



An
Bord
Pleanála

Inspector's Report ABP-311578-21

Development	Enabling works to facilitate the future development of the Kilbride Metropolitan Park (business park) at Belgree, Kilbride, Co. Meath
Location	Hollystown Road (L1007), Belgree and Priest Town, Kilbride, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	21338
Applicant(s)	Belgree Industrial Developments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	An Taisce
Observer(s)	None
Date of Site Inspection	28 th April 2022
Inspector	Ian Boyle

1.0 Site Location and Description

- 1.1. The subject site is within the townland of Kilbride, Co. Meath, which is roughly 7.5km south of Ashbourne and 9km east of Dunboyne. The site has an irregular shape and comprises land within, and south, of Kilbride village centre along the Hollystown Road (L-1007). It comprises open agricultural lands, which are to the west of the L-1007.
- 1.2. The land is generally flat with a slight upwards slope as one travels south to north. There is a change in speed limit from 80km/hr to 50km/hr on the approach to the village centre and school. The road is generally straight. However, there is a slight bend further south where the road meets a narrow access lane that leads west towards Belcree Enterprise Park.
- 1.3. There is a mature hedgerow along both sides of the Hollystown Road. A deep drain runs in between the road and hedge on either side of the road. The Ward River traverses the northern section of the site, just south of Kilbride National School, and flows in a west - east direction. The river has several small tributaries and ends at the Broadmeadows River, which flows into Malahide Estuary, in north County Dublin. The north section of the site near the river is partially flood prone.
- 1.4. Kilbride itself is a small village consisting of a church, national school, service station and a pub. It is situated a relatively short distance from the Meath / Fingal border and lies between the M2 and M3 Motorways, which are approximately 2.5km east and 5km west, respectively.
- 1.5. The site has access to public services, including water supply and the public drainage network.
- 1.6. The surrounding area is mainly rural in character. There are a small number of dwellings in the vicinity of the site, which are generally situated in two small clusters to the north, around the village, and to the south, in a small residential enclave / cul-de-sac called Forge Cross.
- 1.7. The overall site area is approximately 1.89ha.

2.0 Proposed Development

- 2.1. The proposed development is for enabling works to facilitate phase one of a future business park development (referred to as the 'Kilbride Metropolitan Park' in application documentation).
- 2.2. The works comprise a new vehicular entrance off the Hollystown Road, removal of part of an existing hedgerow, access road, drainage, services, landscaping, public lighting, and ancillary site works.
- 2.3. The proposed entrance consists of a new priority junction, including a right turning lane off the Hollystown Road, associated lane markings, road widening and road signage.
- 2.4. The proposed access road consists of a c. 430m long and 9m wide carriageway, footpaths, grass verges and cycle path.
- 2.5. The Planning Authority requested further information in April 2021 including the preparation of a masterplan, showing a design concept, the proposed finishes and materials to be used throughout the development, height and densities, landscaping and a landscape management plan (Item 1); further details of the proposed road layout and access arrangements (Item 2); submission of Confirmation of Feasibility from Irish Water (Item 3); details regarding the appropriate collection, treatment, and disposal of surface water (Item 4); and preparation of a justification test to address concerns regarding flood risk (Item 5).
- 2.6. The Applicant submitted further information to the Planning Authority on 28th July 2021. The response included an indicative layout and design of the future business park indicating 8 no. commercial units ranging in size from c. 2,700sqm to 4,700sqm, building heights ranging from 12m to 17m, loading bays and yards, and HGV and staff parking areas.
- 2.7. The Planning Authority required the Applicant to readvertise the application upon receipt of further information, which was done on 16th August 2021.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority issued a *Notification of Decision to Grant Permission* on 9th September 2021, subject to 14 no. conditions, which were mainly standard in nature.

Notable conditions include:

- Further details relating to drainage attenuation and surface water disposal (Condition 2).
- Detailed design information regarding the proposed road layout, design, bridge widening works at the Ward River Bridge (north), and that all recommendations of the previously completed Road Safety Audit be addressed as part of the proposed layout. All works to be completed by the Applicant (Condition 3).
- Site working hours (Condition 5).
- Payment of a financial contribution (Condition 14).

3.2. Planning Authority Reports

3.2.1. Planning Report

- The majority of the site is zoned 'E2 – General Enterprise and Employment (Phase 1)' under the current Development Plan. Part of the drainage for the site is zoned 'F1 – Open Space'. However, it is considered that the proposed works will not visually compromise the area. Therefore, the principle of the proposed development on the site is acceptable.
- In accordance with the masterplan submitted as further information, the design and layout of the proposed development is considered acceptable.
- The proposed arrangement in relation to car parking and access are also considered acceptable.

- The proposed development is acceptable in relation to services, and it is noted that Irish Water have no objection, subject to conditions. The Water Services Section of the Council also do not object, subject to conditions, noting that the Applicant submitted a detailed engineering services report as part of further information.
- The site specific flood risk assessment submitted with the original application did not contain sufficient information to allow for a detailed assessment of flood risk on the site. However, owing to the information submitted in the Applicant's further information response, and the report from the Council's Environmental Engineer, this issue is considered to be addressed.
- A number of Natura 2000 sites are within 15km of the subject site. The Planning Authority concluded that a Stage 2 Appropriate Assessment (AA) (Natura Impact Statement) was not required, however.
- The proposed development ('Industrial Park') is not listed in Schedule 5 (10)(a) of the Planning and Development Regulations, 2000, for EIA purposes. It is also significantly below the relevant threshold for an Industrial Park Development (15ha) and will not, by itself, or in combination with other developments, exceeds the said threshold.

3.2.2. **Other Technical Reports**

Transportation Department: No objection, subject to conditions. Considered the proposed road layout and entrance arrangements, post receipt of further information, to be acceptable.

Public Lighting: No objection, subject to a condition requiring that all lighting works constructed be in accordance with the relevant Council document in terms of technical specifications and requirements.

Environment (Flooding): Noted that:

- development site is located within Flood Zone A where the probability of flooding is greater than 1% from fluvial flooding (i.e. at high risk of flooding) and Flood Zone B where the probability of flooding is between 0.1% and 1% (i.e. at medium risk of flooding).

- The Applicant submitted a Site Specific Flood Risk Assessment (SSFRA). However, this did not contain sufficient information to allow for a detailed assessment of flood risks on the site.

The Applicant prepared a Justification Test as part of further information, which was accepted by the Planning Authority. No objection, upon receipt of further, subject to conditions.

Water Services: Noted that the proposed development did not meet the requirements of the Council's Water Services Section with respect to orderly collection, treatment and disposal of surface water and requested further information in relation to surface water runoff rates, attenuation volumes and requirements and installation of petrol / oil separators upstream of the proposed attenuation system.

Broadband Officer: It was noted that no information was provided for the provision of broadband access. Recommended that the developer provide details of the proposed telecommunications ducting for the development to ensure that future units will have access to a range of telecommunication services networks.

3.3. **Prescribed Bodies**

An Taisce: Objected to the proposed development on the following grounds:

- The A2 zoning of the site contravenes national sustainability policy and the Core Strategy of the County Development Plan.
- The site is to the south of the speed-limited area of the village and situated on the 'L designated' local road network. As such, it is an entirely unsuitable, unjustified and unsustainable location for a business park type development.
- The village does not have the appropriate service base and infrastructure to tack such a development onto. The village is entirely disconnected from the national road service and from road access to and from the Dublin Metropolitan Area.
- There is an extensive number of unsuitably located business park proposals in County Meath which were refused permission by An Bord Pleanála in the 2007 to 2010 period, including in this location.

- The Planning Authority permitted an industrial and warehousing development (c. 22,000sqm) on the then unzoned lands by Material Contravention in June 2008 (Reg. Ref. DA70719). The Board then refused permission based on the Regional Planning Guidelines, that the proposal would be an unsustainable car dependent development and due to deficient sewage and transport provision.
- Further concern raised regarding the import of soil as noted in a photograph accompanying the submission (photo dated 21st February 2021).

Irish Water: Initially requested further information, including details in relation to feasibility of a connection to public water / wastewater infrastructure. Applicant required to engage with Irish Water through submission of a Pre-Connection Enquiry (PCE). The Confirmation of Feasibility (CoF) must be submitted to the Planning Authority as further information. No objection upon receipt of further information.

3.4. **Third Party Observations**

None.

4.0 **Planning History**

Subject Site

ABP Ref. PL17.229781 (Reg. Ref. DA/70719): An Bord Pleanála overturned the Planning Authority's 'Notification of Decision to Grant Permission' and refused permission in January 2009 for Phase 1 of a Business Park and associated facilities comprising 3 no. warehouses, 2 no. enterprise incubator buildings, construction of a new vehicular access and alterations to the public road, car parking, and associated site facilities and works on a site of 10.5 hectares. That proposed development is similar to the subject development proposal which is now under consideration by the Board.

The Board's decision included 4 no. reasons for refusal, which can be summarised as follows:

1. The proposed business park is in the rural Hinterland Area of Greater Dublin, remote from those substantial parts of County Meath zoned for this type of development. The Regional Planning Guidelines for the Greater Dublin Area 2004-2016 state that future development in the Hinterland Area must be strongly directed into designated primary and secondary development centres and that, outside such designated centres, the only permissible development should be that related to local need. The proposed development would, therefore, contravene the policies of the Regional Planning Guidelines for the Greater Dublin Area 2004-2016 and the strategic aim of the County Development Plan.
2. Policy ED POL 20 of the County Development Plan seeks to permit development proposals for industrial or business enterprises in the countryside only where the proposed use has locational requirements to be accommodated in a rural location and where this has been adequately demonstrated. The proposed development for warehousing, light industry and office uses has no specific locational requirements which necessitate its location at this rural, unzoned and unserviced location and would, thereby, contravene this policy.
3. The Board is not satisfied that adequate capacity exists in the public sewerage system, including the Meath County Council pumping station at Kilbride, to serve the development.
4. Having regard to the nature, extent and location of the proposed development, which constitutes Phase 1 of a larger scheme, as indicated in the public notices and other documents submitted, it is considered that the likely significant impacts of the development on the environment should be assessed and that an Environmental Impact Statement would be necessary for such assessment.

Reg. Ref. DA60475: Application made in November 2016 for a business park (total GFA of 58,449sqm), including 61 no. warehouse units, new vehicle access to public road, car parking, and associated site facilities and works on a site of 23.3ha. The application was subsequently withdrawn.

5.0 Policy Context

National Planning Policy

5.1. Climate Action and Low Carbon Development (Amendment) Act, 2021

- 5.1.1. The Climate Action and Low Carbon Development Act, 2021 was signed into law in July 2020.
- 5.1.2. The 2021 Act strengthens significantly the provisions of the 2015 Act by adding a specific decarbonisation target of climate neutrality by 2050 at the latest, with the addition of recognition of the importance of protecting biodiversity. This brings Ireland's approach into line with the EU commitment to climate neutrality by 2050 as enshrined in the European Climate Law of 2021, and into line with many other climate laws.
- 5.1.3. The Act establishes national climate objectives that the State shall pursue and achieve by no later than the end of the year 2050, including the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It contains a number of objectives for the purpose of achieving that aim including the preparation of an updated Climate Action Plan.
- 5.1.4. The preparation of local authority climate action plans is a key element.

5.2. The National Development Plan 2021 – 2030

- 5.2.1. The National Development Plan 2021-2030 (NDP) was published in October 2021 in tandem with the National Planning Framework (NPF). It seeks to drive Ireland's long term economic, environmental and social progress over the next decade, in accordance with the spatial planning context of the NPF.
- 5.2.2. The key role of the NDP is to set out public capital investment over the next 10 years in order to achieve various National Strategic Outcomes. It constitutes a revised plan with increased emphasis on supporting the transition to a low carbon society. It sets out a major national investment project across all sectors, supporting investment measures that are necessary to meet climate ambitions.

5.3. **Project Ireland 2040: The National Planning Framework**

- 5.3.1. 'Project Ireland 2040: The National Planning Framework (NPF)' is a planning framework to guide development and investment over the coming years, up to 2040.
- 5.3.2. Section 2.6 deals with 'Securing Compact and Sustainable Growth' and states that the physical format of urban development in Ireland is one of the greatest national development challenges. Analysis undertaken in the preparation of the National Planning Framework, shows that more than anything else, getting the physical form and location of future development right offers the best prospects for unlocking regional potential.
- 5.3.3. Presently, the fastest growing areas are at the edges of and outside our cities and towns, meaning:
- a constant process of infrastructure and services catch-up in building new roads, new schools, services and amenities and a struggle to bring jobs and homes together, meaning that there are remarkably high levels of car dependence and that it is difficult to provide good public transport,
 - that most development takes the form of greenfield sprawl that extends the physical footprint of our urban areas, and when it is the principal form of development, works against the creation of attractive, liveable, high quality urban places in which people are increasingly wishing to live, work and invest, and
 - a significantly higher carbon footprint than the EU average, in part due to higher transport and energy demand, mostly based on fossil fuels, that has worked against achieving agreed climate action targets.
- 5.3.4. On Page 57 under the heading 'Environment', it is stated that one of the principal benefits of more compact urban development is that it will reduce harmful impacts on the environment by:
- Reducing land take, preserving agricultural land and habitats;

- Utilising existing infrastructure, buildings and sites and reducing the need to travel long distances, which will reduce energy consumption and carbon emissions;
- Improving the viability of public transport services; and
- Enhancing public health by encouraging and facilitating more active lifestyles by creating a more walkable and cycling friendly urban environment.

5.4. Smarter Travel: A Sustainable Transport Future 2009 – 2020

- 5.4.1. The executive summary of the Smarter Travel policy document states that ‘transport and travel trends in Ireland are unsustainable. Even with the much needed investment in Transport 21, if we continue with present policies, congestion will get worse, transport emissions will continue to grow, economic competitiveness will suffer and quality of life will decline’.
- 5.4.2. On Page 34 under the heading ‘Aligning Employment Policy with Transport Planning’ it is stated that ‘the provision of a high quality and sustainable travel and transport infrastructure, that supports the movement of both people and goods, is a vital requirement to secure knowledge-intensive business investment and to grow indigenous companies of scale that can compete globally...’
- 5.4.3. Therefore, and increasingly, the location of centres of employment is chosen in the context of the strategies framed around the National Spatial Strategy. The integration of existing and future business parks with public transport and their location within walking and cycling distance of residential areas is an important element in the Government’s industrial property strategy. It can also contribute to wider access to the labour market by people with reduced mobility.

Regional Planning Policy

5.5. Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019 – 2032

- 5.5.1. The Regional Spatial and Economic Strategy (RSES) is a strategic plan and investment framework to shape future growth and to better manage regional

planning and economic development throughout the Region. It identifies regional assets, opportunities and pressures and provides appropriate policy responses in the form of Regional Policy Objectives (RPO's).

The Role of Transport in Rural Development

The importance of development which supports the rural economy and the rural social fabric is of fundamental importance to the future development of the Region. The rural economy and the rural social fabric should be supported through the provision of better local connectivity and connectivity to services and commercial activities located in cities and towns.

In addition to this, urban-generated development in rural areas needs to be managed in such a way so as to safeguard the integrity of rural areas and to support the accommodation of urban-generated development within urban areas.

Guiding Principles – Integration of Land Use and Transport

- For urban-generated development, the development of lands within or contiguous with existing urban areas should be prioritised over development in less accessible locations. Residential development should be carried out sequentially, whereby lands which are, or will be, most accessible by walking, cycling and public transport – including infill and brownfield sites – are prioritised.
- Larger scale, trip intensive developments, such as high employee dense offices and retail, should in the first instance be focused into central urban locations.
- Within the Dublin Metropolitan Area, except in limited planned circumstances, trip intensive developments or significant levels of development should not occur in locations not well served by existing or proposed high capacity public transport.

Local Planning Policy

5.6. Meath County Development Plan 2021-2027

Background

- 5.6.1. The Meath County Development Plan 2021-2027 ('Development Plan') came into effect on 3rd November 2021. A ministerial directive applies to certain provisions, none of which are relevant to the proposed development.

Zoning

- 5.6.2. The appeal site is subject to two zoning objectives as per the Meath County Development Plan 2021-2027.

Lands zoned E2 - General Enterprise and Employment

- 5.6.3. The majority of the site, including where the proposed road access meets the Hollystown Road, is zoned 'E2 – General Enterprise and Employment'. The E2 zoning objective seeks 'to provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment/enterprise uses in a good quality physical environment'.
- 5.6.4. The Development Plan guidance for lands zoned E2 is that they constitute an important land bank for employment use which must be protected. The development of E2 lands seek to provide for the creation and production of enterprise and facilitate opportunities for industrial, manufacturing, distribution, warehousing and other general employment / enterprise uses in a good quality physical environment.
- 5.6.5. Permitted uses for this zone include 'Industry – General', 'Industry – Light' and 'Logistics'.

Lands zoned F1 – Open Space

- 5.6.6. A small piece of land near the north of the site is zoned 'F1 – Open Space', which seeks 'to provide for and improve open spaces for active and passive recreational amenities'.

- 5.6.7. The zoning is associated with the Ward River which passes near the village centre and northern section of the site.
- 5.6.8. The Development Plan guidance states that the Planning Authority will consider development proposals for utility development and transportation infrastructure on 'F1 Open Space' zoned land on a case-by-case basis subject to the works being ancillary to and necessary for the appropriate development of adjacent lands. In all instances the integrity of the open space land as an amenity area shall not be significantly reduced.

Settlement Hierarchy

- 5.6.9. Kilbride is identified as 'Rural' in the Settlement Hierarchy for Meath, which includes rural villages with a population of less than 1,500 and the wider rural area of the county. It is on the lowest (sixth) tier of the Settlement Hierarchy under Section 3.4.2 of the Development Plan.
- 5.6.10. Map 3.1 of the Development Plan ('Settlement Hierarchy') references Kilbride as a 'village'. It is outside the Dublin Metropolitan Area.
- 5.6.11. Section 2.10.3 of the Development Plan states that the NPF and RSES recognise the economic and social contribution that rural areas make at a local, national, and regional level in providing employment, access to high-quality amenity areas, delivering high-quality agricultural produce, and providing raw materials and aggregates used in the construction of our urban centres. Other recognised challenges facing these areas include urban generated pressures, an ageing population, connectivity, and access to infrastructure and new technologies.

Settlement Boundary

- 5.6.12. The site is within the Settlement Boundary for Kilbride.

Flood Zone

- 5.6.13. Flood Zones A and B apply to the northeast part of the site.

Kilbride Written Statement

Vision

- 5.6.14. To consolidate and strengthen the commercial and residential village centre of Kilbride and encourage development which will contribute and strengthen the

character and structure of the village core. Also, to enhance the quality of the village's built and natural environment while catering for the needs of the local community and to ensure that the village develops in a sustainable manner, as an attractive village in which to live, work, recreate and visit.

Land Use Strategy

- 5.6.15. The land use strategy for Kilbride aims to maintain and promote an attractive built environment within the village. This will be achieved through the sensitive treatment of infill development to promote a compact and vibrant village core to ensure that Kilbride can cater for its current and future population needs and support employment generation in a sustainable manner.

Economy and Employment (including retail)

- 5.6.16. Kilbride is identified as a Level 5 retail centre in the County Retail Hierarchy. Commercial facilities in the village consist of a petrol station and associated convenience shop, a public house, and Rennicks sign manufacturers located south of the village. Development in the village has occurred in a dispersed fashion rather than in a compact village form. Due to the size of Kilbride and the close proximity of larger urban settlements, the facilities available are considered to be adequate at present.

Movement

- 5.6.17. The roads in the village are frequently used by commuters from outside of this area travelling to Dublin. The village therefore experiences significant volumes of through traffic which has implications for the quality of the environment and safety for pedestrians and cyclists.

Chapter 3 Settlement and Housing Strategy

- 5.6.18. Section 3.7 of the Development Plan is in relation to 'the Settlement Hierarchy and Future Population Growth in Meath'.
- 5.6.19. It states that the Council's Settlement Strategy is consistent with the approach set out in the NPF and RSES in that it will encourage consolidation of existing urban centres with an emphasis on delivering more compact growth.

- 5.6.20. The strategy supports the creation of sustainable ‘live work’ communities whilst also maximising recent investment in physical and social infrastructure. Importantly, the larger settlements at the top of the settlement hierarchy will receive the greatest proportion of growth, with development in smaller towns and villages primarily focused on local growth only.
- 5.6.21. Section 3.8.7.1 ‘Live Work Communities’ states that the Council has targeted the creation of ‘live-work’ communities in designated towns at the upper end of the settlement hierarchy. The Plan confirms that this is a more integrated approach to settlement growth which ‘promotes the location of employment close to residential areas and services such as schools and shops’. The benefits of this approach are outlined as follows:
- A reduced travel time to work which results in people having more time to participate in local activities, which improves the level of social interaction and the sense of community in settlements.
 - Improved health and quality of life. If people are working near their home, they are more inclined to walk/cycle to work and participate in other physical activities.
 - Fewer cars travelling long distances reduces congestion which benefits the environment and reduces the carbon footprint of the County.’

Chapter 4 Economy and Employment Strategy

Objective ED POL 18

To support rural entrepreneurship and the development of micro businesses (generally less than 10 no. employees) in rural areas where environmental and landscape impact is minimal and such developments do not generate significant or undue traffic. This policy shall not apply to sites accessed from the National Road Network.

Objective ED POL 26

Meath County Council shall positively consider and assess development proposals for the expansion of existing authorised industrial or business enterprises in the countryside where the resultant development does not negatively impact on the character and amenity of the surrounding area. In all instances, it should be

demonstrated that the proposal would not generate traffic of a type and amount inappropriate for the standard of the access roads. This policy shall not apply to the National Road Network.

Chapter 6 Infrastructure Strategy

Objective INF POL 20

To require that a Flood Risk Assessment is carried out for any development proposal, where flood risk may be an issue in accordance with the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoECLG/OPW, 2009). This assessment shall be appropriate to the scale and nature of risk to and from the potential development and shall consider the impact of climate change.

Objective INF OBJ 21

To restrict new development within floodplains other than development which satisfies the Justification Test, as outlined in the Planning System and Flood Risk Management Guidelines 2009 for Planning Authorities (or any updated guidelines).

Chapter 8 Cultural and Natural Heritage Strategy

Objective HER POL 37

To encourage the retention of hedgerows and other distinctive boundary treatments in rural areas and prevent loss and fragmentation, where practically possible. Where removal of a hedgerow, stone wall or other distinctive boundary treatment is unavoidable, mitigation by provision of the same type of boundary will be required.

Chapter 9 Rural Development Strategy

Objective HER POL 53

To discourage proposals necessitating the removal of extensive amount of trees, hedgerows and historic walls or other distinctive boundary treatments.

Objective RD OBJ 9

To promote the retention of field boundaries and mature trees and hedgerows to protect the rural character of the area.

5.7. Economic Development Strategy for County Meath 2014-2022

- 5.7.1. In terms of economic development, the 'Economic Development Strategy for County Meath 2014-2022' (the 'Economic Strategy') sets out a hierarchy for spatial and economic structuring. The settlements identified include Navan, Drogheda, Dunboyne / Ashbourne and Kells which are either Large Growth Towns I or II or a Moderate Growth Town, as per the Council's Settlement Hierarchy.
- 5.7.2. The strategy states that there are a series of towns and villages below this where it is envisaged 'they will grow in a self-sustaining manner with levels of growth in population matched by employment opportunities...'

5.8. Meath Climate Action Strategy 2019 – 2024

- 5.8.1. Relevant provisions have been incorporated in the adopted County Development Plan.

5.9. Natural Heritage Designations

There are no Natura 2000 sites within or in the vicinity of the site.

The nearest Natura 2000 sites are the Malahide Estuary SPA and SAC (Site Codes 004025 and 000205), which are located approximately 12.5km to the east.

The pNHA Malahide Estuary (site code: 000205) is also roughly 12.5km to the east.

5.10. EIA Screening

- 5.10.1. The proposed development is for enabling works to facilitate a future business park. It comprises the construction of a new access road and associated site works which are intended to serve associated future industrial / commercial units.
- 5.10.2. The access road would be approximately 430m in length, have a 9m wide carriageway and include removal of part of an existing hedgerow; a new priority junction; lane marking, road widening and road signage; grass verges, cycle path, and footpath; a rising main connection; widening of an existing bridge on a public road; attenuation storage tank and pumping station; new boundary treatments; and other ancillary site development works.

- 5.10.3. An Environmental Impact Assessment Screening Report was not submitted with the application.
- 5.10.4. Schedule 5 of the Planning and Development Regulations, 2001, as amended, ('the Regulations') set out the thresholds for which a project must be subject to an Environmental Impact Assessment Report (EIAR), if a threshold is exceeded. I note that the proposed development is not a listed project in either Part I or II of Schedule 5 of the Regulations. Therefore, a mandatory EIAR is not required in this case.
- 5.10.5. However, a development which is below the EIAR threshold (i.e. 'sub-threshold') may still require an EIAR if the proposed works would be likely to have significant effects on the environment. Schedule 7A of the Regulations sets out the information to be provided by the Applicant for the purposes of screening out a sub-threshold development for the purposes of EIA.
- 5.10.6. I note that the site has an area of 1.9ha approximately and that it is not situated within a business district or a built-up area. It comprises undeveloped agricultural land and part of the existing, surrounding road network.
- 5.10.7. The introduction of an access road would not have an adverse impact in environmental terms on surrounding land uses. The proposal would not give rise to waste, pollution, or nuisance and would not pose a risk of potential major accidents or risks to human health. There are no demolition works proposed, except for normal site clearance / enabling works, which in any event are considered minor and unlikely to have a significant negative effect on the environment.
- 5.10.8. The proposed development would use standard building materials in the construction of the new road and related works; and, in this regard, I note that the Applicant has prepared a specific Construction and Environmental Management Plan where it is intended to segregate waste materials onsite to help maximise the recycling of waste. Where onsite segregation of certain waste types is not feasible, offsite segregation will be carried out. Any construction and demolition waste deemed not suitable for reuse or recovery will be placed in separate receptacles and disposed of accordingly.
- 5.10.9. The application is accompanied by engineering plans and drawings, a planning report, engineering services report, flood risk report and justification test and public

lighting report, amongst others, which provide further details of the proposed development and seek to address issues in terms of the sensitivity of the surrounding receiving environment.

5.10.10. I note that the site is not with a European Site, and the nearest such sites are the Malahide Estuary SPA and SAC (Site Codes 004025 and 000205, respectively), which are located approximately 12.5km to the east.

5.10.11. In relation to the future planned industrial and commercial units – which the proposed access road is intended to serve – I consider that any such application(s) will be subject to a separate EIA screening exercise at that point.

5.10.12. In summary, and having regard to:

- the nature and scale of the proposed development, which is below the threshold in respect of either Part I or II of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location and context of the site and pattern of development in the surrounding area,
- the availability of mains water and wastewater services to serve the proposed development,
- the guidance set out in the ‘Guidelines on the information to be contained in Environmental Impact Assessment Reports’ published by the Environmental Protection Agency, Ireland (2022)’ and
- the criteria set out in Schedule 7A of the Planning and Development Regulations 2001 (as amended),

5.10.13. I have concluded that by reason of the nature, scale, and location of the subject site, that the proposed development would not be likely to have significant effects on the environment, and that on preliminary examination, an environmental impact assessment report is not necessary.

5.10.14. Furthermore, I note that the future, planned development (business park) – which the proposed access road is intended to facilitate – is below the relevant threshold for mandatory EIA purposes, which is 15ha. Any such later application for an

industrial / business park development will be subject to a separate EIA screening exercise at that point, however.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal are as follows:

- A largescale business park is anomalous for a location outside the Dublin Metropolitan Area. The proposal has not justified the location-based need for such a development, which is required for a scheme of this nature.
- Kilbride is a small rural settlement on a local road disconnected from the national and regional roads network. It is unsuitable for the generation of any additional vehicular traffic.
- The site is just outside of the speed-limited area of Kilbride and situated on the L- designated local road network. It is disconnected from the national road service as well as access to / from the Dublin Metropolitan Area.
- The proposal would contravene government policy, in particular ‘Smarter Travel 2009’, due to its deficient public transport access, and also other national and local policy in relation to land use and transportation, which seeks to reduce dependency on private car use.
- Kilbride does not have the appropriate service base and infrastructure to support the business park.
- The E2 zoning of the site is subject to a Section 255 complaint to the Planning Authority.
- The proposed development is one of several unsustainably located business park proposals in the county, which were previously refused permission by An Bord Pleanála.
- In June 2008, Meath County Council granted permission for an industrial and logistics warehousing development on the then unzoned land / subject site under material contravention (Reg. Ref. DA/70719). An Bord Pleanála

refused permission due to non-compliance with the Regional Planning Guidelines and deficient sewage and transport provision (ABP Ref. 17.229781). The E2 zoning was only initiated after this refusal Decision.

6.2. Applicant Response

The Applicant lodged an Appeal Response on 22nd October 2021, which includes the following main points:

- Given the zoning of the subject site, the proposed development was correctly permitted to facilitate the development of the land for industrial warehousing and related uses. This is in the remit of the Local Authority.
- The proposal is on serviced land and justified with cyclist and pedestrian infrastructure.
- Further details of transport capacity and connections will be provided as part of future planning applications for individual units.
- The previous refusal is no longer relevant given the current zoning of the site.
- The use of the site for employment based land uses has the potential to reduce vehicular trips to and from Dublin by providing a regionally located employment base, reduce journey times and promote local employment.
- The proposed development has duly considered the *Draft Meath County Development Plan 2020-2026* (as it was at time of the Applicant's Appeal Response) and made provision for the land zoned 'Open Space'.
- There are several employment locations and a railway station (the M3 Parkway station) in proximity to the site. The site also has easy access to the M2 and M3 Motorways and Dublin Region. Therefore, the proposed development is consistent with the Development Plan policies in relation to rural generated employment growth.
- There is sufficient infrastructural capacity for all relevant services. Irish Water has provided a letter of confirmation of feasibility.
- The subject proposal is for enabling works only and more detailed infrastructural upgrade works will be designed at the appropriate time.

- The future proposed development (business park) is below the relevant threshold for mandatory EIA purposes, which is 15ha.

6.3. **Planning Authority Response**

- The Planning Authority is satisfied that all matters were considered in the course of its assessment of the planning application as detailed in the Planning Officer's Report.
- The proposed development is considered consistent with the policies and objectives as outlined within the Meath County Development Plan 2013-2019, as varied.

7.0 **Assessment**

The main planning considerations relevant to this appeal are:

- Zoning
- Land Use Strategy for Kilbride
- National and Regional Policy
- Appropriate Assessment

7.1. **Zoning**

- 7.1.1. The proposed development is for the first phase of a future intended business park south of Kilbride village centre. It is referred to as the 'Kilbride Metropolitan Park' in the application documentation submitted and comprises various components of enabling works, including a new vehicular entrance off the Hollystown Road, partial removal of an existing mature hedgerow, access road, drainage, services, landscaping, public lighting and ancillary site works.
- 7.1.2. The appeal site is subject to two different land use zoning objectives. The larger portion of the site is zoned 'E2 – General Enterprise and Employment'. The E2 zoning objective seeks *'to provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment/enterprise uses in a good quality*

physical environment'. The permitted uses for this zone include 'Industry – General', 'Industry – Light' and 'Logistics', which includes a business park.

7.1.3. I note from viewing the plans and particulars accompanying the application that there is small section of the site to the north zoned 'F1 – Open Space'. The zoning is associated with the Ward River, which passes just south of Kilbride village centre. [The river itself flows in a west – east direction and is a short distance south of Kilbride National School.]

7.1.4. The zoning appears to be in relation to potential flooding arising from the topography of the land and its proximity to the Ward River. In this regard, the Applicant states that flood mitigation works are included as part of the proposal to divert flooding to another section of the site, within their ownership, and which would be provided as open space in lieu. This would facilitate an appropriate access arrangement into the new business park from the Hollystown Road. In this regard, a site specific flood risk assessment has been submitted in support of this proposed arrangement, which confirms that the development would not be at risk of tidal, pluvial or groundwater flooding. I consider the principle of this approach to be acceptable.

7.1.5. Furthermore, the relevant Development Plan guidance for the open space zoning objective states that the Planning Authority will consider development proposals for transportation infrastructure on F1 zoned lands, on a case-by-case basis, subject to the works being ancillary to and necessary for the appropriate development of adjacent lands.

7.1.6. Therefore, in summary, I consider that the proposed development is generally in accordance with the land use zoning objectives that apply to the site.

7.2. Land Use Strategy for Kilbride

7.2.1. The Written Statement and Land Use Strategy for Kilbride, as per Meath County Development Plan 2021-2027, seeks to maintain and promote an attractive built environment within the village. It states that this will be achieved through the sensitive treatment of infill development 'to promote a compact and vibrant village core to ensure that Kilbride can cater for its current and future population needs and to support employment generation in a sustainable manner'. In my opinion, the

proposed development, which is on a greenfield site and encompasses a large tract of agricultural lands, would be a significant departure from this strategy, notwithstanding its compliance with the relevant land use zoning objectives. The proposal would be far in excess of what would be required to sustain the existing and future projected population needs of the locality and I do not consider that the development would contribute to a more compact or vibrant village core in any way. Instead, I consider that the proposed development would likely shift the emphasis of the village southwards and away from its traditional centre.

- 7.2.2. I note that the traditional pattern of development in Kilbride is recognised in the Development Plan as ‘dispersed’ and ‘poorly defined’ and that local policy seeks to address this. However, the proposal would likely be transformative for the existing village core, which to date has retained a rural and low-density village character. It would likely lead to a significant increase in the amount of employee and delivery/services related traffic, including heavy vehicles, passing through the village core. In this regard, the Development Plan states that Kilbride already experiences significant volumes of through-traffic which has implications for its quality of environment. I note the proposal includes for upgrades to the pedestrian and cycle infrastructure in the area. However, the immediate surrounding road system comprises Local roads only and it is likely that the capacity for additional volumes of heavy traffic on the local network would be severely limited for this reason.
- 7.2.3. I note that Objective ED POL 26 seeks to positively consider and assess development proposals for the expansion of existing authorised industrial or business enterprises in the countryside where the resultant development does not negatively impact on the character and amenity of the surrounding area (emphasis added). However, the proposed enabling works are to accommodate a new facility which has no apparent specific locational requirements necessitating its location in this rural setting. The appeal site is relatively remote from other parts of the county, such as its Regional Growth Centre (South Drogheda Environs) and Key Towns (Navan and Maynooth Environs), for which the concentration of development, creation of a critical mass and further expansion is anticipated.
- 7.2.4. In summary, I consider that the introduction of a largescale, trip intensive warehousing facility / business park on the periphery of this rural settlement would

exacerbate the past negative trends of dispersed growth and outwards development. In my view, this would be against the Council's Land Use Strategy for Kilbride, which seeks to encourage a more compact pattern of development and to strengthen the village core. This type of disjointed and spreading out of development is also against national and regional planning policy, which provides a clear mandate for more carefully managed and compact forms of growth (discussed in further detail below).

7.3. National and Regional Policy

- 7.3.1. In my opinion, the overriding planning consideration in relation to this appeal case is whether the development proposed is in accordance with national and regional planning policy.
- 7.3.2. I note that the Appellant (An Taisce) has raised several concerns questioning the specific need, and locational requirements, for this type of development in this particular setting. It is stated that such a largescale business park is anomalous for this type of area as it would contravene government policy, and particularly 'Smarter Travel 2009', as it is disconnected from the national road network and not within the Dublin Metropolitan Area. It is also stated that the proposal would be against several government policies regarding land use and transportation, which seek to reduce dependency on private car usage and to encourage more sustainable forms of travel.
- 7.3.3. The Applicant states in their appeal response that the proposed development is compliant with the land use zoning objectives that apply to the site. It is also argued that the proposal is on serviced land and is justified given the proposed improvements to cyclist and pedestrian infrastructure. It is also argued that the use of the site for employment would potentially reduce vehicular trips to / from Dublin by providing a regionally located employment base, reduce journey times and promote local employment within the village. It is stated that the site is within reach of several key urban centres, where employees could travel from, including the larger settlement towns of Dunshaughlin, Ashbourne, Ratoath, Swords, Blanchardstown, amongst others (this information is shown on a map on Page 5 of the Applicant's Response).

- 7.3.4. I have reviewed the Site Masterplan (Drwg. No. P-101), submitted as further information to the Planning Authority, which describes the layout and extent of the future intended business park. The overall facility when built-out would be very significant in size and scale, in my opinion. It would likely be a defining feature in this area within what is a small village environment situated at the junction of where three local standard roads converge. The new business park would encompass a site area of approximately 1.9ha and comprise 8 no. large warehouse / office units, each ranging in size from between roughly 2,800sqm to 4,700sqm. It would also include a significant amount of surface car parking, loading bays and yards and remove a sizeable amount of existing hedgerow from the western section of the Hollystown Road.
- 7.3.5. I acknowledge that the specific provision of car parking spaces would be determined at a later stage – as part of separate applications for individual units – and that this is dependent on end user requirements, which I consider reasonable. However, according to the indicative masterplan, I note that the overall quantum of floorspace for the proposed warehouse and office component would equate to approximately 34,400sqm (or 370,000 sq ft). There would also be roughly 341 no. car parking spaces and a significant amount of hardstand area associated with the internal estate road. This would be in the context of a small village environment, which is recognised as ‘rural’ in the Development Plan Settlement Hierarchy, and which has a population of 87 no. persons according to the most recent census estimates. The village also has a very limited service base, which I observed during my visit to the appeal site and of Kilbride village itself.
- 7.3.6. In terms of national policy, specifically, I note that that the National Development Plan 2021 – 2030 (NDP) under National Strategic Outcome 1 (NSO 1) aims ‘to secure the sustainable growth of more compact urban and rural settlements supported by jobs, housing, community services and amenities, rather than sprawl and unplanned, uneconomic growth’. The strategic policy framework requires the careful management and sustainable growth of compact cities, towns and villages as it is considered that this will add value and create more attractive places in which people can live and work. Importantly urban, compact growth is supported by the NDP through investment in high quality integrated active travel and public transport systems and supporting amenities.

7.3.7. The National Planning Framework (NPF) states that one of the principal benefits of more compact urban development is that it will reduce harmful impacts on the environment by:

- reducing land take, preserving agricultural land and habitats;
- utilising existing infrastructure, buildings and sites and reducing the need to travel long distances, which will reduce energy consumption and carbon emissions;
- improving the viability of public transport services; and
- enhancing public health by encouraging and facilitating more active lifestyles by creating a more walkable and cycling friendly urban environment.

7.3.8. I do not consider that the proposed development would assist in delivering any of the above, noting that the site is agricultural in nature and the proposal seeks to remove a sizeable section of mature hedgerow (Dot Point 1 refers), that the large majority of future employees would be from outside the immediate area and likely be travelling from larger, neighbouring centres from within the county, and further afield (Dot Point 2), that in absence of frequent public transport services in the vicinity of the site that it would be unlikely to encourage active travel or alternatives to the private car for future employees travelling to/from the site (Dot Points 3 and 4).

7.3.9. I also note that the NPF under Section 2.6 references that ‘the physical format of urban development in Ireland is one of our greatest national development challenges’ and that presently the fastest growing areas are at the edges of and outside our cities and towns. This has resulted in certain negative trends occurring whereby there is a ‘constant process of infrastructure and services catch-up in building new roads, new schools, services and amenities and a struggle to bring jobs and homes together. The NPF notes that this has led to remarkably high levels of car dependence and that it is difficult to provide good public transport. I further note that this section of the NPF references that most development takes the form of greenfield sprawl that extends the physical footprint of urban areas, and when it is the principal form of development, it works against the creation of attractive, liveable, high quality urban places in which people are increasingly wishing to live, work and invest.

- 7.3.10. The RSES includes several guiding principles in relation to integrating land use and transport. The overriding policy position is that for urban-generated development, the development of lands within or contiguous to existing urban areas should be prioritised over development in less accessible locations. Furthermore, the RSES states that larger scale, trip intensive developments should in the first instance be focused into central urban locations. In this regard, I reiterate that Kilbride is identified as 'Rural' village type settlement under Section 3.4.2 of the Development Plan and that it is on the lowest (sixth) tier of the Council's Settlement Hierarchy. Kilbride is also outside the Dublin Metropolitan Area and the appeal site comprises agricultural lands.
- 7.3.11. I do not consider that the locational context of the site is somehow unusual in that it should allow for a departure from what I consider to be a very clear and unambiguous policy position in relation to large-scale, commercial development proposals; and that these generally should be focussed towards larger and more central urban locations, which have the benefit of existing infrastructure, services and facilities.
- 7.3.12. In summary, having regard to the location of the appeal site on agricultural lands on the periphery of a designated rural village settlement, and to the nature of the development proposed, which is enabling works for a future planned business park (comprising significant employment uses), and in the absence of a frequent public transport service in the area, I consider that the proposal development would be principally dependent on private car transport and lead to the creation of an unsustainable car-dependent form of development. The proposal would also be against the relevant NPF and RSES policy objectives in relation to the consolidation of existing urban centres, achieving compact growth, and that large-scale, trip intensive developments should in the first instance be focused into central urban locations.

7.4. Appropriate Assessment

- 7.4.1. Having regard to the nature and scale of the proposed development; which is for works to facilitate phase one of a future-planned business park development, and the distance from the nearest European site; no Appropriate Assessment issues

arise. Therefore, it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Notwithstanding the zoning provisions for the site, and having regard to the location of the appeal site on the periphery of a rural settlement, and to the nature of the development proposed, which is enabling works to accommodate a future-planned business park comprising significant employment uses, and in the absence of a frequent public transport service in the area, I consider that the proposal would be dependent on private car transport and lead to the creation of an unsustainable car-dependent development. The proposed development would, therefore, contravene the Settlement Strategy and Written Statement for Kilbride as according to the *Meath County Development Plan 2021-2027*, which states that the land use strategy for Kilbride is 'to promote a compact and vibrant village core to ensure that Kilbride can cater for its current and future population needs and support employment generation in a sustainable manner'. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 9.2. It is the policy of the Planning Authority, as set out in the current Development Plan under Objective ED POL 26, to positively consider and assess development proposals for the expansion of existing authorised industrial or business enterprises in the countryside where the resultant development does not negatively impact on the character and amenity of the surrounding area. This policy is considered to be reasonable. However, the proposed development has no specific locational requirements necessitating its location in this rural setting which would contravene the Development Plan and, therefore, be contrary to the proper planning and sustainable development of the area.

- 9.3. Having regard to the policy objectives and guiding principles of the *National Planning Framework* and *Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019 – 2032*, that the subject site comprises rural countryside / farming land in a rural setting, and given the scale, size and purpose-built nature of the future-planned business park, it is considered that the proposed development would not be in accordance with the relevant policy objectives of creating more sustainable and compact forms of urban development and of co-ordinating transport and land use planning. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Ian Boyle

Planning Inspector

27th September 2022