

An
Bord
Pleanála

Board Direction
BD-017023-24
ABP-317230-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/07/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to:

- the zoning objective for the subject site (E2 – General Enterprise and Employment) and other relevant provisions of the Meath County Development Plan 2021-2027,
- national and regional planning policy, including the Transport Infrastructure Ireland Service Area Policy (2023) and Spatial Planning and National Roads - Guidelines for Planning Authorities (2012),
- the strategic location of the site at Junction 6 of the M3 Motorway,
- the planning history of the site, and the surrounding area, and
- the nature, size and scale of the proposed facility, including a retail shop not exceeding 100sqm in net floor area, and
- the established character and pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the proposed development would meet the need for a motorway service area at this

strategic location alongside Junction 6 of the M3 Motorway, would not give rise to an over-proliferation of private off-line service area facilities, would not negatively impact on the level of service and carrying capacity of the national road network, would not result in the creation of a retail destination that would adversely impact upon the vibrancy and vitality of Dunshaughlin town centre or attract a significant number of short, local trips, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's Report in respect of the identification of European sites that could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives.

The Board is satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to a significant effect on any European sites, in view of the site's conservation objectives, other than River Boyne and River Blackwater Special Protection Area (Site Code 004232) and River Boyne and River Blackwater Special Area of Conservation (Site Code 002299), for which Appropriate Assessment is required.

Appropriate Assessment Stage 2

The Board considered the Natura Impact Statement submitted with the planning application and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development on European Sites. The Board considered the information before it was adequate to carry out the Appropriate Assessment.

In completing the Appropriate Assessment, the Board considered in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which were included as part of the current proposal, and
- (c) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board and accepted and adopted the Appropriate Assessment carried out in the Planning Inspector's report in respect of the potential effects of the proposed development on the River Boyne and River Blackwater Special Protection Area (Site Code 004232) and River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) having regard to the sites' conservation objectives.

In the overall conclusion, the Board was satisfied that the proposed development subject to identifiable mitigation measures, by itself or in combination with other plans or projects, would not adversely affect the integrity of the sites listed above, or any other European Site, in view of the sites conservation objectives and there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on 23 rd February 2023 and 10 th March 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and
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	<p>the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>a) The retail area of the proposed development shall contain a convenience shop with a net floor area not exceeding 100sqm and be in accordance with the definition of a shop as indicated in the Planning and Development Regulations 2001 (as amended).</p> <p>b) The retail floor area shall not be extended by means of incorporating ancillary areas such as back of house, store areas, seating areas, etc.</p> <p>Reason: In the interest of the orderly development and to protect the viability of shops in nearby village settlements.</p>
3.	<p>a) The proposals, mitigation measures and commitments set out in the Natura Impact Statement (NIS) and Ecological Impact Assessment (EclA) shall be implemented in full as part of the proposed development.</p> <p>b) An Ecological Clerk of Works (ECoW) with suitable experience shall be appointed to ensure all mitigation measures outlined in the NIS and EclA shall be carried out. The ECoW shall submit report(s) to the planning authority demonstrating compliance with mitigation measures and ecological considerations during the full extent of the construction phase.</p> <p>c) Should any such issues arise, the Ecological Clerk of Works shall be responsible for the supervision of implementing protection measures, immediately notifying the NPWS, and preparing any necessary documentation.</p> <p>Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.</p>

4.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority:</p> <ul style="list-style-type: none"> a) Details showing unobstructed sightlines of 120m in both directions at the proposed entrance from a setback of 3m. The entire nearside edge of the road shall be visible over the entire sightline. b) A drawing showing the redesign of the access junction to facilitate HGV's turning right off the R125. c) Details of how the vehicle restraint system shown on the drawings provided complies with TII standards. <p>Reason: In the interest of traffic safety.</p>
6.	<ul style="list-style-type: none"> a) Prior to commencement the applicant shall submit for written agreement the provision of cycle parking spaces at the rate of 1 cycle space per 10 car spaces as outlined in Table 11.4 of the Meath County Development Plan 2021-2027. b) All bicycle parking spaces shall be designed in accordance with the requirements of the National Cycle Manual, NTA (2011).
7.	<p>Prior to the commencement of any works associated with the development hereby permitted, the Applicant shall submit a detailed Construction and Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:</p> <ul style="list-style-type: none"> a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse, b) Location of areas for construction site offices and staff facilities, c) Details of site security fencing and hoardings,

- d) Details of on-site car parking facilities for site workers during the course of construction,
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- f) Measures to obviate queuing of construction traffic on the adjoining road network,
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water bodies, sewers or drains,
- m) collection and disposal of construction waste,
- n) onsite road construction, and
- o) the location of any archaeological or cultural heritage constraints,

A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

	<p>The Plan shall include all necessary requirements by the Planning Authority with regard to the provision of an environmental audit and any such reports necessary to ensure no environmental degradation of the site or surrounding area.</p> <p>Reason: In the interest of public safety and ecological protection.</p>
8.	<p>Prior to the commencement of development, the Applicant shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
9.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
10.	<p>a) A Road Safety Audit (Stages 1 and 2) shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development, in order to demonstrate that appropriate consideration has been giving to all relevant aspects of the development including in</p>

	<p>accordance with the road design standards of Transport Infrastructure Ireland.</p> <p>b) The measures recommended by the Auditor shall be undertaken, unless the Planning Authority approves any departure in writing. A detailed drawing(s) showing all accepted proposals and a feedback report should also be submitted.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
11.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
12.	<p>Drainage arrangements, including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and protecting the environment.</p>
13.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:</p> <ul style="list-style-type: none"> a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development. b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings. c) details of proposed street furniture, including bollards, lighting fixtures and seating. d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p>Reason: In the interest of visual amenity.</p>

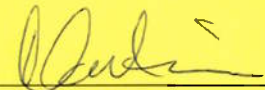
14.	<p>a) Prior to commencement, the applicant/developer shall consult with Inland Fisheries Ireland prior to interference with any surface water.</p> <p>b) Any in-stream works will be carried out as per Guidelines on Protection of Fisheries During Construction Works in and adjacent to Water, 2016.</p> <p>Reason: In the interest of clarity and the protection of the environment.</p>
15.	<p>The developer shall ensure that the proposed finished floor levels of all buildings shall be a minimum of 500mm above the 1% AEP + CC flood level unless otherwise agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of flood risk prevention and protection of the environment.</p>
16.	<p>No signage, advertisement, or advertisement structure (with the exception of that which is exempted development under the Planning and Development Regulations, 2001 (as amended)), and other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area.</p>
17.	<p>The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/ site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy.</p> <p>Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No</p>

	<p>site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority.</p> <p>The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.</p>
18.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
19.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the [residential] amenities of property in the vicinity.</p>
20.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and</p>

the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Board Member



Martina Hennessy

Date: 17/07/2024