



An
Bord
Pleanála

Board Order ABP-321847-25

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 23/60440

Appeal by Byrnell Developments Limited care of Muir Associates of Unit 1, Marketing Network House, Argyle Square, Morehampton Road, Dublin against the decision made on the 15th day of January, 2025 by Meath County Council to grant subject to conditions a permission to the said Byrnell Developments Limited.

Proposed Development: Construction of a single storey retail food store of 1,840 square metres (1,315 square metres net retail) with ancillary off-licence sales area and incorporating an external service area, associated signage consisting of two number illuminated fascia signs 2.07 by 2.47 metres, one number double-sided internally illuminated pole sign to include opening hours with a total area (front and back) of 13.56 square metres, car park for 89 number cars with single access/egress, 10 number cycle spaces, landscaped road frontage and all associated site works, all on site at Metges Road, Johnstown, Navan, County Meath, as revised by the further public notices received by the planning authority on the 12th day of November, 2024.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

1. On the basis of the information submitted with the planning application and the appeal, it is considered that the development of this site, as proposed, would be reliant on works relating to both the management of surface water and flood risk management which are on third-party lands outside of the application site (red line) boundary. In such circumstances, the Board cannot be satisfied that the relevant works can be implemented in full, and it is considered that to permit the proposed development, where such uncertainty exists, would be contrary to Section 6.10 (Surface Water and Flood Risk Management) of the Meath County Development Plan 2021-2027 and to the proper planning and sustainable development of the area.
2. Having regard to the lack of detail in the information submitted with the planning application, the appeal documentation and the Natura Impact Statement as to the full nature, extent and scale of the works required to facilitate the development of this site, as proposed, and the associated effects of the works requiring mitigation measures to protect the integrity of the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232), the Board cannot be satisfied that the proposed development, individually or in combination with other plans and projects, would not be likely to have an adverse effect on the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) in view of the sites' Conservation Objectives. There remains significant reasonable scientific doubt that the proposed development would not adversely impact on the integrity of

the Special Area of Conservation and/or the Special Protection Area (downstream) and, in such circumstances, the Board is precluded from granting permission for the proposed development.

3. The development of this site, as proposed, is reliant on works (desilting/regrading) to the Athlumney stream, part of the Boyne River Catchment (Boyne_120, Code: IE_EA_G_002). Having regard to the lack of detail in the information submitted with the planning application and the appeal documentation as to the full nature and extent of the works required and the associated effects of the works requiring mitigation measures to protect the waterbody, the Board is not satisfied that the proposed development would facilitate compliance with Article 4(7) of the Water Framework Directive. In such circumstances, it is considered that to permit the proposed development would be contrary to the proper planning and sustainable development of the area.

The appellant appealed condition number 15 section (e) only; however, the Board considered that the assessment of the initial application is warranted, as provided for by Section 139(1)(c) of the Planning and Development Act 2000, as amended. The Board decided this is warranted for the following reasons:

- (a) The works proposed outside the redline boundary are works that are integral to the management of surface water on the site and to flood risk management without design solutions that can be implemented by the applicant; the proposed development would be contrary to INF POL 16 and INF POL 20 of the Meath County Development Plan 2021-2027 and would, therefore, be contrary to the proper planning and sustainable development of the area.

- (b) Notwithstanding (a), neither does the Board have adequate information to determine that the works proposed would not adversely impact on the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code: 004232) and, neither was the Board satisfied that the development would facilitate compliance with Article 4(7) of the Water Framework Directive.

The Board, in its deliberation, considered the totality of the file, noting that the Inspector's report focused on flooding, surface water drainage and environmental issues; the Board concurred with the planning authority's assessment of all other matters in particular that the proposed use would be in accordance with the zoning of the site and would not detract from the residential amenity of adjoining property subject to appropriate conditions being applied.



Mary Henchy

Member of An Bord Pleanála

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

Dated this 13 day of June 2025.