



An  
Bord  
Pleanála

**Board Order**

**ABP312771-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: AA/201837**

**Appeal** by Quarona Limited care of McCuchean Halley Chartered Planning Consultants of Kreston House, Arran Court, Arran Quay, Dublin against the decision made on the 21<sup>st</sup> day of January, 2022 by Meath County Council to refuse permission.

**Proposed Development:** The development will consist of the construction of three number new warehouse buildings with a cumulative gross floor area (GFA) of 23,380 square metres. The buildings are to be situated to the west of the site and shall comprise the following: (i) Unit 10 will have a gross floor area of 8,013 square metres, including a warehouse area of 7,203 square metres and two-storey office element of 810 square metres, with a maximum height of 14.520 metres; (ii) Unit 12 will have a gross floor area of 5,786 square metres, including warehouse area of 5,206 square metres and two storey office element of 580 square metres, with a maximum height of 14.520 metres, and (iii) Unit 13 will have a gross floor area of 9,581 square metres, including a warehouse area of 8,665 square metres and two storey office element of 916 square metres, with a maximum height of 14.520 metres. Vehicular access to the site will utilise the existing City North Business Campus estate roads and include construction of new internal roads and

accessways to serve the proposed development. A total of 302 number car parking spaces will be provided including 104 number spaces for Unit 10, 75 number spaces for Unit 12, and 123 number spaces for Unit 13, as well as a total of 102 number secure bicycle parking spaces. A temporary wastewater treatment plant is to be provided adjacent to the south-east site boundary to serve all three number warehouse buildings for the treatment of foul effluent before discharge to the existing network. One number ESB substation is proposed (circa 21.8 square metres and 2.715 metres in height) to serve the three number buildings, located adjacent to Unit 10. The proposal also consists of ancillary site works to facilitate the development including drainage, landscaping and external lighting to roads and main circulation routes all on lands measuring circa 9.47 hectares at City North Business Campus, Stamullen, County Meath, as revised by further public notices received by the planning authority on the 18<sup>th</sup> day of November, 2021 including a request for a grant of permission of 10 years duration.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to:

- the National Planning Framework – Ireland 2040,
- the Regional Spatial and Economic Strategy for the Eastern and Midlands Region (2019),
- the policies of the planning authority as set out in the Meath County Development Plan 2021-2027,
- the distance to dwellings or other sensitive receptors,

- the submissions made in connection with the application,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the report and recommendation of the Inspector, and
- the nature and scale of the proposed development, as set out in planning application documentation and the pattern of development in the area;

it is concluded that, subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on the environment, including water and air quality, would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

#### **Environmental Impact Assessment:**

The Board completed an Environmental Impact Assessment of the proposed development taking account of:

- (a) the nature, scale, location, and extent of the proposed development on a Greenfield site which is zoned for development,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies, planning authority and observers, and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the

environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made during the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Noise and dust during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) which includes specific provisions relating to the control of dust and noise.
- The increase in vehicle movements and resulting traffic during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR).
- The impacts on residential amenity during the construction and operational phases in terms of disturbance, nuisance and visual impact would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) which includes specific provisions relating to the control and management of dust, noise, water quality, traffic movement and landscaping.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, 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. In doing so, the Board adopted the report and conclusions of the Inspector.

## Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of potential significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the site's Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on European sites: River Nanny Estuary and Shore Special Protection Area (Site Code: 4158) or any other European site, in view of the site's Conservation Objectives and that an Appropriate Assessment is not, therefore, required. This screening determination is based on the nature and scale of the proposed development on fully serviced lands, the intervening land uses and distance from European sites, and the lack of direct connections with regard to the Source-Pathway-Receptor model.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application (including the Environmental Impact Assessment Report and Appropriate Assessment Screening report), as amended by the further plans and particulars received by the planning authority on the 1<sup>st</sup> day of November 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

**Reason:** Having regard to the nature of the development and the zoning objective for the site, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The buildings hereby permitted, and all activities occurring therein, shall only operate between 0700 hours and 2100 hours, Monday to Friday and between 0700 hours and 1430 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.

**Reason:** In order to protect the residential amenities of property in the vicinity.

4. The proposals, mitigation measures and commitments set out in the Environmental Impact Assessment Report and further information received by the planning authority on the 1<sup>st</sup> day of November, 2021, shall be implemented in full as part of the proposed development.

**Reason:** In the interest of clarity, to mitigate the environmental effects of the proposed quarry and to protect the amenities of the area and of property in the vicinity.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, and off-site disposal of waste.

**Reason:** In the interests of public safety and residential amenity.

6. The developer shall comply with the requirements of the planning authority with regard to traffic management and access arrangements and the details of such works, including general road works, shall be agreed in writing prior to the commencement of development. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.

**Reason:** In order to safeguard local amenities.

7. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, and the details of the temporary waste-water treatment plant shall comply with the requirements of the planning authority for such works and services and shall be agreed in writing prior to the commencement of development.
- (b) The proposed land drain diversion shall have minimum 200 millimetre freeboard and shall be constructed and installed as per the details submitted on Drawing 403066-HP-00-ZZ-DR-C-01110 and Appendix E of the Drainage Report.
- (c) Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority a detailed design for the drinking water supply scheme.

**Reason:** In the interest of public health.

8. The developer shall comply with the requirements of Uisce Éireann when a connection to the public wastewater system can be facilitated.

**Reason:** In the interest of public health.

9. During the operation phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations at the closest houses to the site on Cockhill Road,

- (a) an Leq, 1h value of 55 dB(A) between 0800 and 2000 hours,
- (b) an Leq, 15 min value of 45 dB(A) at any other time. Night time emissions shall have no tonal component.

**Reason:** In order to protect the residential amenities of property in the vicinity.

10. All plant and machinery shall be enclosed and soundproofed in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To safeguard the amenities of adjoining property.

11. (a) A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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.
- (b) All goods, including raw materials, manufactured goods, packaging and crates shall be stored or displayed only within the enclosed buildings.
- (c) Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.



**Reason:** In the interests of visual amenity and to provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

12. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of amenity and public safety.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
  - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the planning authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

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

**Reason:** In the interest of the visual amenities of the area.

15. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

16. (a) The landscaping scheme, as submitted to the planning authority on the 1<sup>st</sup> day of December, 2020 shall be carried out within the first planting season following substantial completion of external construction works.
- (b) Hedges and trees shall not be removed during the nesting season, (from the 1<sup>st</sup> day of March to the 31<sup>st</sup> day of August).
- (c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- (d) Details of all boundary treatments and planting shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of residential and visual amenity.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory reinstatement of the site. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory restoration of the site in the interest of visual amenity.

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

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



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**Joe Boland**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**

Dated this *18<sup>th</sup>* day of *October* 2023