conservation of Fuel & Energy – Dwellings* includes requirements for all residential dwellings to be “Nearly Zero Energy Buildings” (NZEB’s) by 31st December 2020.

The following energy saving aspects are proposed for the subject development:

- Energy Efficiency - The development shall seek to meet the highest standards of sustainable design and construction with regard to the optimum use of sustainable building design criteria such as passive solar principles and also green building materials.
- In order to reduce energy consumption, the following key design features have been considered in the design process and will be incorporated into the construction of the residential units:
 - Passive solar design including the orientation, location and sizing of windows
 - The use of green building materials: low embodied energy & recycled materials
 - Energy efficient window units and frames with certified thermal and acoustic insulation properties
 - Building envelope air tightness
 - Installation of Mechanical Ventilation & Heat Recovery systems in all apartment units which operate by extracting warm air from kitchens and bathrooms, cleaning it and distributing it to other rooms in the unit.
 - Air to Water Heat Pumps in residential houses
 - Thermal insulation of walls and roof voids of all units
 - All buildings will have a minimum Building Energy Rating of A3
 - Electric Vehicle charging points will be installed within the development.

In summary, the proposed development is designed in accordance with and shall be constructed in accordance with *The Irish Building Regulations Technical Guidance Document L – Conservation of Fuel & Energy – Dwellings* and the operation of the buildings once occupied will generate negligible greenhouse gas emissions which will contribute to achieving Ireland's targets for the reduction of greenhouse gas emissions by 2030.

Climate Change

The development has been designed to comply with the *Meath County Council Climate Action Plan 2024-2029* which states:

The built environment includes buildings of domestic, public, industrial, and commercial nature across the County of Meath as well as critical infrastructure like roads, bridges, drainage network, utilities, energy and communications infrastructure.

Buildings contribute a significant proportion of the County's emissions. Optimising energy efficiency and switching to low carbon heat sources in buildings will need to be prioritised in addition to securing renewable energy infrastructure to contribute to national grid decarbonisation and deliver a low carbon alternative to fossil fuels.

In addition, the development has been designed to include a 3-bin waste segregation system in each residential unit which will promote sustainability and resource management in the development which is a Strategic Goal of Meath County Council's Climate Action Plan.

The vulnerability of the proposed development to climate change considers the sensitivity and the exposure of the development to climate hazards. Table 2 details the sensitivity of the development with regard to a low, medium or high scale. The potential exposure to each element is then determined followed by the potential for a climate hazard to occur at the proposed development. The vulnerability of the development is determined by multiplying the sensitivity and exposure values for each element.

Table 2 Climate Change Vulnerability Assessment

Climate Hazard	Sensitivity	Exposure	Vulnerability
Flooding	1 (Low)	1 (Low)	1 (Low)
Extreme Heat	1 (Low)	1 (Medium)	1 (Low)
Extreme Cold	1 (Low)	1 (Medium)	1 (Low)
Drought	1 (Low)	1 (Low)	1 (Low)
Extreme Wind	1 (Low)	2 (Medium)	2 (Medium)
Lightening & Hail	1 (Low)	1 (Low)	1 (Low)

The proposed development is not vulnerable to any climate hazards that may cause a high risk and may be considered to have a Low vulnerability.

Specific Climate Mitigation measures have been designed into the construction and operational phase of the development as follows:

Construction Phase

- Implementation of the site-specific Resource and Construction Waste Management Plan which defines how the reuse and recycling of materials shall be maximised.
- Prevention of site plant and machinery engines idling.
- Ensure all plant and machinery are well maintained.

Operational Phase

- Minimum A3 Building Energy Rated buildings
- Implementation of the site-specific Operational Waste Management Plan which defines how the reuse and recycling of materials shall be maximised.
- Landscaping of site areas using native species

Albert Development Letters to Appellants 2023

ALBERT DEVELOPMENTS LTD

Balmoral,
Navan,
Co. Meath.

Phone no. 046-9051200
Fax no. 046-9051299

3rd May 2023

Mr Barry O'Brien / Mr Michael Flanagan / Mr Stephen Flanagan (by hand)
C/O 119 Athlumney Castle
Navan
Co Meath

Re; Planning Ref 221703 – Boyne Village Enterprise Park, Athlumney Navan

Dear Sirs,

Meath County Council have passed on your letter dated 29th January 2023 outlining observations on our Planning Application noted above. All of your points are now reviewed and ahead of our meeting on Friday 5th May 2023 at your premises, we set out responses to what we understand are the main issues raised as follows;

Concern in relation to 'Potential impact to water levels' to the Mill Race water course adjacent to the Factory Village lands which are upstream from all future Development within Boyne Village (and other developments in the catchment area, including the Andrews Construction site);

- A. We are proposing no excess surface water discharge into the Mill Race Watercourse (or tributaries) in respect of our Enterprise Unit Development.
- B. All surface water generated by the proposed Enterprise Unit Development will be infiltrated into the ground within each site boundary, either through soak pits, percolation areas or hard-standing areas formed with permeable paving.
- C. Road run-off will be collected in open drainage swales along each road and will be infiltrated into the ground within our overall development boundary.
- D. Specific reference is made to another Planning Permission (ref 2121) and evidence of silt in the Mill Race water course. This is the Andrews Development site on the Kentstown Road junction which we have no control over. However, during our own construction works, we intend to install temporary silt traps to reduce any excess silt discharges into the existing water courses.

Concern in relation to the scale of the overall future development and 'potential cumulative environmental impact' to the wider lands, including the Factory Village lands and that the proposed application was looked at in 'isolation' instead of a 'wider development' in relation to water management strategy;

- A. A wider Masterplan has in fact been prepared (and adopted by Meath CC in January 2020) and which does set out an overall surface water strategy to the overall lands. In summary, all surface water will be dealt with as above (ie; infiltration into the ground within each specific Planning application boundary).
- B. A separate Flood Risk Assessment has and will be prepared by our Consulting Engineers (Hendrick Ryan and Associates) for each Planning Application. These reports are available to view within the Planning Application documents in Meath CC and sets out the surface water strategy in more detail.

We trust that the foregoing has addressed your concerns as far as we possibly can. Following our meeting (and having hopefully dealt with any further queries you may have), we would respectfully ask that you do not proceed with any appeal to a subsequent permission that might be granted by Meath CC.

Should you have any queries at any time, please feel free to give me a call on the number below.

Yours sincerely,


William Smyth
Mobile - 087 2550464

ALBERT DEVELOPMENTS LTD

Balmoral,
Navan,
Co. Meath.

Phone no. 046-9051200
Fax no. 046-9051299

10th July 2023

Mr Barry O'Brien / Mr Michael Flanagan / Mr Stephen Flanagan (*by hand*)
C/O 119 Athlumney Castle
Navan
Co Meath

Re; Planning Ref 221703 – Boyne Village Enterprise Park, Athlumney Navan

Dear Sirs,

I refer to our meeting on Friday 5th May 2023, where I handed over our letter dated 3rd May 2023 and which sought to address the main points of concern outlined in your letter dated 29th January 2023 to Meath County Council.

Following on from our meeting of the 5th May 2023, we have further considered the issues discussed, made some related enquiries in the area, and we re-emphasise key responses to your original points below;

Mill Race Water Course (levels, flow, silt issues);

- Even though we are not involved in current developments in the area, we have checked with representatives of Andrews Construction who are building in the general area. They have advised that they are not holding or pumping additional water into the Mill Race stream during their ongoing construction phase.
- We also checked with another farmer who farms a large tract of land upstream of the Mill Race and he advises that some current changes in flow along the Mill Race may be related to some tidy up drainage work that the OPW are carrying out to the Mill Race and its tributaries.
- For the record, on the day I visited the lands on the 5th May 2023 and walked the Mill Race stream, I did notice some small fish in the Mill Race Stream so this is a positive sign that good levels of wildlife remain active within the water course,
- In terms of levels and flow, our Surface Water strategy approach remains as per our letter of the 3rd May 2023 (ie; additional Surface water generated by the proposed Enterprise Unit Development will be infiltrated directly into the ground within each site boundary, either through soak pits, percolation areas or hard-standing areas formed with permeable paving).
- As a further precautionary measure, we intend to provide Silt traps to ensure no potential escape of any works related silt into the water course during the Construction stage.

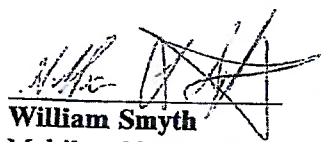
Overall Development (water management strategy);

- As noted above, we have outlined our Surface Water strategy approach in our letter of the 3rd May 2023 and that it is part of a carefully considered Masterplan for the wider lands we control. This will ensure that each application is not treated 'in isolation' with an overall plan in place.
- In line with the co-ordinated approach above, we intend to submit a number of future phased Planning Applications and each will include a detailed Flood Risk Assessment prepared by our Consulting Engineers.

We hope that the above has provided further comfort in respect of the issues raised by yourselves and that you will not proceed with an appeal on the basis we receive a positive decision to our Planning Application.

If any additional items arise, then please contact me on the number below.

Yours sincerely,


William Smyth
Mobile - 087 2550464

ALBERT DEVELOPMENTS LTD

*Balmoral,
Navan,
Co. Meath.*

Phone no. 046-9051200
Fax no. 046-9051299

3rd January 2024

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

Dear Sir / Madam,

RE; RESPONSE TO THIRD PARTY APPEAL LODGED IN RESPECT OF MEATH COUNTY COUNCIL NOTIFICATION OF A DECISION TO GRANT PERMISSION FOR PHASE 1 CONSTRUCTION OF 3 COMMERCIAL HIGH-BAY WAREHOUSE UNITS. ROAD AND PEDESTRIAN ACCESS EXTENDED NORTH FROM THE LDR 6 DISTRIBUTOR ROAD, TOTEM SIGN, ILLUMINATING SIGN AND SITE DEVELOPMENT WORKS. RELOCATION OF OVERHEAD ESB POWER LINES. A NATURA IMPACT STATEMENT WILL BE SUBMITTED WITH THE APPLICATION. SIGNIFICANT FURTHER INFORMATION / REVISED PLANS SUBMITTED. FERGANSTOWN & BALLYMACON & ATHLUMNEY, NAVAN, CO. MEATH.

MEATH COUNTY COUNCIL REG. REF: **221703**
AN BORD PLEANALA REFERENCE: **ABP- 318533-23**

We refer to the above and on behalf of Albert Developments Ltd (the 'Applicant'), we wish to set out a record of our engagement with the Observer / Appeal Party (Barry O'Brien, Michael Flanagan & Stephen Flanagan – the 'Appellants') in relation to our proposed Development at Athlumney in Navan.

As well as further background contact, William Smyth of the Applicant party arranged meetings and / or wrote to the Appellants in respect of the lands on the following occasions to provide comfort on the points raised and a brief summary of discussion follows in date order;

1. 5th May 2023 (reference letter attached dated 3rd May 2023)
2. 10th July 2023 (reference letter attached dated 10th July 2023)
3. 27th November 2023

5th May 2023 – This was the initial meeting on the Appellants property, which the Applicant believes was purchased in circa 2014 and was used for light manufacturing. On the date of the visit, it was noted that the units on the lands were quite low-lying, appeared to be mostly derelict and had no safe access for commercial purposes across the existing railway crossing, connecting it to the Boyne Road.

In addition, a full review was undertaken of the Appellants letter to Meath CC dated 29th January 2023, outlining observations on the Planning Application as noted below;

Appellants concern in relation to 'Potential impact to water levels' to the Mill Race water course adjacent to the Appellant lands which are upstream from all future Development within Boyne Village (and other developments in the catchment area):

- A. The Applicant indicated that no excess surface water discharge into the Mill Race Watercourse (or tributaries) was intended as part of the Development works.
- B. The Applicant advised that all surface water generated by the proposed Development would be infiltrated into the ground within each site boundary, either through soak pits, percolation areas or hard-standing areas formed with permeable paving.
- C. The Applicant advised that surface water run-off from the roads would be collected in open drainage swales along each road and will be infiltrated into the ground within the overall development boundary.
- D. The Applicant indicated that temporary silt traps would be installed during the Construction duration to reduce any excess silt discharges into the existing water courses.

Appellants concern in relation to the scale of the overall future development and 'potential cumulative environmental impact' to the wider lands, including the Factory Village lands and that the proposed application was looked at in 'isolation' instead of a 'wider development' in relation to water management strategy:

- A. The Applicant advised that a wider Masterplan had in fact been prepared (and agreed with Meath CC) in January 2020 and which does set out an overall surface water strategy to the overall lands. In summary, all surface water would be dealt with as above (ie; infiltration into the ground within each specific Planning application boundary).
- B. The Applicant indicated that separate Flood Risk Assessments had and would be prepared by their Consulting Engineers (Hendrick Ryan and Associates) for each and every Planning Application and that these reports would be available to view within documents submitted to Meath CC and which set out the overall surface water strategy in more detail.

10th July 2023 - Following on from the meeting of the 5th May 2023, the Applicant had reviewed some matters further and sought to re-emphasise key responses to some original Appellant points as below;

Mill Race Water Course (levels, flow, silt issues):

- A. Although not yet involved in current developments in the area, the Applicant had checked directly with representatives of Andrews Construction who were building in the general area. Andrews Construction advised that they were not holding or pumping additional water into the Mill Race stream during their ongoing construction phase.

- B. The Applicant also checked with an adjoining farmer who farms a large tract of land upstream of the Mill Race and who advised that some current changes in flow along the Mill Race at the time may be related to some improvements works that the OPW were carrying out to the Mill Race and its tributaries.

27th November 2023 – During this meeting on the subject lands, the Applicant re-stated their responses to all general points previously noted and that they remained open to clarifying any other points as they arose.

In summary, and whilst detailed rebuttals to all of the Points of Appeal have been included in our overall response documents, we hope that the foregoing will demonstrate that all points raised by the Appellant were reviewed in a serious manner by the Applicant in an attempt to resolve any issues within its control.

Yours Faithfully



Dave McCormack for
ALBERT DEVELOPMENTS LTD

Encl;

- *Albert Developments Ltd letter to Appellants dated 3rd May 2023*
- *Albert Developments Ltd letter to Appellants dated 10th July 2023*