



An
Bord
Pleanála

Inspector's Report PL.17.248517

Development	Off-line motorway service area.
Location	Pace, Dunboyne, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	RA/170201.
Applicant(s)	Topaz Energy Ltd.
Type of Application	Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First party.
Appellant(s)	Topaz Energy Ltd.
Observer(s)	None.
Date of Site Inspection	21 st August 2017.
Inspector	Karen Kenny.

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1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 2.64 hectares and is located in a townland known as 'Pace'. It is positioned just east of Junction 5 on the M3 and c.1.2 kilometre north east of Dunboyne in Co. Meath. The site fronts onto a roundabout at the intersection of the R147 and R157 Regional Roads. This roundabout forms part of the Junction 5 interchange and is subsidiary to the main roundabout.
- 1.2. The site is broadly rectangular in shape, is generally flat and lies well below the level of the fronting road and roundabout. It is currently under agricultural grassland. It is bounded to the north and south by hedgerows and drainage channels and to the east by hedgerows. It is bounded to the west by a post and wire fence with an open ditch adjacent to the roadway. Existing access to the site is via a recessed agricultural entrance on the east of the roundabout.
- 1.3. The M3 Parkway train station and park & ride facility are located to the west of the M3 motorway proximate to the site and a Topaz petrol station lies c.500 metres south of the site. Bracetown business park lies c.800 metres to the south. The River Tolka lies c.200 metres to the west of the M3 flowing south east. The closest residential property is located c.300 metres south.

2.0 Proposed Development

- 2.1. The development proposed comprises an off-line motorway service station. It would include the following:
 - An amenity building of 666.82 square metres gross floor area. The amenity building incorporates a convenience shop of 100 square metres; a food court of 336.29 square metres including 3 no. food offerings, seating areas and circulation areas; and ancillary storage, toilets, food preparation, staff and services areas.
 - A forecourt with a 5 no. fuel pump island, car servicing area, a 3 no. pump island HCV refuelling area, 5 underground fuel storage tanks, electric charging and car wash facilities and external play / picnic area.
 - Parking for 105 cars, 12 HCVs, 5 coaches and 6 bicycle stands.

- Closure of existing agricultural access and creation of a new access and fourth arm from the existing R147/R157 Roundabout.
- Signage, drainage facilities, wastewater treatment plant, onsite well, boundary treatment, landscaping works, footpaths and walkways.

2.2. The application was accompanied by a Planning Statement, Water Supply Report, Appropriate Assessment Screening Report, Transportation Assessment Report & Stage 2 Road Safety Audit and Engineering Report.

3.0 **Planning Authority Decision**

3.1. **Decision**

Decision to Refuse Permission. Permission was refused for 2 no. reasons as follows:

- Reason No. 1 stated that the proposed new access onto a subsidiary roundabout at M3 Junction 5 would compromise the future essential upgrade of this junction and contravene TRAN OBJ 17 of the Development Plan; and
- Reason No. 2 stated that the applicant has not demonstrated that the development would not create an adverse impact on the operation and safety of the adjoining heavily traffic road network.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planners Report reflects the reasons for refusal outlined above but also includes the following assessment:

- National policy implementing European directives requires the provision of a service area between Junctions 4 and 7 on the M3.
- Proposal is for a Type 1 Service Area off the M3, which may obviate the need for on line service areas at the identified location. Proposal represents a logical alternative to an on-line service area and achieves aims for rest / service area for road users.

- NRA (TII) policy provides that TII proposals do not preclude the future development of off-line facilities at any location, subject to approval by the planning authorities.
- The site is on unzoned lands outside of the development envelop of Dunboyne. The rational for the development is supported by referenced national policy documentation necessitating service areas in this area. The fact that it is off-line does not diminish the locational requirements.
- Net convenience retail floorspace is at the threshold of 100 square metres. The food offer elements are integral to the scheme and would constitute a fundamental element of what is envisaged in national policy in terms of providing adequate servicing facilities for road users. The scale of the development is similar to other service areas countrywide and would not be contrary to retail policy or detract from the vitality or viability of Dunboyne Town Centre.
- The proposal is acceptable from a visual perspective.
- Irish Water report indicated no objection to proposal. No history of flooding.
- Site is within the M3 Transportation Study area and a decision in respect of this application would be premature pending the completion of the assessment.

3.2.2. Other Technical Reports

Transport: Recommends Refusal.

Water Services: No objection.

Chief Fire Officer: No objection.

Environment: No objection.

3.3. Prescribed Bodies

TII: Proposal is at variance with official policy in relation to control of frontage development affecting national roads. Considered that proposed

development will have an impact on the mainline flow and the efficiency and operation of the M3. Concerns raised in relation to methodology and assumptions used in relation to Traffic Assessment. Notes that there is an absence of detail in relation to proposed rising main crossing an M3 over-bridge.

Health and Safety Authority: No comment.

Irish Water: No Objection.

Inland Fisheries Ireland: No stated objection, subject to conditions.

3.4. Third Party Observations

Four submissions were received and considered by the Planning Authority. The issues raised include the following:

- Proposal not materially different from previous development proposed under Reg. Ref. RA160329.
- Contrary to planning policy.
- Not identified as off line MSA location. M3 on-line MSA is preferable.
- Traffic Impact and Traffic hazard.
- Insufficient information in relation to foul drainage and rising main to public sewer.
- Development premature pending adoption of a new LAP to guide overall co-ordinated development of the area and a transportation assessment for the area.
- Development would impact / influence nature and scale of upgrades to M3 Junction 5.
- No letter of consent from site owner.
- Impede orderly expansion of Dunboyne.
- A local retail destination in its own right.

4.0 Planning History

PA Ref. RA/160329

Meath County Council refused permission for an off-line motorway service station on appeal site and additional lands to the rear that was larger in scale than the current proposal. Permission refused for one reason relating to disposal of foul effluent.

ABP PL 17.246554 / PA Ref. RA160148

Off-line motorway service station off Junction 6 of the M3 at Knock, Dunshaughlin, Co. Meath refused permission for reasons including its location on unzoned lands and contravention of national / local planning policy.

5.0 Policy Context

5.1. **European Policy - Regulation EU No. 1315/2013 of the European Parliament and the Council on union guidelines for the development of the trans-European Transport Network.**

This policy document sets out the basis to guide the provision of a unified core European transport network. In relation to road transport infrastructure it is stated that development of rest areas on motorways should be provided approximately every 50 kilometres.

5.2. **National Policy**

5.2.1. **NRA Service Area Policy, NRA (2014)**

This document sets out the policy basis to guide the provision of on-line motorway service areas (MSAs) to meet the needs of users of the national road network. It identifies 2 different types of on-line service areas – Type 1 (full service area) and Type 2 (rest area). Type 1 service areas are targeted to be provided approximately every 100 kilometres. The Authority state their intention to provide on-line service areas at locations identified on the existing dual carriageway network.

It considers that off-line facilities are not precluded subject to normal planning approval but these are not considered as an alternative to the Authority's on-line service areas.

- Section 5.1 makes it clear that on-line service areas are an integral part of the motorway road network and that 'the Authority or local authorities will be responsible for scheme planning and development, for obtaining statutory approvals, and will own the service areas'.
- Section 5.2 of the Policy document states that 'except for the statutory consultee role, the Authority has no role in determining how off-line development should be delivered'.
- A Type 1 service area is proposed to be located on the M3 between Junction 4 (Clonee) and Junction 7 (Blundelstown), shown on Fig. 3.1 Service Area Needs.
- In relation to off-line service areas, Section 1.4 directs attention to the Spatial Planning and National Road Guidelines for Planning Authorities (DECLG 2012), which advocate for a forward planning approach and avoidance of a proliferation of off-line service area facilities at national road junctions.
- The policy states that the provision of off-line service areas would not be considered to be an exceptional circumstance by reference to Section 2.6 of the Spatial Planning and National Roads Guidelines.

5.2.2. Spatial Planning and National Roads Guidelines for Planning Authorities (2012).

- In relation to the provision of Motorway service areas, Section 2.8 provides that proposals for on-line service areas may only be brought forward by Local Authorities/NRA (now TII).
- In relation to off-line motorway service areas, Section 2.8 of the guidelines advocates a forward planning approach where Planning Authorities may include policies in development plans for the provision of off-line motorway service area facilities with reference to the requirements and advice included in NRA guidance on the location and layout of NRA service areas and also

similar type existing or planned privately promoted service facilities within existing towns / settlements and located in the general environs of the relevant road corridor.

- The guidelines advocate the involvement of the NRA (now TII) when drafting development plans so as to ensure a co-ordinated approach.
- A proliferation of private off-line service facilities at national road junctions is discouraged.
- The guidelines stipulate that facilities should be of a type that avoids the attraction of short, local trips or the locations becoming destinations for local customers as this would threaten the viability of businesses in cities, towns and local centres contrary to government planning policy on retail and town centres.

5.2.3. **Retail Planning, Guidelines for Planning Authorities 2012**

- Section 4.11.10 note that on-line and off-lines service areas are not considered in the guidelines and refers to the Spatial Planning and National Roads Guidelines which deal with such facilities.
- The guidelines note that convenience shops are part of the normal ancillary services provided with motor fuel stations. The floorspace of the shop should not exceed 100 square metre net. In cases where the retail space exceeds 100 square metres the sequential approach to retail development would apply advocated in the Retail Planning Guidelines 2012 would apply.

5.3. **Development Plan**

5.3.1. The Meath County Development Plan 2013-2019 (CDP) as varied is the relevant statutory plan. The following policies and objectives are relevant.

- **TRAN OBJ 17** – To support, where appropriate, major road improvements, bypasses of local towns and villages and proposed national road schemes by reserving the corridors of any such proposed routes free of developments, which would interfere with the provision of such proposals. Listed schemes include the possible upgrade of M3 Junction 5.

- **TRAN OBJ 20** - To have regard to the NRA's Policy Statement on 'services areas on motorways and high quality dual carriageways' in the assessment of proposals for such developments. (Note: This policy statement has been superseded by NRA Service Area Policy August 2014).
- **TRAN POL 28** - To safeguard the capacity and safety of the national road network by applying the provisions of the Department of Environment Community and Local Governments – 'Spatial Planning and National Roads-Guidelines for Planning Authorities'.
- **TRAN SP 15** -To protect investment in the capacity, efficiency and safety of national roads by applying the guidance contained in the 'Spatial Planning and National Roads - Guidelines for Planning Authorities' and collaboration with the NTA and the NRA.
- **RD POL 37** - To ensure that future development affecting national primary or secondary roads, shall be assessed in accordance with the guidance given in the document 'Spatial Planning and National Roads - Guidelines for Planning Authorities'.
- **ED POL 24** - To support the development of Core Retail Areas as identified within the County Retail Strategy and reinforce the role and function of the Core Retail Areas.
- **ED POL 26** - To support the vitality and viability of existing designated centres and facilitate a competitive and healthy environment for the retailing industry into the future by ensuring that future growth in retail floorspace responds to the identified retail hierarchy.
- **WS POL 17:** To ensure that all new developments have access to or are provided with satisfactory drainage systems in the interests of public health and to avoid the pollution of ground and surface waters.
- **WS POL 27:** To ensure that proposed septic tanks and proprietary treatment systems, or other waste water treatment and storage systems, and associated percolation areas where required as part of a development, comply with the recommendations of the Environmental Protection Agency and that they are employed only where site conditions are appropriate.

- **WS SO 2:** To improve and extend the County's water supply and wastewater collection and treatment infrastructure to serve the planned levels of growth, during the lifetime of this plan, in order to facilitate development.

5.3.2. The Dunboyne - Dunboyne North – Clonee Land Use Zoning Map was adopted as Variation No.3 of the Meath CDP in May 2016. The appeal site falls within the red line boundary of the land use zoning map but is outside of the development boundary and is not subject to a zoning objective. Lands on the western edge of the M3 are zoned for economic and residential uses.

5.4. **Natural Heritage Designations**

There are no natural heritage designations on or proximate to the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal can be summarised as follows:

- There is a requirement for motorway service facilities on this stretch of the M3 motorway to provide for the safety of road users and to implement European Road Safety Directives.
- No inherent conflict between on-line and off line MSA's. The overriding policy concern is that they are planned, provide for strategic road users, offer facilities that improve road safety and do not have any negative impacts on the strategic transportation function of the roads in question.
- No requirement to be identified as a location for an off-line MSA in the TII policy document. NRA have clarified that the development of off-line facilities is not precluded at any location which is relevant in the context of the NRA MSA policy guidance which identifies this stretch of motorway between Junction 4 and 7 on the M3 as a location for their service area. The absence from the Development Plan does not indicate non-compliance with policy.

- Off-line MSAs are providing for the needs of road users without any undue or negative impacts on the operation of the network. The majority are on unzoned lands at national road interchanges.
- The applicant has demonstrated that the development will not impact on the carrying capacity, efficiency and safety of the road network in the immediate area.
- The access is deemed acceptable by reference to Road Safety Audits undertaken.
- The limited scope of retail convenience (100 square metres) would not in any way undermine the retail function of Dunboyne Town Centre. Restaurant facilities will be dedicated to serving the needs of road users and the facility will not become a destination in its own right.
- The scale, nature and location of the proposed facility, relative to the location and scale of the nearest retail centre, is such that it cannot be considered to have a negative impact. The scale and nature is in accordance with permitted MSA facilities elsewhere, many of which substantially exceed what is proposed.
- An AA Screening report concludes that the development would not result in significant effects on Natura 2000 designated sites.
- Site is not located in a flood risk zone.
- No significant visual impacts would arise.
- There are no residential properties in the immediate area and the development would not injure residential amenity.

Response to Reasons for Refusal

- No plan, scheme or programme for upgrade of M3 Junction 5.
- Variation No. 3 of the Development Plan zoned lands adjacent to the main interchange roundabout at Junction 5 for residential and employment uses.
- TRAN POL 39 of the CDP indicates a potential for further development at Junction 5 of the M3 motorway.

- In relation to impact on the network, the Planning Authority determined under a previous application for a larger scale development that it would not create a traffic hazard. MSAs do not generate new traffic but provide for existing vehicles on the road network.
- The proposed access is an amendment to an existing arm of the junction that serves an agricultural field.
- The proposed entrance would not compromise any future upgrade of the roundabout.
- Application is supported by a full Transportation Assessment Report, prepared in accordance with TII guidelines. Design of the new facility subject to Road Safety Audit and adequate capacity exists to allow the junction to operate with the proposed development.
- Transport Assessment provides an accurate representation based on industry practice.

6.2. **Planning Authority Response**

The proposed development was considered to be inconsistent with the policies and objectives outlined within the Meath County Development Plan 2013-2019.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. **Introduction**

I consider the key issues in determining the application and appeal before An Bord Pleanála are as follows:

- Compliance with Planning Policy

- Traffic and Road Safety
- Retail Impact
- Landscape and Visual Impact
- Wastewater Disposal
- Other Matters
- Appropriate Assessment

In terms of the scope of the appeal, I consider that the issues of Compliance with Planning Policy, Site Servicing and Retail Impact are new issues and did not form part of the Planning Authority's decision to refuse permission. I outline my considerations on each of the issues below.

7.2. Compliance with Planning Policy

- 7.2.1. The NRA Service Area Policy (2014) sets out a policy preference for 'on-line' service areas, having regard to public convenience, control over the quality, extent and nature of services to be provided and the ability to respond to emerging European legislation. The policy document states that TII will lead the development of a Type 1 on-line service area for the M3 Dublin to Kells route in consultation with Meath County Council.
- 7.2.2. In relation to 'off-line' service areas, the document recognises that, except as a statutory consultee, the NRA (now TTI) have no role in determining how these off-line developments should be delivered. Instead, attention is directed to government policy in the form of the '*Spatial Planning and National Road Guidelines for Planning Authorities*' (DECLG 2012). These Guidelines advocate a forward planning approach for off-line service areas stating that planning authorities may consider policies for the provision for off-line motorway service areas in their plans. The Guidelines also state that a proliferation of off-line service area facilities at national road junctions should be avoided and that facilities should be of a type that avoids the attraction of short, local trips.
- 7.2.3. Table 3.10 of the NRA Service Area Policy provides a summary of service area needs. It identifies current and future needs for on-line and off-line service areas and facilities, including the need for a future NRA Type 1 Service Area (which are on-line) on the M3.

- 7.2.4. In the first instance, I accept that the development now proposed at a location just off Junction 5 of the M3 would operate as a motorway service area. It seeks to deliver the same type of services as an 'on-line' motorway service area. However, it is not an 'on-line' service area and that is the significant difference. On-line service areas are accessible to motorway users only. Off-line facilities are off the main line of the motorway and are accessible to both motorway and non-motorway users.
- 7.2.5. TII state in their submission to the Planning Authority that they will lead the development of a Type 1 on-line service area between Junction 4 (Clonee) and Junction 7 (Billundelstown) and that this remains their position. The submission also states that they are not aware of any forward planning approach undertaken for the current site. I would note from a review of the TII 'Tranch 4 Motorway Service Areas' website (<http://t4msa.ie/m3sa.html>) that TII is progressing plans for the M3 on-line service area through interactions with the Local Authority and public consultation. A site located west of the M3, between Dunshaughlin and Dunboyne, in the townland of Mill Land, Raynestown and Derrockstown has been identified as the preferred site. It is located c.6 kilometres north of the appeal site.
- 7.2.6. It is clearly evident that there is no support in national policy for off-line MSAs unless they are identified in local development plans with a co-ordinated approach between Planning Authorities and TII necessary. There are no stated policies for an off-line service area proximate to the M3 or at any other location in the current Meath CDP. The appeal site is located on un-zoned lands outside of the development area boundary of Dunboyne (CDP Zoning Map for Dunboyne / Dunboyne North / Clonee refers). I accept that zoning is not necessarily a pre-requisite for an on-line MSA which is guided by strategic policy requirements. However, the current proposal is for an off-line MSA and no forward planning basis exists.
- 7.2.7. I would also note that it is an objective of the Meath CDP to 'have regard to the NRA's Policy Statement on Service Areas on Motorways and high quality dual carriageways' in the assessment of proposals for such development (TRANS OBJ 20). As outlined above, the NRA Policy document clearly outlines that the NRA (now TII) are leading the development of a Type 1 Service area on the M3 at a distance of c. 6 kilometres from the appeal site. I am not therefore satisfied, having regard to the policy contained in the Spatial Planning and National Roads Guidelines that the provision of an off-line service area on un-zoned lands can be justified. The delivery

of an off-line MSA at this location would undermine the planned delivery of service area needs between junction 4 and 7 on the M3 which has advanced to preliminary design phase.

7.2.8. In view of the foregoing, I conclude that the proposed development is contrary to national and local planning policy.

7.3. Traffic and Road Safety

7.3.1. The Planning Authorities reasons for refusal stated that the proposed new access onto a subsidiary roundabout at M3 Junction 5 would compromise the future essential upgrade of this junction and contravene TRAN OBJ 17 of the Development Plan; and that the applicant has not demonstrated that the development would not create an adverse impact on the operation and safety of the adjoining heavily traffic road network.

7.3.2. The Planning application was accompanied by a Traffic and Transportation Assessment which included classified turning movement surveys of the existing road network (including the R147/R157 roundabout and M3 Junction 5) adjacent to the site. The report concludes that the development would have a negligible impact upon the existing traffic conditions on the approach to the site particularly at M3 Junction 5 which is stated to have sufficient capacity to accommodate the proposals.

7.3.3. The volume of trips to the development was quantified using the NRA approved TRICS Trip Database. An assessment was carried out using the assumption that the development would attract 10% of the existing traffic from each direction as diverted trade which is stated would result in 320 car trips each way to the site during weekday AM and weekday PM peak hours. I would note that the same trip generation was forecast under the previous application for a larger development on the appeal site under PA Ref. RA/160329 (ABP REF. PL 17.246554).

7.3.4. The capacity and impacts on the R147/R157 roundabout as altered and M3 Junction 5 was assessed using ARCADY Junction Simulation modelling for assumed years of 2018 (opening) and 2033 (design year) and the results presented show that the junctions would operate below capacity (RFC <1) up to 2033 with no significant queuing anticipated.

7.3.5. The Road Design office of the Local Authority recommended that permission be refused as the development is premature pending the completion of an M3

Transportation Study that is currently been undertaken on behalf of Meath County Council. TII raised a number of technical issues in their submission to the Planning Authority. Issues included the underestimation of the proposed trip generation in the applicants TTA, potential for roundabout to operate at capacity in future years, serious concerns regarding the impact on the M3 mainline and ARCADY analysis not accounting for unequal lane usage on the approach showing over-optimistic results, and the validity of traffic flow assumptions for peak hour flows on M3 mainline which are at odds with TII data. The TII submission also notes that a significant number of trips are forecast to come from the surrounding local / regional road network, which conflicts with national policy in relation to the role and function of MSAs.

- 7.3.6. While the appeal submission has responded to the issues raised in the TII submission, I consider that the development would have the potential to compromise the future upgrade of M3 Junction 5 and that it would contravene TRAN OBJ 17 of the Development Plan, which seeks to protect upgrade corridors. In addition, I am not satisfied that it has been demonstrated that the proposed development by itself and by the precedent which it would set, would not create an adverse impact on the mainline flow and the efficient operation of the M3 or that the proposed development would not result the Junction 5 roundabout operating at capacity. The development would therefore be at variance with official policy which seeks to protect the safety, capacity and efficiency of national roads and associated junctions as outlined in the Spatial Planning and National Roads Guidelines for Planning Authorities, 2012 and an associated policy TRAN POL 28 of the Meath County Development Plan 2013-2019. I recommend that in addition to the main reason for refusal, that the development should also be refused on traffic grounds.

7.4. Retail Impact

- 7.4.1. While it is not the role of the planning system to inhibit competition, consideration must be had to the impact of the proposed development on the vitality and viability of designated commercial centres in the vicinity, including Dunboyne which lies just over 1 kilometres south of the appeal site.

7.4.2. The proposed development incorporates 100 square metres of convenience retail floor space, and as such, I consider that the provisions of the Retail Planning Guidelines and related regional and local policy do not apply.

7.4.3. I would note that the proposed MSA would have a significant food court area. The planning authority seem to be satisfied that there would be no significant diversion of trade from Dunboyne the closest centre, which is designated as a Level 3 Town Centre in the County Development Plan and the GDA Retail Strategy. The basis for this conclusion is unclear. While noting the stated intention of the proposed development to serve motorway users, the site is highly accessible from Dunboyne and from other centres in the area by reason of its location and ease of access from the surrounding road network. I consider that the nature of services on offer would be likely to encourage local trips and attract customers that would otherwise use cafe's or hot food outlets in adjacent town and village centres. The development would therefore contravene the provisions of the Meath CDP (ED POL 24 and ED POL 26), which seeks to protect core retail areas and to support the vitality and viability of existing designated centres and contrary to national retail planning policy. Accordingly, I consider that the development should be refused permission.

7.5. Landscape and Visual Impact

7.5.1. The proposed development is sited at a position well below the level of the adjoining road network which would serve to naturally screen the development from wider viewpoints. The site lies within Landscape Character Area 10 'The Ward Lowlands' within the Meath CDP. The primary structures visible in the surrounding landscape are the motorway, slip roads, roundabouts and the R147 and R157. There are existing trees and hedgerow boundaries on and around the site, which provide natural screening on approach from the south.

7.5.2. The overall design is typical of a service area facility. Given the nature of the proposed MSA and the site's position, I consider that the development would not give rise to unacceptable visual intrusion.

7.6. Wastewater Disposal

7.6.1. Foul water treatment and disposal is proposed through an on-site treatment plant (Sequential Batch Reactor Treatment Unit and Pumping Station). It is proposed to

discharge the treated effluent from the treatment plant via a pumping station to a rising main of 160 mm diameter that would run over c. 3 kilometres along the regional road network and across a motorway overbridge to an existing Irish Water trunk sewer located north of Clonee Village.

- 7.6.2. The rising main to convey treated effluent to Clonee is not included as part of the proposed development. While the line of the sewer is detailed on Drawing No. P1587.30 at a scale of 1:5000, it is not referenced in the development description and is outside of the application site. In addition, no details have been submitted in relation to the detailed design of the rising main and its construction. It is not clear on the basis of submitted information whether the rising main would be constructed by the applicant or other parties, what planning consent process would be employed and whether wayleaves and consents are in place to allow for the construction of the pipelines. I would note that Irish Water have no objection to the proposed development subject to a connection agreement. Irish Water have not commented on the proposed rising main. In addition, the Water Services Section of the Local Authority Planning have not commented on the proposed effluent disposal arrangements.
- 7.6.3. The disposal of effluent is considered to be an essential element of the proposed development. I am not satisfied on the basis of submitted information that adequate arrangements can be put in place for the transfer of effluent from the appeal site to a public sewer. I would also consider the proposal to convey effluent via a rising main along such a considerable distance to serve a single development to be unsustainable. I would note that a previous proposal to discharge treated wastewater to the River Tolka under PA Ref. RA/160329, was refused by Meath County Council due to the assimilative capacity of the receiving waters. Overall, I consider that the proposed development should be refused permission as it would be premature pending the availability of a public sewer to serve existing development and to facilitate the orderly expansion of the area.

7.7. Other Matters

Flood Risk

- 7.7.1. The OPW website www.floodmap.ie does not include any records of past flood events on or proximate to the site, apart from the Tolka river which had a flood event in 2002. Meath County Council carried out a flood relief scheme on this river a number of years ago. The site is not located within Flood Zones A or B is not considered to be at risk of flooding.

Surface Water

- 7.7.2. Surface Water proposals include an open surface attenuation pond and rainwater harvesting proposals. The design meets the GDSDS for long term storage and protecting of receiving waters and provides protection of adjoining roads and adjacent sites from the potential risk of flooding. Run off for the site will be maintained at existing levels. I consider that adequate provisions are proposed for surface water disposal and that the development should not be refused on this basis.

Archaeology – New Issue

- 7.7.3. The current proposal has not been referred to the DAHG (Development Applications Unit). DAHG commented on a previous application on this site (PA Ref. RA/160329) and noted that the site is located in an area of high archaeological potential. The Department recommend that a condition in relation to archaeological pre-testing be undertaken in the event that planning permission is granted. If the Board is minded to grant permission for the proposal, I would suggest that a condition is attached to this effect.

Signage

- 7.7.4. In terms of signage, the Board will note the comments of TII which refers to the provision of Section 3.8 of the Spatial Planning and National Roads guidelines for Planning Authorities (2012) relating to signage. This in turn refers to NRA's Policy on the Provision of Tourist & Leisure Signage on National Roads (March 2011). Reference is also made in TII's submission to NRA Traffic Signs Approval procedure. Should the Board be minded to grant planning permission in this instance, I consider it appropriate that a suitably worded condition be included to ensure that all signage would be agreed with the planning authority prior to commencement of the development. Similarly, any signage proposed on the national road network should follow NRA/TII Traffic Signs Approval procedure.

7.8. Appropriate Assessment

- 7.8.1. The application was accompanied by a screening report for Appropriate Assessment (AA). The site is not located within or adjacent to any Natura 2000 site. The closest site is Rye Water Valley/Cartron SAC (001398) which is located c.7.5 km south of the proposed development, located within the River Liffey catchment. The South Dublin Bay and River Tolka SPA (Site Code 004024) is located c. 21km west of the site. There is a hydrological link between the appeal site and the South Dublin Bay and River Tolka SPA, as the River Tolka which is c. 200 metres to the west of the site discharges into the SPA and surface water in the area drains to the Tolka.
- 7.8.2. The AA screening report submitted with the application concludes that the development is not likely to give rise to significant effects on the Natura Network and that stage 2 Appropriate Assessment is not required. I note the planning authority were satisfied with the AA screening report conclusions on the basis of the separation distances to the Natura 2000 network.
- 7.8.3. There are no pathways or receptors which connect the development and the Rye Water Valley / Carton SAC (001398), and as such the likelihood of significant impacts can be screened out.

There is a potential risk to water quality draining to the River Tolka during the construction phase of the development as there are existing drains adjoining the site that discharge to the River Tolka, which in turn flows into the SAC some 21 kilometres down stream. I consider that this risk can be minimised by good construction management practices. Surface water from the development would also drain to the River Tolka system once the development is in operation which also poses a risk to water quality. However, it is proposed to treat surface water within the site to a high standard and to minimise discharge. I considered that the development by reason of the proposed surface water management measures and the large separation distance from the SPA, would not impact negatively on the habitats and qualifying interests of the SPA.

- 7.8.4. I consider, given the scale of the proposed development, together with the significant separation distance between the site and the SPA, is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in

combination with other plans or projects, would not be likely to have a significant effect on European Site No. 004024, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

Further to the above assessment of matters pertaining to this appeal, including the consideration of the submissions made in connection with the appeal and my site inspection, I recommend that permission be refused for the reasons and considerations outlined below.

9.0 Reasons and Considerations

1. The proposed development is located on unzoned lands adjoining the motorway road network close to a major junction (junction 5) off the M3 which has not been identified in the 'Meath County Development Plan 2013-2019' or the 'NRA Service Area Policy' (August 2014) as a suitable location for an off-line motorway service area. Transport Infrastructure Ireland (TII) are advancing the delivery of an on-line service area on the M3, between Junction 4 and Junction 7, as an integral part of the motorway road network. A preferred site has been identified c.3km north of the appeal site and the on-line proposal is advancing to preliminary design stage. National policy outlined in the 'Spatial Planning and National Roads Guidelines for Planning Authorities' issued by the Department of the Environment, Community and Local Government in January 2012 advocate a plan-led approach for the provision of off-line motorway service areas and the involvement of TII in the preparing of development plans to ensure a co-ordinated approach. It is an objective of the Meath County Development Plan 2013-2019, to have regard to NRA (now TII) Policy statements on service areas on motorways and high quality dual carriageways, in the assessment of proposals for such development (TRAN OBJ 20). Accordingly, it is considered that the proposed development would be contrary to the policy and objectives of the Development Plan and the Ministerial Guidelines which issued to planning

authorities. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Notwithstanding the documentation submitted with the planning application and appeal, the Board is not satisfied that the proposed development by itself and by the precedent which it would set, if permitted, would not create an adverse impact on the mainline flow and the efficiency of the operation of the M3 or that the proposed development would not result in the Junction 5 roundabout operating at capacity. The development would therefore be at variance with official policy which seeks to protect the safety, capacity and efficiency of national roads and associated junctions as outlined in the Spatial Planning and National Roads Guidelines for Planning Authorities, 2012 and associated Policy TRAN POL 28 and TRAN SP 15 of the Meath County Development Plan 2013-22019, as varied. The proposed development would, therefore, by itself and the precedent it would set for similar such development, be contrary to the proper planning and sustainable development of the area.

3. Unlike the same facilities provided through a Type 1 on-line motorway service area model, the current proposal as an off-line model, on a site connected by the road network with Dunboyne, Clonee and Rathoath, would have strong potential to divert trade away from town and village centres due to the level of services proposed on the site and the ease of accessibility by car. The proposed development would be contrary to Policy ED POL 24 and Policy ED POL 26 of the Meath County Development Plan 2013-2019, which seeks to support the development of Core Retail Areas as identified within the County Retail Strategy and the vitality and vibrancy of existing designated centres. In turn, this would lie contrary to the 'Spatial Planning and National Roads Guidelines for Planning Authorities' issued by the Department of the Environment, Community and Local Government in January 2012 which seeks to avoid the attraction of short, local trips or to permit a service area becoming a destination for local customers. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

4. The Board is not satisfied on the basis of the information submitted with the application that adequate provision has been made for the disposal of treated effluent from the proposed on-site treatment plant. The Board considers the proposal to convey treated effluent along a 3km rising main to connect to the public sewerage network would be unsustainable. The proposed development would therefore pose an unacceptable risk of environmental pollution and would lie contrary to Policy WS POL 17 of the Meath County Development Plan 2013-2019. Overall, having regard to Irish Waters planned investment in water services for the area, including wastewater and water infrastructure, the Board considered the proposed development would be premature. Accordingly, the development would lie contrary to the proper planning and sustainable development of the area.

Karen Kenny

Senior Planning Inspector

24th August 2017