



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310840-21

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<b>Development</b>	Amendments to planning permission Reg. Ref.: NA200033 comprising the amalgamation of 3 no. retail units to form a single unit of c.905 sqm
<b>Location</b>	Balmoral Estate, Kells Road, Navan, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	NA201999
<b>Applicant</b>	Foxtrot Investment 2011 Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Foxtrot Investment 2011 Ltd.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	11 <sup>th</sup> February 2022
<b>Inspector</b>	Lucy Roche

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## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.36ha and is located on lands at Balmoral Industrial Estate, to the north of the N51/ Kells Road in Navan. The Balmoral Estate comprises a number of low rise (single / two storey) warehouse-type buildings which accommodate a range of commercial and retail uses such as car showrooms, furniture sales, auto repair etc.
- 1.2. The subject site is located on the eastern side, central part of the Balmoral Industrial Estate. It comprises a light industrial warehouse building with a stated GFA of 2,322sqm, the western section of the structure contains office space that is currently occupied by a property company.
- 1.3. The lands to the immediate south of the appeal site are currently vacant and fenced off, with previously existing structures having recently been removed / demolished. These lands are associated with the extant grant of planning permission: ABP-302375-18 (as amended).
- 1.4. The Estate is accessed via a traffic light-controlled junction and roundabout from the busy N51/Kells road. The main internal access road serving the site, via the N51 roundabout, runs to the south of the appeal site. There is existing surface parking to the west.
- 1.5. The Balmoral Estate is bounded by a c2m high fence to the south (Kells Roads) and by Palisade fencing on the north, east and western boundaries.
- 1.6. To the north of the site is the Blackwater River. It is noted that the Blackwater River and the River Boyne, of which it is a tributary, are designated areas of special conservation. There does not appear to be any linkages from the Balmoral Industrial Estate to the riverside area.

## 2.0 Proposed Development

- 2.1. Planning permission has been sought for amendments to the previous grant of planning permission Meath County Council. Ref.: NA200033.
- 2.2. The proposal primarily consists of the amalgamation of 3 no. retail units to form a single unit extending to c. 905 sqm and partial change of use of office space to

ancillary retail use (c. 153 sqm) at ground floor level, for the purposes of management, administration, and staff quarters.

- 2.3. An area of office space, extending to 506sqm is to be retained at ground and first floor levels in the western section of the building. This will operate separately to the proposed retail unit with internal dividing walls implemented. No changes are proposed at the permitted café unit and no changes to the overall floorspace (GFA) from that previously permitted is proposed.
- 2.4. 3 no. entrances are proposed at the southern elevation of the single retail unit, with an additional entrance located at the ancillary retail space further west.
- 2.5. It is proposed introduce an element of cladding at the southern elevation to match that previously approved under Reg. Ref: NA200033. 2 elements of signage are to be relocated on the southern elevation. An accessible fire escape is proposed at the ancillary area at the northern elevation alongside a proposed bin storage area to serve both the retail and café uses.
- 2.6. A revised Retail Impact Assessment, incorporating a Sequential Test has been included as part of the appeal submission.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

By order dated the 17<sup>th</sup> June 2021, the Planning Authority decided to refuse permission for 1no reason as follows:

1. The proposed development if permitted, will result in the amalgamation of 3no. retail units to form 1 no. single retail unit extending to c905sqm. the proposed provision of this single unit, at the subject site, remote from the town centre, and in the absence of a supporting sequential test, would undermine the retail function of the town centre and be contrary to recommendations contained in the Section 28 Ministerial Guidelines (the Retail Planning Guidelines, 2012), contrary to policies contained in the Meath county Development Plan, 2013 to 2019, as varied and contrary to the Meath Retail strategy, 2013 to 2019 which seeks to channel retail development into the town centre where it would contribute to its vitality and viability and reduce the

level of vacancy of premises in the town centre. accordingly, the proposed development, if permitted, would set a precedent for other relevant development in similar locations and therefore would be contrary to the proper planning and development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planner, in their report had regard to the locational context of the site, planning history and policy, to the submissions made and the comments of the interdepartmental sections. Their Report includes regard to the following:

- The subject site is zoned C1 – Mixed Use in the Navan Development Plan 2009. “Office” and “Café” uses are noted as permitted uses under this zoning while ‘Shops’ are open for consideration.
- They consider that the proposed office use will make an important contribution to the land use mix in the wider C1 zone and that the introduction of retail and café uses would also add to the range of uses at Balmoral and complement the permitted mixed-use development to the south.
- They consider the development permissible in principle under this zoning objective and the objectives of the Masterplan 2
- They consider the proposed design, siting and layout to be acceptable.
- They consider, having regard to the scale of permitted and proposed retail on the overall masterplan site, that it is reasonable to request the submission of a Retail Impact Assessment.
- They consider that further information is required in relation to the issues raised by the Transport Department and in relation proposals associated with Planning Reference NA/20173 whereby the applicant is proposing to provide surface level parking in place of previously permitted underground parking to serve the overall development

- They consider that the principle for providing wastewater connection, water main connection and surface water connections for this development has already been established.
- They are satisfied that sub-threshold EIA is not required
- They note that the previous (parent) application, MCC REF: NA200033 was subject to Appropriate Assessment. They consider the Natura Impact Statement Submitted under NA200033, including the potential significant impacts, the mitigation measures, and conclusions.
- They conclude that the proposed development would not be likely to have a significant effect on European Sites and that mitigation measures are outlined in the NIS to prevent any impact on the integrity of any of the relevant Natura 2000 sites.
- They conclude, having regard to the previous permission on this site and the AA Screening Report and NIS which accompanied same and to the reports etc submitted with the current application and conclude that the proposal will not adversely impact on the Natura 2000 sites.

#### Further Information Request

The Planning Authority Requested Further Information to include the following:

- To submit a Retail Impact Assessment
- To demonstrate how service vehicles will manoeuvre or turn within the site boundary.
- To justify the proposed carparking arrangements for the overall masterplan site with particular regard to Objective INF POL 30 *To promote, where feasible, and appropriate alternative options to surface car parking*
- To demonstrate compliance with CDP Car Parking Standards
- To respond to issues raised by third parties

#### First Party Response

Further information was received by the PA on the 30<sup>th</sup> April 2021. As part of their response to the PA's request for further information, the applicants submitted a

- Retail Impact Assessment
- Document and Drawings prepared by consulting engineers specialising in traffic and Transportation Planning and Geometric Roads Design

The response was deemed significant and revised notices submitted 24<sup>th</sup> May 2021.

Planners Report:

- They note the applicant's response and submissions in relation to parking and vehicular turning movements on site and the note the comments and recommendations of the Transport Department in relation to same. no further issues arise.
- They note that the RIS submitted does not include a Sequential Test and considers that in that absence of same the proposed development has the potential to undermine the vitality and viability of the town centre by way of a negative retail impact.
- They recommend that permission be refused as per PA decision.

3.2.2. Other Technical Reports

Transportation Department:

15<sup>th</sup> February 2021                  Further information request

Request the applicant to demonstrate by AutoTURN or otherwise, how service vehicles including delivery vehicles will manoeuvre or turn within the site boundary.

14<sup>th</sup> June 2021                          No objection

Environmental Department:

11<sup>th</sup> February 2021                  No objection

The development is situated in Flood Zone C – the probability of flooding is less than 0.1% and therefore low Risk.

### 3.3. Prescribed Bodies

None

### 3.4. Third Party Observations

The PA Received one submission in respect of the proposed development from Tesco Ireland Limited.

The issues raised in the submission relate to the potential of the development to detract from the existing retail core area and undermine the role and function of Navan Town centre.

## 4.0 Planning History

### 4.1. Subject Site – (Phase 1b)

**NA200033** (May 2020). Permission granted for - the partial demolition (c. 570 sqm) of the existing building and a part change of use from light industrial use to provide 3 no. retail units of c. 299 sqm, c. 223 sqm and c.374 sqm respectively alongside a cafe unit (with mezzanine) of c. 228 sqm. Own door entrances are provided at each unit. There are no changes proposed to the existing office use (c. 466 sqm). The proposal includes 40 no. surface car parking spaces, including 2 no. disabled access spaces, 16 no. bicycle parking spaces and an area for public seating in the southwest corner of the site. 3 no. new concrete stairs and platforms will be provided at the northern elevation. Signage is included at each unit equating to a total of c. 24.36 sqm. A new site entrance is provided at the southern perimeter of the site. PV panels are included at roof level. The proposals will result in a reduction in total gross floor area from c. 2,107 sqm to c. 1,589 sqm. A Natura Impact Statement has been prepared in respect of this Planning Application. Significant further information/revised plans submitted on this application

### 4.2. Adjacent Site – (Phase 1a)



**ABP-302375-18** MCC REF(NA171476); Nov 2018: Permission granted for Demolition of existing single and two storey warehouse buildings within the western portion of the site; Construction of a 6 no. storey mixed use building over basement incorporating: a discount food store (to include off-licence use) with a gross floor area of c. 1,695 sq.m (net retail area 1,140 sq. m) at ground floor level a 135 sq.m retail unit at first floor level, c 5,412 sq.m of office/medical floor space from first to fifth floors;

**NA/200034;** (March 2020): Permission granted for amendments to parent permission NA171476. to include the replacement of floors 2 to 5 (permitted as office/medical use) and construction of 50no build to let residential apartments.

**NA201713;** (March 2021): Permission Granted for - amendments to the permitted development to provide a total of 63 no. 'Build to Rent' apartments. Permitted works also include, but are not limited to:

- A reconfigured lower ground floor including retail floorspace and ancillary uses (increased from c. 1,686sqm to c. 1,747sqm)
- The omission of permitted basement level parking and its replacement with 50 no. surface car parking spaces,

## 5.0 Policy Context

### 5.1. Retail Planning Guidelines for Planning Authorities, 2012

5.1.1. The RPGs, in respect of development management, provide that:

- The development management process must support applications for retail development which: - are in line with the role and function of the city or town in the settlement hierarchy of the relevant development plan; and - accord with the scale and type of retailing identified for that location in the development plan and relevant retail strategy.

- Development proposals not according with the fundamental objective to support the vitality and viability of city and town centre sites must demonstrate compliance with the sequential approach before they can be approved.

5.1.2. Section 4.4 Sequential Approach to the Location of Retail Development states that:

Planning applications for retail development proposals must comply with the criteria on location, suitability of use, size and scale and accessibility set out in the retail guidelines and development plan/joint or multi-authority retail strategy to ensure that the site chosen is the most suitable and best available site for the type of retailing proposed.

Where the location of a proposed retail development submitted on a planning application has demonstrated to the satisfaction of the planning authority that it complies with the policies and objectives of a development plan and/or relevant retail strategy to support city and town centre, additional supporting background studies such as a demonstration of compliance with the sequential approach, below, or additional retail impact studies are not required.

However, where the location of a proposed retail development submitted on a planning application is not consistent with the policies and objectives of the development plan and/or relevant retail strategy to support the city and town centre, then that development proposal, must be subject to the Sequential Approach and its policy principles and order of priority set out below and any departure from these principles must be justified.

**5.2. Meath County Development Plan 2021-2027**

- 5.2.1. The application was assessed by Meath County Council in accordance with the policies and objectives of the Navan Development Plan 2009 and the Meath County Development Plan 2013-2019. The Meath County Development Plan 2021-2027 was adopted by Meath County Council on the 22<sup>nd</sup> of September 2021 and came into effect on the 3<sup>rd</sup> of November 2021. I have assessed the proposal under the

provisions of the operative Development Plan, namely the Meath County Development Plan 2021-2027.

- 5.2.2. The Retail Hierarchy for the County, and the Retail Policies and objectives are set out in Chapter 4 Economy and Employment Strategy. It is noted that Navan has been designated a Level 2 Settlement in the Retail Hierarchy.

Relevant Policies under this section include:

ED POL 35            To support the development of Core Retail Areas in each of the retail settlement areas as identified within the County Meath Retail Strategy and reinforce the role and function of the Core Retail Areas.

ED POL 36            To adhere to the Sequential Approach principle in the consideration of retail applications located outside of core retail areas.

- 5.2.3. Volume 2 of the CDP provides a written statement, incorporating a brief description, development strategy and zoning map for the settlement of Navan.

The following specific Objectives for Navan is noted:

Nav OBJ 15            To continue to develop Navan as a Level II Town Centre and primary retail location within the County. A variety of comparison shopping will be encouraged within the town in order to stem the comparison retail leakage to the wider region.

- 5.2.4. As per the zoning map, the site is zoned 'C1' Mixed Use with the objective to Provide and facilitate mixed residential and business uses. The objective on these lands is to provide opportunities for high-density mixed-use employment generating activities that also accommodate appropriate levels of residential development thereby facilitating the creation of functional 'live work' communities. These areas are generally located in proximity to high frequency public transport corridors. In order to

achieve balanced development, the percentage of residential development in C1 zones shall generally not exceed 50 % of the quantum of a development site.

5.2.5. The appeal site is shown to be located within Master Plan 2 (MP) under the Navan Land Use Zoning Map. MP2 relates to lands with an area of c.11.5ha to the west of Master Plan lands and north of the Inner Relief Road. MP2 incorporates lands zoned C1 (Mixed Use and F1 Open space). As per Section 6.0, a Master Plan for MP2 was agreed in 2017.

5.2.6. Meath Retail Strategy 2020-2026

The Strategy outlines a number of policies that the Planning Authority will aim to implement in the county. They include the following:

- It is the policy of the Planning Authority to promote and encourage the major enhancement of retail floor space, primarily comparison goods, and town centre functions in Navan to sustain its competitiveness and importance as a Primary Growth Centre in the Greater Dublin Area.

Navan is the only Key Town (according to the Settlement Hierarchy in the Regional Spatial & Economic Strategy for the Mid-Eastern region 2019 - 2031) in County Meath to receive approximately one third of the total allocated additional retail floor space potential (for both convenience and comparison goods retailing). This is reflective of its population growth which has risen to above 30,000 residents and continues to grow at a strong rate (approximately 10% between 2011 and 2016).

### 5.3. **Natural Heritage Designations**

The appeal site is not located within a designated site however the site is located within close proximity to The River Boyne and River Blackwater SPA and SAC (Site codes 004232 and 002299) which are located c25m and c5m (respectively) to the north of the appeal site at the closest points. The designation includes the river itself and a small piece of land to the south of the river and to the east of the appeal site.

## 5.4. EIA Screening

Having regard to the nature and scale of the proposed development, which comprises amendments to a previously granted development, it is considered that the proposed development does not come within a Class under Part 1 or 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). Therefore, preliminary examination for EIA is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

#### Principle of Development

- They note that the proposed development comprises the amalgamation of 3no permitted retail units, granted by Meath County Council under Reg. Ref: NA200033 in 2020.
- They consider that in granting Planning Permission NA200033, the Planning Authority has accepted the principle of retail at this location and that the use is now established
- They consider the proposal is compliant with the sites C1 zoning objective and the adopted Masterplan for the lands as set out in the Navan Town Development Plan 2009-2015
- They consider that the proposal will make optimum use of an existing building with permitted retail use, that it will contribute positively to the vitality and viability of the Balmoral Estate and complement the permitted discount retail store (Aldi) on Phase 1a.

#### Requirement for Sequential Test

- The PA's decision refers to the absence of a sequential test however they note that a sequential test was not requested as part of the further information request issued.
- They consider that as per the requirements of the Meath County Development Plan 2013-2019, the proposed development, which extends to a net Retail

Floorspace of 905sqm, falls below the threshold of retail assessment for both the sequential test and convenience and comparison floor space.

- With reference to Section 4.4 of the Retail Planning Guidelines, 2012, they consider that in granting the Planning Permission NA200033, including the 3no retail units, the Planning Authority has clearly been satisfied that the use complies with the development plan and retail strategy and therefore further demonstration of compliance with the Sequential approach etc is not required.
- Refers to Section 4.5 of the retail planning Guidelines and notes that the proposed development will adapt an underutilised building which currently holds permission for retail use with no significant additional retail floorspace proposed
- In light of the Planning Authorities decision a sequential test has been prepared.
- They therefore consider the proposed development to fully accord with the sequential approach

#### Retail Impact

- They consider that proposed development will have an immaterial retail impact.

### 6.2. Planning Authority Response

The Planning Authority in their response notes that the appeal submission includes a sequential test and that they consider it a matter for the Board to decide whether or not the issue of retail impact / sequential test has been suitably addressed by the applicant. Where it is considered not to be the case, they consider permission should be refused.

### 6.3. Observations

None

## 7.0 Assessment

### 7.1. Zoning

- 7.1.1. Planning permission has been sought for amendments to the previous grant of planning permission Meath County Council. Ref.: NA200033. The extant permission allows for the upgrade and reuse of an existing building (light industrial warehouse / office), for the purposes of 3no. retail units, 1no. café and a retained office space of c665sqm. The amendments to the extant permission currently sought for approval, primarily consist of the amalgamation of the permitted 3 no. retail units to form a single retail unit extending to c. 905 sqm and the change of use of c153sqm of office space to ancillary retail use for the purpose of management, administration, and staff quarters etc.
- 7.1.2. In accordance with the details submitted in support of the application, the proposed retail unit is required to facilitate an interested prospective tenant, 'Mr. Price' who seeks a large, single unit retail from which to trade. The applicants maintain that the proposal will bring a valuable anchor tenant to the scheme, that it will enhance the vitality of the area and contribute positively to the mix of uses at Balmoral in accordance with the sites zoning objective and the wider masterplan for the lands.
- 7.1.3. The site is zoned 'C1 Mixed Use' with the objective – Meath CDP 2021-2027: To Provide and facilitate mixed residential and business uses. It is noted that cafes, offices and convenience outlets (i.e. a single level store selling food and other convenience items with a net sales area of not more than 200m<sup>2</sup>) are permitted uses within the C1 zoning, and that shops (i.e. comparison retail outlet excluding retail warehouse units) which I consider the relevant category for the proposed retail use, are 'open for consideration'. As per Section 11.14.4 of the County Development Plan. An "open for consideration use" is one which may be permitted where the Council is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects on any permitted uses, and would otherwise be consistent with the proper planning and sustainable development of the area.

7.1.4. The Navan Land Use Zoning Map indicates that the appeal site is located within the area designated Masterplan 2 (MP2). These lands are zoned for mixed use development and open space uses. As per the CDP, A Masterplan for these lands was agreed in 2017. Full details of the Masterplan have not been included as part of the application however, it is noted that the supporting documentation on file does include details of the Masterplan including the proposed land use zoning map for the western part of the Masterplan lands. This map includes the appeal site and the building, which is the subject of this application. As detailed, the building in question has been identified for mixed use Retail/office and restaurant, I note that the Local Authority Planner in their assessment confirms this to be the case. I am therefore satisfied that the proposed development would be accord with the planned use for this building as identified in Master Plan 2 and that it would be compatible with the C1 zoning objective for this site.

## 7.2. Retail Policy

7.2.1. The Planning Authority in its decision to refuse permission for the proposed development raised concerns regarding the potential of the development to undermine the retail function of Navan town centre, citing the scale of the proposed retail unit, its location, remote from the town centre and the lack of a sequential test. The applicants contend, with reference to Section 4.4 of the Retail Planning Guidelines, that in granting permission for the established retail use on site (under MCC Reg Ref: NA200033) the Planning Authority has already accepted that the nature and scale of the proposed development is acceptable and compliant with the Meath County Development Plan and Retail Strategy and therefore the submission of a sequential approach was/is not required. On this matter, I note the policies and objectives of the Meath CDP 2021-2027 which seek to promote the development of retail core areas and to adhere to the Sequential Approach principle in the consideration of retail applications located outside of core retail areas and in consideration of same and the fact that the applicants have submitted a sequential test in support of this appeal I consider that it would be reasonable to apply the sequential approach in the assessment of development proposal.



- 7.2.2. Navan is designated a Level 2 Major Town Centre and County (Principle) town Centre within the Retail Hierarchy in the Retail Strategy for the Greater Dublin area 2008-2016. The site is located to the west of the core retail area and would be classified as an 'edge of centre' site within the context of the RPGs and sequential test approach. The applicants report identifies and analyses a total of 9no potential sites within Navan, these include a number of Retail Opportunity Sites identified in the Meath Retail Strategy 2020-2026. None of the sites identified within the core retail area were deemed by the applicants, suitable to accommodate the proposed development for reasons of site size, layout configuration, access, and availability. Site no.9, identified in the Retail Strategy as Opportunity site 1, was considered not sequentially preferable to the site at Balmoral as it is located at a further distance from the town centre (c930m). I am satisfied, based on the information provided, that the proposed development would accord with the sequential test.
- 7.2.3. The site is located c400m to the northwest of the retail core of the town centre and is therefore located within walking distance of the retail core. This would comply with Section 4.7 of the RPG 2012 relative to 'Edge of Centre Retailing'. While it would be necessary to cross the N51 / Kells Road which is a major road, I note that there are footpaths and a pedestrian crossing at a signalised junction which add to the accessibility of the site. It is also proposed to provide surface car parking and cycle parking on site.
- 7.2.4. A Quantitative Assessment is provided as part of the RIS to assess the capacity for additional net retailing provision in Navan and environs. This includes identification / consideration of the catchment area and its population, the expenditure available and the capacity for the proposed single retail store comprising c905sqm net retail floor area.
- 7.2.5. It is estimated that the proposed development would result in an increase of c143sqm of net retail floorspace to that currently permitted on site. This figure is calculated based on the proposed 905sqm net retail floor space equating to 85% of the total retail floorspace of c1,058sqm and on the basis that 85% of the of permitted 896sqm retail floor space would equate to a net retail floor space of 762sqm. The RIA assumes a ratio of 33% to 66% convenience to comparison goods.

7.2.6. It is determined that available spend in the catchment area in 2019 was €471,135,470 on convenience, rising to €519,793,680 in 2022 and that comparison retail spend (including bulky goods) in 2019 was €473,259,576 rising to €531,334,473 in 2022. Overall, the RIA suggests that if permitted, the amalgamated store would require 0.73% convenience and 0.62% comparison of the total available spend in 2022. They compare this to the permitted development on site which it is suggested would require 0.62% convenience and 0.52% comparison of the total available spend in 2022. Based on these figures the proposed development would represent a c0.1% increase in convenience and comparison goods expenditure in comparison to the retail use currently permitted at the location. It is suggested that convenience sales are likely to be lower owing to the presence of the Aldi discount store on the adjoining site. I would consider that the submitted Retail Assessment has adequately demonstrated that there is sufficient capacity for the proposed retail development.

7.2.7. In conclusion, having regard to the RIA, the Meath County Development Plan 2021-2027 (including Retail Strategy), I am satisfied that the proposed development is supported by planning policy, that it accords with the position of Navan in the retail hierarchy and the relevant zoning objectives for the site and that it will not have a significant adverse effect on the vitality and viability of the Town Centre.

### 7.3. Appropriate Assessment

7.3.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered in this section. As a screening report for Appropriate Assessment was not submitted in support of the application, this screening assessment has been carried out de-novo.

7.3.2. The appeal site is located within proximity to the River Blackwater, a tributary of the River Boyne. Having regard to the Source-Pathway-Receptor model, I consider that the European sites which could potentially be affected by the proposed development

are the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232). In this regard it is noted that the appeal site is located within close proximity to the River Blackwater which flows to the north of the site. The River Blackwater is a tributary of the River Boyne.

7.3.3. The qualifying interests of the River Boyne and River Blackwater SAC are as follows:

- Alkaline fens [7230]
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]

The conservation objective for the SAC is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected

7.3.4. The qualifying interests of the River Boyne and River Blackwater SPA as follows:

- Kingfisher (*Alcedo atthis*) [A229]

The conservation objective for the SPA is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

7.3.5. As previously noted, a screening report for Appropriate Assessment was not submitted in support of this amendment application. As set out in the report of the Local Authority Planner, the previous application NA200023, the parent permission for this development proposal, was subject to AA screening which resulted in 2 no. sites (the River Boyne and River Blackwater SAC and SPA) not being screened out and being brought forward to Stage 2 Appropriate Assessment. An NIS was prepared and submitted as part of the planning application, the potential significant

impacts identified in the NIS along with the and mitigations measures to prevent likely impacts were noted and considered by the Planning Authority in their screening for AA. The As per the Planners report on file, the NIS concludes:

'This NIS has considered the potential effects associated with the construction and operation of a proposed development at Balmoral Industrial Estate, Kells Road, Navan, Co. Meath. the report has concluded that, with the application of the proposed mitigation measures, it can be clearly demonstrated that no elements of the project will result in any significant effects on the integrity or qualifying Interests / Special Conservation Interest of any European site, in particular the River Boyne and River Blackwater SAC and SA, either as a stand-alone development or in-combination with other plans or projects'.

- 7.3.6. Having regard to the extant planning permission on the site granted under MCC Reg: Ref: NA200023 and the fact that the potential impacts of the re-development of this site have already been assessed under an Appropriate Assessment of that application and having regard to the nature of the proposed development which seeks only to amend the previous grant of planning permission, I consider that it would be appropriate, in this instance, that an assessment of the potential impacts of the proposed development, if any, on the Natura 2000 network of sites, be restricted to the amendments sought.
- 7.3.7. The proposed amendments to the development permitted under MCC Ref: NA200023 are set out in Section 2.0 of this report. The works proposed under this application comprise mainly of elevational changes to the exterior of the building and changes to the internal layout of the permitted scheme in order to facilitate the proposed amalgamation of retail units and the proposed change of use. I consider that the amendments sought should not in themselves give rise to any new or different issues or impact pathways that would now need to be assessed.
- 7.3.8. In conclusion, having considered the Planning history of the site, in particular the parent permission, MCC Ref: NA200023 which was subject to Appropriate assessment, the nature, scale and extent of alteration relative to the development subject of NA200023, and the information on file (which I consider adequate to carry out Appropriate Assessment Screening), I consider it reasonable to conclude that the

alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on the designated European sites. Appropriate Assessment (and submission of a NIS) is not therefore required.

## 8.0 Recommendation

8.1. I recommend that permission be granted subject to the conditions below

## 9.0 Reasons and Considerations

Having regard to the provisions of the Meath County Development Plan 2021-2027, to the Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April, 2012 and having regard to the planning history of the site which includes permission for c896sqm of retail floor space, the nature, scale, design and location of the proposed development on an 'Edge of Centre' site in an area zoned for 'mixed use' and within the Master Plan 2 land under the said County Development Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not significantly impact on the vitality and viability of the core retail area of Navan and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 30 <sup>th</sup> day of April 2021 and 24 <sup>th</sup> day of May 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to
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	<p>commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 12<sup>th</sup> day of August 2020, 2015 under planning register reference number NA/200033, and any agreements entered into thereunder.</p> <p><b>Reason:</b> In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permissions</p>
3.	<p>The hours of operation of the retail unit shall be between 0800 hours and 2200 hours Monday to Saturday and between 1000 hours and 2200 hours on Sunday and public holidays.</p> <p><b>Reason:</b> In the interest of the residential amenities of property in the vicinity</p>
4.	<p>Details, including samples, of the materials, colours and textures of all the external finishes to the proposed building shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area</p>
5.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building unless authorised by a further grant of permission</p>

	<b>Reason:</b> in the interests of visual amenity
7.	<p>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.</p> <p>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.</p> <p><b>Reason:</b> 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</p>

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Lucy Roche  
 Planning Inspector

14<sup>th</sup> February 2022