



An  
Bord  
Pleanála

## Inspector's Report ABP-309479-21

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| <b>Development</b>             | Construction of 22 No. housing units and all site development works |
| <b>Location</b>                | Archdeaconry, Glebe, Kells, Co. Meath                               |
| <b>Planning Authority</b>      | Meath County Council  |
| <b>Developer</b>               | Meath County Council  |
| <b>Applicants</b>              | Carol Geraghty<br>Helen Grant<br>Mary & Thomas Carr                 |
| <b>Type of Case</b>            | EIA Screening Determination   |
| <b>Date of Site Inspection</b> | 6 <sup>th</sup> July 2021   |
| <b>Inspector</b>               | Niall Haverty   |

## **1.0 Introduction**

- 1.1. Under the provisions of Article 120(3)(b) of the Planning and Development Regulations 2001, as amended ('PDR'), Carol Geraghty, Helen Grant and Mary & Thomas Carr are seeking a determination from An Bord Pleanála as to whether or not a proposed development, comprising the construction of 22 No. housing units and associated site development works on a site at Archdeaconry Glebe, Kells, Co. Meath, would be likely to give rise to significant effects on the environment, and thereby require the preparation of an Environmental Impact Assessment Report (EIAR). Meath County Council are of the opinion that the works do not require an EIAR and has initiated the process set out in Part XI of the Planning and Development Act 2000, as amended ('PDA'), and Part 8 of the PDR.
- 1.2. There are concurrent requests from the same parties for the Board to make a screening determination under article 250 of the PDR as to whether the proposed development would be likely to have significant effects on a European site requiring Appropriate Assessment (Ref. ABP-309480-21).

## **2.0 Site Location and Description**

- 2.1. The c. 0.866 ha site is currently undeveloped and is located to the north of Kells Town Centre. It is bounded to the west by two detached houses on large sites, and to the north, east and south by existing housing estates (Archdeaconry View, Cherry Hill Court and Blackwater Heights, respectively). The site slopes from south to north and the River Blackwater is located c. 500m to the north, with the intervening lands in agricultural use.

## **3.0 Proposed Development**

### **3.1. Overview**

- 3.1.1. The proposed development comprises the construction of 22 No. housing units, including a mix of single storey and two storey semi-detached and terraced houses. It is proposed to continue two existing cul de sac roads in the Blackwater Heights estate to provide access to the proposed houses.

3.1.2. With regard to water supply, it is proposed to have two connections to existing water supply networks in the adjacent Cherry Hill Court and Blackwater Heights estates. Similarly, with regard to foul drainage, it is proposed to have two connections to existing foul sewers in the adjacent Cherry Hill Court and Archdeaconry View estates. The proposals for surface water drainage include permeable paving, an attenuation tank and a connection with a flow control device to the existing surface water sewer.

### 3.2. **Part 8 Application (Reg. Ref. P8/21002)**

3.2.1. The proposed development is the subject of a Part 8 application (Ref. P8/21002). The documentation associated with the Part 8 application included, *inter alia*:

- Presentation document (overview of development).
- Appropriate Assessment Screening Report.
- Part 8 EIA Screening Report
- Engineering Report.
- Flood Risk Assessment.
- Other reports (Site Lighting Report, M&E Services Report).

3.2.2. The following Planning Authority reports relating to the Part 8 application were submitted:

- **Water Services:** Issues to be addressed prior to commencing construction, including attenuation details, discharge flow control and petrol interceptor.
- **Lighting:** Conditions recommended.
- **Housing:** Part V not applicable.
- **Fire Officer:** TGD B Vol. 2 should be included.
- **Broadband Officer:** Conditions recommended.

3.2.3. The following prescribed bodies made submissions in relation to the Part 8 application:

- **Irish Water:**

- The applicant was advised that subject to a valid connection agreement being put in place, their proposed connection can be facilitated.
- With regard to water, Cherry Hill Court has not been taken in charge by Irish Water. While a connection is feasible, the applicant will need to obtain permission to make a connection to the private network.
- With regard to wastewater, neither Cherry Hill Court nor Archdeaconry View have been taken in charge. The applicant will need to obtain permission to make a connection to the private network. Once permission has been obtained, IW can facilitate the connection.
- The WWTP requires an upgrade to which the applicant will have to make an appropriate contribution.
- Conditions recommended.
- **Inland Fisheries Ireland:**
  - Article 5 of the 2009 Surface Water Regulations requires that a public authority, in performance of its functions, shall not undertake those functions in a manner that knowingly causes or allows deterioration in the chemical or ecological status of a body of surface water. Also, article 28(2) of the Regulations states that a surface water body whose status is determined to be less than good shall be restored to at least good status not later than the end of 2015.
  - The Kells Blackwater is currently at moderate status and should have been restored to at least good by 2015. It is a prominent game and course fishing facility.
  - The population capacity left in the WWTP would have been reached by the granting of permission in Headfort Grove/Headfort Park. The WWTP is potentially overloaded by 2.5% or 200 PE.
  - IFI oppose any development in Kells which may be constructed prior to capital upgrade of the WWTP.
  - Ambient monitoring results in 2019 AER for the Kells WWTP do not meet the required EQS. There were 4 ammonia breaches in 2019.

- Stormwater overflow SW3 overflows on a regular basis. IW has installed a basket to screen paper and rags but this is not sufficient to treat contaminated wastewater discharging. Tributary has limited dilution.
- The licence stated that SW3 will be upgraded by 2014. This is not now due until 2028.
- Capital upgrade of Kells WWTP was due to commence this year. IW advised IFI that the delivery timelines have changed and the project has been suspended until further notice.
- IW also advised EPA that the delivery timeline for the upgrade were unknown.
- EPA Inspector noted drinking water abstraction 15km downstream of the WWTP, and that the licensee was unclear what the incident notification procedure was.
- Kells Town Development Plan 2013-2019 notes issues with WWTP and need for upgrade.
- CJEU Case C-461/13 held that Member States are required to refuse authorisation for projects where it may cause a deterioration in the status of a body of surface water or jeopardise the attainment of a good water quality status.
- In other cases the Board has refused permission on the basis of inadequate WWTP capacity (PL2.248992, ABP-303509-19, ABP-306108-19).
- IFI believes that an EIA should be carried out as they believe there is a strong likelihood that the project is likely to have significant effects on the receiving waters of the Kells Blackwater (an SAC).
- A full NIS should be prepared, as there is a strong likelihood that the project is likely to have significant effects on the receiving waters of the Kells Blackwater (an SAC).
- Part 8 application should be refused or any connection should be postponed until the planned upgrade of the WWTP has been completed. This should be in the form of a clearly worded planning condition.

- **Dept. of Tourism, Culture, Arts, Gaeltacht, Sport and Media:**
  - Archaeological Impact Assessment should be prepared and submitted in advance of commencement of construction works.

## 4.0 Request for Determination

### 4.1. Applicants' Request

4.1.1. Three requests were submitted by Carol Geraghty, Helen Grant and Mary & Thomas Carr, respectively, seeking a determination from the Board as to whether EIA would be required for the proposed development. The three requests raised similar issues and can be summarised as follows:

- Screening determination is required due to ongoing over capacity and overflow issues at Kells WWTP and the close proximity of the proposed development to the Blackwater SAC.
- Meath County Council's decision not to carry out a screening determination is not based on objective information and the significant environmental threat to the already undermined Blackwater SAC and the local community is clearly evident from a review of the application.
- Engineer's report stated that Irish Water have confirmed that a connection is feasible, however Appendix E of the same document highlights issues with the WWTP and the need for an upgrade.
- An upgrade to Kells WWTP has been expected since 2013 but there is no information available on any start date.
- Natura Impact Report associated with Kells Development Plan 2013-2019 states that discharges from the WWTP may be having an observable negative impact on receiving waters and that the River Blackwater is at risk of not achieving good status.
- RD POL 52 seeks to ensure wastewater treatment plants discharging into the Boyne catchment or to coastal Natura 2000 sites are suitably maintained and upgraded in advance of any additional loadings beyond their capacity in order to protect water quality, as required.

- 2020 EPA site visit reported four ammonia ELV breaches in 2019. AERs show the plant to be over-capacity based on overflow incidents and increasing rates of chemical pollutants in the SAC.
- 2016 AER states that the plant's PE was 8,441 even though licence is for up to 8,000. 2019 AER recorded population decrease to 7,870 which is incorrect.
- Meath County Council should be aware of ongoing sewage problems at Blackwater Heights estate adjoining the proposed development.
- The matter of dozens of households wastewater flowing directly into the Blackwater SAC at Newrath Stream has been unresolved for 20 years.
- Flood risk assessment only makes reference to OPW flood risk data. Meath County Council's own flood risk assessment maps conclude the River Blackwater is 'high risk' for flooding.
- The small patch of agricultural land between the river and the proposed site is a natural flood plain and connects surface water run off and wastewater from the proposed development to the river.
- Development will result in increased run-off.
- Recent cases with the Board show the lack of environmental consideration in applications, which would have a detrimental impact on Lough Ramor and the Blackwater SAC (Ref. 307587, 233292, 306108).
- There is clear evidence of a continued deterioration in the environmental standards of the SAC which is a failure of good governance.
- Impact on established rookery where trees will be felled. Impact on birds, foxes, bats.
- An EIA and AA is required to ensure these problems are resolved prior to any consideration for suitable future development in Kells.
- Referrer believes there are springs on the site of historical significance.
- Effect of 22 houses on outdated sewage system.

## **4.2. Schedule 7A Information (EIA)**

- 4.2.1. Schedule 7A of the PDR relates to information to be provided for the screening of sub threshold development for the purposes of EIA. The planning authority was requested to submit the information set out in Schedule 7A of the PDR, to submit a copy of the documentation relating to the Part 8 application, and to make any submissions or observations they may have in relation to the matter.
- 4.2.2. In response to the Board's request, the Planning Authority submitted a copy of the documentation and drawings associated with their Part 8 application (Ref. P8/21002) and copies of the observations made in relation to the application.
- 4.2.3. With regard to the requested Schedule 7A information, the Planning Authority submitted a copy of their EIA Screening Report (as included in the Part 8 documentation). They did not make a submission responding to the matters raised in the three requests for a determination.

## **5.0 Planning History**

- 5.1. With the exception of the abovementioned Part 8 application on the site, an earlier withdrawn Part 8 application, and the concurrent request for the Board to make a screening determination under article 250 of the PDR as to whether the proposed development would be likely to have significant effects on a European site requiring Appropriate Assessment (ABP-309480-21), I am not aware of any recent relevant planning history on the site or in the immediate vicinity.

## **6.0 Policy Context**

### **6.1. Development Plan**

- 6.1.1. Kells is designated as a Moderate Sustainable Growth Town in the Meath County Development Plan 2013-2019, while the site is zoned 'A1 'existing residential' in the Kells Development Plan 2013-2019, neither Plan having been replaced as yet. I note that the zoning under the Draft Meath County Development Plan 2021-2027 remains 'A1'.



- 6.1.2. Section 7 of the Kells Development Plan relates to Infrastructure, and the 'Key Infrastructure Aims' include to "seek the upgrade of the existing Kells Municipal Wastewater Treatment Plant to cater for the town's anticipated growth levels" and to "ensure that all waste discharges are adequately treated".
- 6.1.3. It states that the "provision of wastewater capacity continues to be constrained with approximately 1,300 P.E available, although most of this is consumed by extant planning permissions in the town. Based on this, it is expected that the wastewater constraint in Kells will remain for the vast majority of the next plan period, 2013 - 2019".
- 6.1.4. It also states that an upgrade of the WWTP "is included in the current 2010-2012 Water Services Investment Programme (Scheme at Planning Stage) and hence is subject to Department of the Environment, Community & Local Government Funding. This scheme has now been extended to cover the period 2010 – 2013. The planned upgrade works will cater for a 12,000 P.E capacity plant [...] There is no definite timescale for the provision of this investment in the wastewater treatment plant and the provision of adequate wastewater capacity to serve the projected household and employment growth over the plan period may remain a constraint. In September 2012, the Department of the Environment, Community & Local Government have however given approval to the Local Authority to proceed with the competition for the appointment of consulting engineers for the scheme".
- 6.1.5. The following Policies are noted:
- **INF POL 1:**
    - (i) To continue the development and upgrading of the water supply system serving Kells to ensure that an adequate, sustainable and economic supply of safe and secure piped water of suitable quality is available for the sustainable development of Kells as finances permit. Meath County Council shall ensure that adequate and appropriate water supply is in place prior to the granting of future development in the plan area.
    - (ii) To promote and require the use of water conservation techniques, where practicable, in new developments within the town so as to provide for the sustainable investment and continued availability of water supply for the ongoing population and business needs of the town.

- 6.1.6. **INF POL 2:** To continue the development and upgrading of the waste water system serving Kells to ensure that an adequate treatment capacity is available for the sustainable development of Kells as finances permit. Meath County Council shall ensure that adequate and appropriate wastewater treatment capacity is in place prior to the granting of future development in the plan area.

## 6.2. **Natural Heritage Designations**

- 6.2.1. The River Blackwater is located c. 500m north of the site and forms part of the River Boyne and River Blackwater SPA (Site Code 004232) and the River Boyne and River Blackwater SAC (Site Code 002299).

## 7.0 **Legislation and Guidelines**

### 7.1. **Planning and Development Act 2000, as amended**

- 7.1.1. **Section 172(1)** states that an EIA shall be carried out in respect of certain applications for consent for proposed development. This includes applications for 'sub threshold' development, namely those which are of a Class specified in Part 2 of Schedule 5 of the PDR, but do not exceed the relevant quantity, area or other limit specified and the competent authority determines that the proposed development would be likely to have significant effects on the environment.
- 7.1.2. **Section 172(1A)** specifies that the above is relevant to development that may be carried out by the local authority under Part X.

### 7.2. **Planning and Development Regulations 2001, as amended**

- 7.2.1. **Article 120(3)(b)** states that any person at any time before the expiration of 4 weeks beginning on the date of publication of the notice may apply to the Board for a screening determination as to whether a development proposed to be carried out by a local authority would be likely to have significant effects on the environment.
- 7.2.2. **Article 120(3)(c)** indicates that such applications for screening determination shall state the reasons for the forming of the view that the development would be likely to have significant effects on the environment and shall indicate the class in Schedule 5 within which the development is considered to fall.

- 7.2.3. **Schedule 5** sets out the classes of development where EIA is required.
- Part 1: Sets out the development classes which are subject to mandatory EIA.
  - Part 2: Sets out development classes subject to EIA where they exceed a certain threshold in terms of scale or where the development would give rise to significant effects on the environment.
- 7.2.4. **Schedule 7** sets out the criteria for determining whether a development would, or would not be likely to have significant effects on the environment, under three headings:
1. Characteristics of the proposed development.
  2. Location of the proposed development.
  3. Types and characteristics of potential impacts.
- 7.2.5. **Schedule 7A** relates to information to be provided by the applicant or developer for the screening of sub-threshold development for the purposes of EIA.

## 8.0 **Assessment**

### 8.1. **Introduction**

- 8.1.1. The proposed development comprises the construction of 22 No. housing units and associated site development works on a c. 0.866 ha site at Archdeaconry Glebe, Kells, Co. Meath. It comprises an infill development in a suburban location on zoned greenfield lands, which will be connected to existing infrastructure. The site is surrounded by existing residential development of a similar scale, height and density to that proposed.
- 8.1.2. The question for determination by the Board is whether the proposed development requires environmental impact assessment to be carried out. An EIA Screening report supported the planning authority's Part 8 application and a copy was submitted to the Board. This report concludes that there is no real likelihood of significant effects on the environment arising from the proposed development and that an EIAR is not required in respect of the proposed development.

- 8.1.3. The following matters are considered relevant in the assessment of whether the submission of an EIAR is required:
- Assessment of project type/class of development under Schedule 5 of the PDR relevant to the proposed development.
  - Assessment of relevant thresholds under Part 2 of Schedule 5 of the PDR.
  - Assessment of proposed development under the criteria set out Schedule 7 of the PDR.

## **8.2. Relevant Project Types / Class of Development**

- 8.2.1. The applicants seeking a determination have not indicated the class in Schedule 5 of the PDR within which they consider that the proposed development falls.
- 8.2.2. The project type is infrastructure comprising the construction of dwelling units and also urban development due to the location of the site in a developed area and on zoned lands within the identified development boundary for Kells, as set out in the Kells Development Plan. Therefore, I consider that the relevant classes of development applicable to the proposed development are as follows:
- Class 10(b)(i) of Part 2 of Schedule 5 of the PDR (Construction of dwelling units).
  - Class 10(b)(iv) of Part 2 of Schedule 5 of the PDR (Urban development).
- 8.2.3. Consequently, it is my opinion that the proposed development involves development that is of a class for the purposes of Environmental Impact Assessment.

## **8.3. Assessment of Relevant Thresholds under Part 2 of Schedule 5 of the PDR**

- 8.3.1. The threshold cited under Class 10(b)(i) in the PDR is the 'construction of more than 500 dwellings'. The proposed development involves the construction of 22 No. dwelling units. Therefore, while the proposed development is of a Class listed in Part 2 of Schedule 5, it is sub-threshold for the purposes of mandatory EIA, comprising fewer than 500 dwellings.
- 8.3.2. The threshold cited under Class 10(b)(iv) in the PDR is 'urban development which would involve an area greater than 2 hectares in the case of a business district, 10

hectares in the case of other parts of a built-up area and 20 hectares elsewhere'. The proposed development would be accommodated on a site of c. 0.866 hectares. Therefore, while the proposed development is of a Class listed in Part 2, it is sub-threshold for mandatory EIA.

- 8.3.3. An assessment as to whether the proposed development should be subject to EIA having regard to the criteria set out Schedule 7 of the PDR is set out below.

#### **8.4. Assessment of the Proposed Development under the Criteria set out in Schedule 7 of the PDR**

- 8.4.1. As noted above, Schedule 7 of the PDR lists the criteria for determining whether a development would or would not be likely to have significant effects on the environment under the following headings:

1. Characteristics of proposed development.
2. Location of proposed development.
3. Types and characteristics of potential impacts.

- 8.4.2. Each of these criteria is assessed below.

#### **8.5. Characteristics of proposed development**

##### Size and design of proposed development

- 8.5.1. The proposal is for a scheme of 22 No. dwellings on a site of c. 0.866 ha. It comprises an infill development in a suburban location on zoned lands, which will be connected to existing infrastructure. The site is surrounded by existing residential development of a similar scale, height and density. It is considered that the site has the capacity to accommodate the development and that the proposal would not be significantly at variance with the established pattern of development in this suburban area.

- 8.5.2. Having regard to the nature and size/scale of the proposed development, which is significantly below the thresholds set out in Part 2 of Schedule 5 of the PDR, I do not consider that a requirement for EIA arises.

##### Potential for cumulative impacts with other existing and/or approved projects

- 8.5.3. The development site is surrounded by established residential development and comprises an infill site.
- 8.5.4. Permission has been granted in recent years for a number of other residential development projects in Kells. As addressed below, it is considered that there are uncertainties with regard to the capacity of the Kells WWTP to cater for additional effluent in the absence of upgrade works, and that the timeframe for such upgrade works is unclear. These concerns are related to uncertainties and are particularly relevant to the question of Appropriate Assessment (see concurrent report on case ABP-309480-21) rather than a likelihood that the proposed development would have significant impacts on the environment. Based on the information available, the existing site context and available infrastructure, it is considered unlikely that these cumulative impacts would be of a magnitude that would generate the need for EIA.

Nature of any demolition works, use of natural resources, production of waste, pollution and nuisances

- 8.5.5. There are no buildings/structures on the site that require demolition. The nature and scale of the development, which comprises a small to medium scale residential infill scheme, would not result in a significant use of natural resources.
- 8.5.6. While no demolition works are required, some waste is likely to arise during the construction process as a result of earthworks and general construction processes. Having regard to the design and scale of the development, the volume of waste generated is not likely to be significant.
- 8.5.7. The potential for pollution and nuisance arising from a suburban development of this scale on a greenfield site would be limited. The construction phase will result in noise, dust, and traffic related impacts with the potential to cause nuisance and impact on the amenities of adjoining dwellings. However, these impacts will be temporary and short lived and can be readily controlled as part of a standard construction management plan.
- 8.5.8. Daily water demand for the development is stated to be 40.5m<sup>3</sup>/day, which will be supplied from the public water supply. I note that surface water will be managed with permeable paving and an attenuation tank, with discharge from the site to the existing surface water network mimicking greenfield run-off rates.

- 8.5.9. It is proposed to connect the proposed development to the existing foul network in the area, which connects to Kells WWTP, with treated effluent discharged to the River Blackwater. Both the applicants requesting the determination, and Inland Fisheries Ireland, have raised issues with regard to the available capacity and effectiveness of Kells WWTP. Irish Water's submission on the Part 8 application states that a connection is feasible, but they note the need for an upgrade to the plant.
- 8.5.10. This matter is addressed in detail in the Inspector's Report for the concurrent request for an Appropriate Assessment screening determination case (ABP-309480-21). That report concludes that a Natura Impact Statement should be prepared in respect of the proposed development, having regard to the operational-phase hydrological connection to the River Boyne and River Blackwater SAC and SPA, uncertainties with regard to the available capacity and treatment efficacy of the Kells WWTP and uncertainties with regard to the timescale for completion of upgrade works.
- 8.5.11. Other than the potential issue with regard to foul drainage, which warrants the preparation of an NIS and a subsequent application to the Board under section 177AE of the PDA, I consider that a suburban infill project of the scale proposed has limited potential for significant effects arising from the use of natural resources, the production of waste or the generation of pollution and nuisance to warrant EIA.

Risk of major accidents and/or disasters including those caused by climate change

- 8.5.12. Having regard to the location, nature, scale and characteristics of the proposed development, comprising a small-to-medium sized residential scheme and associated infrastructure, it is considered that there is negligible risk of a major accident and/or disaster.

Risk to human health

- 8.5.13. I do not consider that there are any likely significant risks to human health associated with the proposed development. Potential risk to human health arising from water contamination, air pollution, noise etc. during the construction phase is considered to be negligible and not of a magnitude to generate a requirement for EIA.

## 8.6. Location of proposed development

### Existing and approved land use

- 8.6.1. The site is currently greenfield, but it is zoned for residential use. It is surrounded by existing residential developments of a similar scale and density. The proposed residential development would complement the pattern of development in the area and not result in any significant adverse impacts on land use.

### Relative abundance, availability, quality and regenerative capacity of natural resources

- 8.6.2. The site in its existing state is a resource, in that it is an undeveloped area within the built environment that offers potential habitat for flora and fauna, as identified in the requests for a determination. The local authority's EIA Screening Report states that existing trees and hedges will be protected where possible, however the existing grass and scrub habitat will be removed to make way for the development. There will therefore be loss of habitat and potential disturbance/displacement of any wildlife that currently uses the site.
- 8.6.3. There is no indication that the site is a habitat for any protected or rare species, and noting the surrounding suburban context, it is unlikely that the site forms an important habitat of the type or scale that would warrant EIA.
- 8.6.4. The nature of the proposed development is such that the natural resources used in the proposed development are limited and there would be minimal ongoing use of natural resources from the proposed use of the site for residential purposes. There is no potential for significant effects.

### The absorption capacity of the existing environment

- 8.6.5. The site is located within the built-up area of Kells and is surrounded by residential development. The existing habitats within the site comprise improved agricultural grassland, scrub, hedgerow and treelines. As noted above, there is no indication that the site is a habitat for any protected or rare species of flora or fauna.
- 8.6.6. The River Blackwater, which is located within the River Boyne and River Blackwater SAC and SPA, is located c. 500m to the north of the site and has a 'Moderate' water quality status. There is currently no hydrological pathway between the site and the river. The proposed surface water and foul drainage proposals will, however, result



in the creation of a hydrological pathway during the operational phase. The proposed development has been screened for appropriate assessment and this matter is considered in more detail under the concurrent AA Screening determination case (ABP-309480-21), where it is concluded that a Stage 2 Appropriate Assessment will be required in respect of the proposed development due to uncertainties with regard to the Kells WWTP and the timeline for its upgrade works. Meath County Council would therefore be required to prepare and submit a Natura Impact Statement (NIS) and an application for approval to the Board under the provisions of Section 177AE of the PDA.

8.6.7. There are no designated landscapes or identified sites of historical, cultural or archaeological significance on the site. The closest recorded archaeological sites are two fulacht fia located within the adjacent Cherry Hill Court estate. The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, in their submission on the Part 8 application, recommended that an Archaeological Impact Assessment should be prepared and submitted in advance of commencement of construction works. The applicants requesting a determination also contend that there are springs of historical importance on the site. I did not note any such springs on my site inspection and historical mapping does not indicate their presence either.

8.6.8. I consider that the site and its immediate environment is not particularly sensitive from an environmental perspective and that it has the capacity to absorb the proposed development without generating significant effects on the environment and the requirement for EIA. The issue of the Kells WWTP and further assessment of the potential effects on European Sites will be carried out within the NIS that accompanies any further application under Section 177AE of the PDA. The likely effects of the proposal on the environment and on the proper planning and sustainable development of the area will also be further assessed under any such future application to the Board.

## 8.7. **Types and Characteristics of the Potential Impact**

### Nature, magnitude and extent of the impact

- 8.7.1. The extent of the impact in terms of geographical area and the size of the population likely to be impacted is limited to the immediate area of Kells where the development will be located.
- 8.7.2. There is potential for impacts on air and climate and noise and vibration to occur during the construction phase. Having regard to the temporary nature of the works, these impacts would be short term and capable of effective mitigation through good construction practice.
- 8.7.3. In terms of biodiversity, the proposed development will result in the loss/disruption of habitats existing on site and disturbance/displacement of species using the site. These habitats comprise improved grassland, scrub, hedgerows and trees. There is no indication that the site is a habitat for any protected or rare species. These impacts are not considered to be significant having regard to the relatively low ecological value of existing habitats and the current lack of hydrological connection to the River Blackwater, c. 500m to the north.
- 8.7.4. The proposed development will result in limited impacts on land and soil which will be negligible having regard to the limited size of the site and there is no significant risk to ground or surface water quality during the construction phase.
- 8.7.5. The site is within a built-up residential area and is removed from any protected structures. There are no known archaeological sites on the site, with the closest such sites being two fulacht fia recorded in the adjoining Cherry Hill Court estate. No potential significant impacts on cultural heritage have been identified.
- 8.7.6. Arising from these limited impacts, the nature and scale of the development and its relationship with the surrounding land uses, it is not considered that construction of the proposed development would have significant impacts on the environment.
- 8.7.7. As noted above, the proposed foul and surface water drainage proposals will result in the creation of pathways between the site and the River Blackwater which is located within the River Boyne and River Blackwater SAC and SPA. The implications of these connections for the European Sites, in light of identified uncertainties with regard to the capacity and treatment efficacy of the Kells WWTP and the uncertain timeframe for planned upgrade works, is addressed in detail in the Inspector's Report for the concurrent request for an Appropriate Assessment screening determination case (ABP-309480-21) which concludes that a Natura Impact

Statement should be prepared in respect of the proposed development. While the uncertainties are considered to be sufficient to trigger a need for Stage 2 Appropriate Assessment, I do not consider that the proposed development is likely to result in significant effects on the environment that would require the preparation of an EIAR.

Probability, intensity and complexity of impacts

- 8.7.8. The proposed development will result in the loss of a small area of grassland and scrub habitat and disruption to treelines and hedgerows. Temporary noise, dust and traffic impacts may also arise. Having regard to the limited scale of the proposal, the nature of the environmental impacts during the construction phase are not particularly complex or intense.
- 8.7.9. During the operational phase, the potential impacts primarily relate to the proposed connection of the foul drainage system to the Kells WWTP and the uncertainties with regard to capacity and treatment efficacy and the timeframe for completion of upgrade works to the WWTP. The probability, intensity and complexity of this impact is considered relatively low, having regard to the scale of the proposed development, and is primarily a matter for Appropriate Assessment, rather than requiring EIA.

Expected onset, duration, frequency and reversibility of the impact

- 8.7.10. Having regard to the residential nature of the development, it is expected that the impacts will be on-going, long term and only reversible if the housing scheme is removed and the site is reinstated to its pre-development state. Construction phase impacts will be of short duration and limited frequency.

Transboundary nature of impact

- 8.7.11. There will be no transboundary impacts associated with the proposed development.

Cumulation of Impact

- 8.7.12. I note that permission has been granted in recent years for a number of residential developments in Kells, including 74 No. houses at Wilmount View (Reg. Ref. KA180577) and 36 No. houses at Townparks (Reg. Ref. KA200324). It is unclear if the limited remaining capacity identified in the 2019 AER for the Kells WWTP would be absorbed by these permitted units in the absence of the required upgrade.
- 8.7.13. Having regard to the issues and uncertainties set out above with regard to capacity and treatment efficacy of the Kells WWTP, and the uncertain timeframe for its

upgrade, I consider that significant in-combination effects on the River Boyne and River Blackwater SAC and SPA in view of their conservation objectives cannot be excluded. This matter is addressed in detail in the report relating to the concurrent AA Screening determination case (ABP-309480-21). Should the Board agree with the recommendation in that case, then a Section 177AE application to the Board will be required, to be accompanied by a Natural Impact Statement which will contain mitigation measures intended to avoid or reduce the harmful effects of the project on European sites.

8.7.14. I do not consider that impacts associated with the proposed development in cumulation with other projects would be sufficiently significant as to require EIA.

8.7.15. Possibility of effectively reducing impact

8.7.16. Implementation of standard best practice methodologies during the construction phase of the proposed development will result in a reasonable probability of effectively reducing potential impacts.

## 9.0 Recommendation

9.1. Having regard to the above assessment, I consider that the proposed development of 22 No. housing units and all associated site development works on a site at Archdeaconry Glebe, Kells, Co. Meath would not be likely to have significant effects on the environment. I therefore recommend that Meath County Council be advised that the preparation and submission of an environmental impact assessment report is not required in respect of the proposed development.

## 10.0 Reasons and Considerations

Having regard to the following:

- (a) The criteria set out in Schedule 7 and the information provided in Schedule 7A of the Planning and Development Regulations 2001, as amended,
- (b) The nature and scale of the proposed development which is significantly under the threshold in respect of Class 10(b)(i) (Infrastructure – Dwelling Units) and Class 10b(iv) (Infrastructure – Urban Development) of the Planning and Development Regulations 2001, as amended,

- (c) The location of the site on lands that are zoned for residential use under the provisions of the Meath County Development Plan 2013-2019 and the Kells Development Plan 2013-2019,
- (d) The limited scale of the development and the location of the site in a built-up suburban area and the existing pattern of development in the vicinity,
- (e) The submissions made by the applicants requesting a determination and by the local authority,
- (f) The submissions made by the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media, Irish Water and Inland Fisheries Ireland in relation to the current Part 8 application (Reg. Ref. P8/21002), and
- (g) The report and recommendation of the Inspector,

It is considered that the proposed development would not be likely to have significant effects on the environment and, accordingly, that the preparation and submission of an environmental impact assessment report is not, therefore, required.

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Niall Haverty

Senior Planning Inspector

15<sup>th</sup> July 2021