

An  
Bord  
Pleanála

Board Order  
ABP-318533-23

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## Planning and Development Acts 2000 to 2022

**Planning Authority: Meath County Council**

**Planning Register Reference Number: 22/1703**

**Appeal** by Barry O'Brien, Michael Flanagan and Stephen Flanagan care of 119 Athlumney Castle, Navan, County Meath against the decision made on the 31<sup>st</sup> day of October, 2023 by Meath County Council to grant, subject to conditions, a permission to Albert Developments Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The development will consist of Phase 1 of the Boyne Village Enterprise Park, and comprise construction of: three number commercial high-bay warehouse units (each circa 15.81 metres in height) with ancillary office accommodation as follows: Unit A2 (approximately 2,570 square metres gross floor area including 254 square metres of reception/office/ancillary areas at ground and first floor levels), Unit A3 (approximately 2,058 square metres gross floor area including 200 square metres of reception/office/ancillary areas at ground and first floor levels) and Unit A4 (approximately 2,570 square metres gross floor area including 254 square metres of reception/office/ancillary areas at ground and first floor levels); New road and pedestrian access extending north from the existing LDR 6 distributor road, and a total of 73 number car-parking spaces and 84

number bicycle-parking spaces serving the three proposed units; Totem sign at the south-east corner of the site approximately 12.5 metres tall providing circa 47.76 square metres of internally illuminated signage; Relocation of existing overhead ESB power lines at the LDR 6 to new underground ducts and provision of new ESB sub-station and switch room accessed from new estate road; Road infrastructure works to the north-east side of the LDR 6 to include new cycle lane, footpath, bus stop lay-by etc.; Planting and landscaping, new boundary treatments; Waste storage units serving each unit, drainage and infrastructure (including temporary foul pumping station) and all other associated works to facilitate the proposed development at 'Ferganstown and Ballymacon' and 'Athlumney', Navan, County Meath as revised by the further public notices received by the planning authority on the 7<sup>th</sup> day of September 2023.

## **.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:

- (a) the nature of the proposed development for three number commercial warehouse buildings with all associated works, which is compatible with the E1/E3 - Strategic Employment Zones (High Technology Uses) / Warehousing and Distribution zoning objective for the site,
- (b) the location of the subject site within the settlement boundary of Navan, which is designated as a Key Town within the settlement strategy for the county, and on lands which have been designated as a Masterplan area, (MP 12), which seeks to create a mixed-use neighbourhood,

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

### **Appropriate Assessment Screening – Stage 1**

The Board considered the Natura Impact Statement submitted with the application, and all the other relevant submissions on file, and carried out an appropriate assessment screening in relation to the potential effects of the proposed development on the River Boyne and the River Blackwater Special Protection Area (Site code: 004232) and the River Boyne and the River Blackwater Special Conservation Area (Site code: 002299). The Board agreed with the screening assessment and conclusion carried out in the inspector's report that the River Boyne and the River Blackwater Special Protection Area (Site code: 004232) and the River Boyne and the River Blackwater Special Conservation Area (Site code: 002299) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that a Stage 2 Appropriate Assessment is, therefore, required.

## **Appropriate Assessment – Stage 2**

The Board considered the Appropriate Assessment Screening, the Natura Impact Statement, and associated documentation submitted to the planning authority and appeal, the mitigation measures contained therein, the submissions on file, and the inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development on the identified European sites, namely the River Boyne and the River Blackwater Special Protection Area (Site code: 004232) and the River Boyne and the River Blackwater Special Conservation Area (Site code: 002299) in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake the carrying out of an appropriate assessment. In completing the assessment, the Board considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European site.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that 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 and as amended by the further plans and particulars received by the planning authority on the 18<sup>th</sup> day of August 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 the development shall be carried out and completed in accordance with the agreed particulars.

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

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. Prior to the commencement of development, the developer shall submit the following details for written agreement with the planning authority,
  - (a) The location and extent of EV charging facilities in compliance with the standards set out in the Meath County Development Plan 2021-2027.
  - (b) Details of the site boundary to the street.

**Reason:** To ensure a satisfactory standard of development and in the interest of road safety and the convenience of road users.

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

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

5. Details of the public art installation shall be submitted for written agreement with the planning authority.

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

6. The use of the proposed units hereby permitted shall be restricted to uses for 'light industrial', (Class 4) and/or 'warehouse' (Class 5) purposes only as defined in the Planning and Development Regulations 2001 (as amended) and for no other classes of use specified in Part 4 of Schedule 2 of the Regulations, unless authorised by a further grant of permission. The office use shall be ancillary to the permitted use.

**Reason:** In the interests of clarity and orderly development.

7. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

8. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

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

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

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

10. Prior to commencement of development, 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) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. 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.

**Reason:** In the interest of reducing waste and encouraging recycling.



11. Site development and building works shall be carried out only between the hours of 0700 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.

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

12. 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:
- (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 sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;

**Reason:** In the interests of amenities, public health and safety and environmental protection.

13. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

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

14. A bat survey shall be carried out on the site prior to the commencement of development and the results of the survey shall be submitted in writing to the planning authority. Should the presence of bats or bat roosts be found on the site, detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

**Reason:** In the interest of nature conservation and wildlife protection.

15. The landscaping scheme shown on drawing number 22342-2-101, as submitted to the planning authority on the 18<sup>th</sup> day of August, 2023 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

16. The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.

**Reason:** To ensure full and verifiable implementation of the approved landscape design.

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

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

18. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
- (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- i. the nature and location of archaeological material on the site, and
- ii. the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

19. 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.

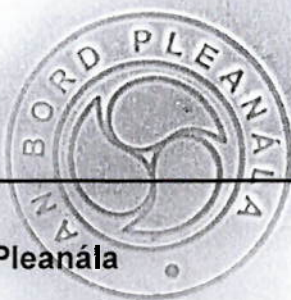
**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Declan Moore

Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board



Dated this 14<sup>th</sup> day of JANUARY 2025