



An
Bord
Pleanála

Inspector's Report

ABP-312771-22

Development	3 Warehouse buildings, temporary wastewater treatment system, associated site development works. Significant further information/ revised plans submitted on this application, including an EIAR
Location	City North Campus, Stamullen, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA201837
Applicant(s)	Quarona Limited.
Type of Application	Planning Permission.
Planning Authority Decision	Refuse Permission.
Type of Appeal	First Party
Appellant(s)	Quarona Limited.
Observer(s)	No Observers
Date of Site Inspection	30 th March 2023.

Inspector

Elaine Sullivan

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	8
3.4. Third Party Observations	9
4.0 Planning History.....	10
5.0 Policy Context.....	12
5.1. Development Plan.....	12
5.2. National Policy	15
5.3. Natural Heritage Designations	16
5.4. EIA Screening	16
6.0 The Appeal	16
6.1. Grounds of Appeal	16
6.2. Planning Authority Response.....	20
6.3. Observations.....	21
7.0 Assessment.....	21
8.0 Environmental Impact Assessment.....	33
9.0 Recommendation.....	55
10.0 Reasons and Considerations.....	55
11.0 Conditions	58

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 9.47ha and is part of a wider landholding which forms the City North Business Campus. The campus lands are approximately 1km to the north of Stamullen town centre in south-east Meath. The site is in agricultural use and comprises three fields which are divided by mature hedgerows and treelines.
- 1.2. Surrounding land uses comprise a mix of commercial and residential uses with warehouse units adjoining the site to the west and the City North Hotel and Circle K service station further east. The M1 Dublin – Belfast motorway runs along the eastern site boundary. Vehicular access to the site is from the existing campus estate road which is connected to the Gormanstown Interchange (Junction 7) on the M1 Motorway.
- 1.3. Adjoining the site to the south are undeveloped lands within the business campus. Beyond this and along the southern site boundary is St. Patrick’s National School, St. Patrick’s GAA Club and the Silver Banks and The Grange housing developments.
- 1.4. A row of one-off houses face onto Cockhill Road to the west of the site. These houses are the closest residential development to the site with the closest just 62m from the proposed development.

2.0 Proposed Development

- 2.1. Planning permission is sought for the construction of 3 no. logistical warehouse units with a cumulative gross floor area (GFA) of 23,380 sq. m. including ancillary office accommodation as follows,
 - Unit 10 – GFA 8,013m² with a warehouse of 7,203m² and a 2-storey office element of 810m² with a max height of 14.5m
 - Unit 12 – GFA of 5,786m² with a warehouse area of 5,206m² and a 2-storey office element of 580m² with a max height of 14.5m.
 - Unit 13 – GFA of 9,581m² with a warehouse area of 8,665m² and a 2-storey office element of 916m² with a max height of 14.5m.

- 2.2. Vehicular access will use the existing City North Campus Estate roads and will include the construction of new internal roads. A total of 302 car parking spaces will be provided, (104 spaces for Unit 10, 75 spaces for Unit 12 and 123 spaces for Unit 13), as well as 102 bicycle spaces.
- 2.3. A temporary wastewater treatment plant would be provided adjacent to the south-eastern site boundary for the treatment of foul effluent before discharge to the existing network. This plant would be in use until the planned upgrade works to the Stamullen Wastewater Treatment Plant are completed.
- 2.4. Ancillary works include an ESB substation of c. 21.8m² adjacent to Unit 10, landscaping, external lighting, surface water drainage and SuDS measures.
- 2.5. The proposal was amended under Further Information. The applicant requested that a ten-year planning permission be considered, and that permission be granted to facilitate Class 4 – Use as a Light Industrial building and Class 5 – Use as a wholesale warehouse or as a repository in Units 10, 12 and 13 so that both options are available to end users.

3.0 Planning Authority Decision

3.1. Decision

Planning permission was refused by the Planning Authority, (PA), for the following reason,

The applicant has failed to demonstrate sufficient interest in all lands necessary to connect to the existing private wastewater network. In such circumstances, the proposed development, if permitted, would be prejudicial to public health and premature by reason of an existing deficiency in the provision of sewerage facilities.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the PA was informed by two reports from the Planning Officer, (PO). The first report dated the 3rd of February 2021 recommended that further information be requested on five points. The second report dated the 21st of January 2022

reviewed the further information submission and recommended that planning permission be refused.

The first report includes the following,

- Under the Meath County Development Plan 2013-2019 the site is located in an area zoned objective 'E2/E3 – General Enterprise & Employment / Warehousing & Distribution'. The proposed development is in accordance with this zoning.
- The site is within a land holding which is subject to CDP Objective LU OBJ 2, which requires the preparation of a Master Plan on lands identified as a combination of E2 – General Industry & Employment, and E3 – Warehousing & Distribution, prior to granting new planning permission. The Master Plan shall realise MA OBJ 5 which seeks to facilitate vehicular access to and from the village via City North Business Campus to the M1 Motorway Exchange and shall be informed by a revised Traffic Impact Assessment to test the capacity of the existing Junction 7 to cater for additional traffic.
- There is no record of an agreed Master Plan on the subject lands as per LU OBJ 2 Other Technical Reports and further information is required to fully assess the proposal.
- The development is acceptable from a layout and siting perspective. There is a concern regarding the height of Units 12 and 13 which are in close proximity to a number of single storey houses along Cockhill Road.
- The proposal is for the development of 3 no. warehouse buildings with a cumulative floor area of 23,380m² on a site of 9.47ha, which is just below the 10ha threshold for a mandatory EIA as per Schedule 5, Part 2, 10 (b) (vii). The applicant submitted an EIA Screening Report which is generally reflective of the statutory requirements under Schedule 7 of the Planning and Development Regulations 2001. However, the report is deficient in its assessment of the cumulative impacts of the development given its location within an existing campus.
- The report recommended that further information be requested on five points which related to the proposed Master Plan for the site, traffic implications,

drainage details, impacts of the development on existing houses, visual impact, and details of foul drainage.

The report of the PO dated the 21st of January 2022 includes the following:

- The response to the request for further information was submitted on the 1st of November 2021. The Meath County Development Plan 2021-2027 came into effect on the 3rd of November 2021.
- The PO notes that that requirement to agree a Master Plan as per objective LU OBJ 2 in the Meath County Development Plan 2013-2019 has not been carried over in the recently adopted County Development Plan 2021-2027. The PO is cognisant of recent case law which suggests that Master Plans agreed between the PA and applicant may be subject to the SEA Directive prior to such agreement. The PO does not comment further on the Master Plan other than to note that it represents the applicant's view of how the land holding will be developed and provides the planning authority with a reasonable model to make certain assumptions with respect to visual amenity, residential amenity and traffic impacts etc.
- An EIAR was prepared by the application in response to the request for further information. The applicant also requested that a 10-year planning permission be considered.
- To allow for a flexibility in use, the applicant requested that any grant of permission facilitate both Class 4 – ‘Use as a Light industrial building’ and Class 5 – ‘Use as a wholesale warehouse or as a repository’, in Units 10, 12 and 13. The PO accepts the justification for the request and considers that a condition could be attached to provide the flexibility.
- The PO is satisfied that the concerns regarding visual impact and impact on residential amenity were adequately addressed. The recommendation of the Transportation Department is accepted regarding conditions to be attached to any grant of permission.
- Comments from Irish Water are noted, and the PO considered that the applicant failed to demonstrate sufficient control over lands necessary to implement the proposed development as they did not provide details of a

wayleave or consent to access 3rd party lands to dispose of wastewater in the existing private system.

3.2.2. Other Technical Reports

- **Transportation Department** – Report dated the 22nd of January 2021 recommends that further information be requested regarding the Master Plan required under objective LU OBJ 2, a revised Traffic and Transport Assessment to assess the capacity of Junction 7 and proposals for upgrades if required, and pedestrian and cycle connections to the development. The second report dated the 15th of December 2021 had no objection to the development subject to planning conditions which would include a requirement to agree details for pedestrian and cycle facilities and access roads.
- **Water Services** – The report dated the 22nd of December 2020 recommended that further information be requested regarding the proposed attenuation system, surface water drainage and capacity of the existing surface water network. The second report dated the 3rd of December 2021 notes that the development broadly meets the requirements of the PA regarding the orderly collection, treatment and disposal of surface water.
- **Public Lighting** – No objection.
- **Fire Service Department** – No objection.

3.3. Prescribed Bodies

- **TII** – The proposal is at variance to the official policy on control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012). Section 2.7 of this document is of relevance and relates to development at National Road Interchanges or Junctions. If approved, the development would have an adverse impact on the national road and associated junction. The proposed development, in conjunction with permitted and cumulative

development will have a detrimental impact on the capacity, safety and operational efficiency of the national road network and associated junction.

- **Uisce Éireann**, (formerly Irish Water) – The report of the 22nd of December notes that the applicant proposed to connect to an existing wastewater network that is not within the charge of Irish Water. It is requested that the applicant submit a CCTV survey of the existing foul network to confirm the condition of the network and verify that it can accept water discharge from the development. The second report dated the 20th of January 2021 notes that the applicant engaged with Irish Water. No connection is proposed to the public water supply and at the time of the response, the proposed connection to the wastewater service was feasible subject to upgrade works which are scheduled for completion in 2024. The connection can be accommodated after this date. The applicant indicated that they have control of the lands incorporating the existing private wastewater network. However, it is Irish Water's understanding that the lands to the south are in 3rd party ownership and there is no wayleave agreement registered on these lands to the application. It is the responsibility of the applicant to ensure, where required, consent is obtained from all relevant 3rd parties prior to works taking place.
- **An Taisce** – The proposal would cumulatively increase the physical and traffic impact of the City North Campus. Page 15 of the EIA seeks to justify the proposal as a stand-alone development and does not consider the cumulative impact of the development.

3.4. Third Party Observations

Four third party submissions were received by the PA and raised the following issues,

- Sufficient legal interest in the land to lodge the application.
- Increased levels of traffic on surrounding roads during construction and operation.
- Future vehicular access from Cockhill Road.

- The use of the units is unclear.
- Concerns regarding noise from the units, especially at night.
- Visual impact from houses on Cockhill Road / Preston Hill.
- Increase in anti-social behaviour in the business estate.
- Depreciation of house value.
- Requirement for the development is unclear. There are empty business units in the area.

One additional observation was received from Cllr. Amanda Smith on foot of the further information submission. The submission supports the application to develop the employment hub on the Dublin-Belfast Corridor and notes that the area has potential for growth and would support the objectives for the development of Stamullen. Improvements to pedestrian connectivity to Stamullen is requested.

4.0 Planning History

There is an extensive planning history for the site and the surrounding lands. The history files most relevant to the appeal site are listed below.

ABP-301284-18, (PA Ref. AA/170598) – Planning permission refused by the Board for the construction of a 232m link road to connect the City North Business Campus with the distributor road for the residential development to the south of the site for the following reason,

Having regard to the location of the proposed development in relation to the M1 motorway, a strategic route of European and national importance, to the nature of the proposed development which would facilitate a direct connection from the settlement of Stamullen and its hinterland area to the Motorway network, and to the absence of justification for the development in national and regional policy documents, the Board is not satisfied that the proposed development would not adversely affect the strategic role and function of the national road network. The proposed development would, therefore, conflict with policies to protect investment in national roads, as set out in the “Spatial Planning and National Roads Guidelines for Planning Authorities” issued by

the Department of the Environment, Community and Local Government in January, 2012, and be contrary to the proper planning and sustainable development of the area.

AA/160220 – Planning permission granted by the PA on the 18th day of April 2016 for the development of a warehouse of 2930m², (Block 2), with offices of 937m², the provision of 38 car parking spaces and an extension of the existing distributor road. This permission was not implemented and an application to extend the duration was refused by the PA on the 13th of October 2021 under **PA Ref. 21/1623**.

AA/160168 – Planning permission granted by the PA on the 5th day of April 2016 for the construction of a Warehouse/Food Processing building, (Unit 6), with ancillary two-storey office and staff facilities comprising a total gross floor area of 3,645 sq. m, vehicle access from existing access, new HGV access & yard, parking for 57 no. cars & 11 no. This permission was extended to the 23rd of May 2026 under **PA REF. 21/791**. On the occasion of the site visit it had not commenced.

AA/150729 – Planning permission granted by the PA on the 7th day of October 2015 for the construction of a Vehicle Testing Centre comprising of 1074sq.m with the creation of one new vehicular access point at the southwestern boundary onto the existing road serving the industrial estate. This permission was not implemented.

SA/70252 – Planning permission granted by the PA on the 25th day of October 2007 for the Construction of 3 warehousing units with gross floor areas of 1864.91m², 1435.50m², & 4424.32m² respectively. The proposed development also consists of construction of access road to join road carriageway previously permitted under Reg. Ref. SA/60232. The duration of this permission was extended under PA Ref. SA/120751 to the 4th day of December 2017. This permission appears to have been partially implemented.

SA/60232 – Planning permission granted by the PA on the 29th day of September 2006 for a warehouse development of 19,533m² comprising 2 blocks of incubator units subdivided into 12 no. units per block with 2 additional warehouse units. The extension of the access road permitted under SA/60007 was also permitted. The duration of this permission was extended under PA Ref. SA/110866 to the 14th day of November 2016. These units were constructed.

5.0 Policy Context

5.1. Development Plan

Meath County Council Development Plan 2021-2027

- 5.1.1. The site is located within the administrative boundary of Meath County Council. The operative Development Plan for the area is the Meath County Development Plan, (MCDP), 2021-2027, which came into effect on the 3rd of November 2021.
- 5.1.2. The application was assessed by Meath County Council in accordance with the policies and objectives of the Meath County Development Plan 2013-2019, which was the operative Development Plan at the time. A request for further information was issued by the PA and the response was received on the 1st of November 2021. The response to further information was assessed under the MCDP 2021-2027, which had been adopted within the intervening period.
- 5.1.3. On review of the contents of both plans I note that there are no material changes between the 2013 County Development Plan and the 2021 County Development Plan as they relate to the appeal site and the current proposal. However, I note to the Board that the site was subject to changes in its zoning objectives under the 2021 Development Plan. In the 2013 Plan the site had three zoning objectives -
- A combined '*E2 – General Industry & Employment*' and '*E3- Warehouse and Distribution*' was in place across the main City North lands,
 - A section of land along the western site boundary was zoned objective '*F1 – Open Space*', and,
 - A parcel of land adjoining the City North campus to the north was zoned objective '*A2 – New Residential*'.
- 5.1.4. The zoning objectives for the site were consolidated in the 2021 Plan. The subject site and the wider City North lands are now zoned objective '*E3 – Warehouse and Distribution*'.
- 5.1.5. Under the 2013 Plan a section of the subject site was designated as '*Phase 2 – Enterprise Lands*' and was also subject to Specific Objective LU OBJ 2, which

required the preparation of a Framework Plan for Phase 1 and Phase 2 of the E2 and E3 lands. This Specific Objective was removed in the 2021 Plan, as well as a Specific Objective to provide a new road through the campus from Gormanstown Road in the south, to Cockhill Road in the north-west.

5.1.6. Whilst there have been changes to the zoning objectives for the site in the 2021 Development Plan, I do not consider them to be material in relation to the proposed development, which is in accordance with the E3 zoning objective for the site. Therefore, I will consider the proposal in accordance with the guidance and provisions of the operative Development Plan, namely the 2021-2027 Meath County Development Plan.

5.1.7. The following sections of the MCDP are of relevance to the appeal:

- The site is located within the settlement boundary of Stamullen, which is designated as a Self-Sustaining Town in the Settlement Strategy for Meath, (Table 3.4 – Meath Settlement Hierarchy).
- Self-Sustaining Towns are defined as *‘Towns with high levels of population growth and a weak employment base which are reliant on other areas for employment and/or services and which require targeted ‘catch up’ investment to become more self-sustaining’*.
- The site is zoned E3 – Warehousing and Distribution, the objective of which is *‘To facilitate logistics, warehousing, distribution and supply chain management inclusive of related industry facilities which require food access to the major road network’*. Within this zoning objective, warehouse use is listed as a ‘Permitted Use’ and light industrial use is listed as ‘Open for Consideration’. Uses which are ‘Open for Consideration’ will only be considered where they do not compromise the objective of the overall zoning of the lands.

Chapter 4 – Economy and Employment Strategy

- **ED OBJ 65** - To facilitate development of employment lands at the City North Business Park in tandem with the development of the necessary link road from these lands to the Gormanstown Road.

- **ED OBJ 66** - To continue to support and promote the inherent economic potential of the M1 corridor, building upon existing strengths. There will be a focus on developing the corridor as a distinct spatial area with international visibility.
- It is proposed to prepare a Local Area Plan for Stamullen as it is strategically located along the international Dublin-Belfast Economic Corridor and is a local service centre that performs an important economic function to the local community. The LAP will focus on strengthening the employment base in the town, improving the accessibility of the town to the M1 via the City North Business Park and identifying a long-term solution to wastewater constraints.

Chapter 5 – Movement Strategy

- **MOV OBJ 49** – To support essential public road infrastructure to include projects listed in Table 5.1, which includes the upgrading of the M1 Junction 7 Julianstown / Stamullen, to improve capacity inclusive of the facilitation of vehicular access to / from Stamullen via the City North Business Campus to the M1 interchange.

A Written Statement for the development of Stamullen is contained in the MCDP.

- Section 2.0 states that the *‘City North Business Park is an important location for employment in the area however connectivity between the town and the Business Park is an issue due to the absence of a link road’*.
- Further development of the City North Business Park is identified as an opportunity for job creation and the Plan recognises that the Business Park has capacity for further expansion.
- **STA OBJ 5** – To facilitate development of employment lands at the City North Business Park in tandem with the development of the necessary link road from these lands to the Gormanstown Road.
- **STA OBJ 9** - To facilitate vehicular access to/from the town to commercial and employment uses on lands identified with an E2 “General Enterprise & Employment” and E3 “Warehousing & Distribution” land use zoning objective which would serve, inter alia, Stamullen town and access to the M1 Motorway interchange.

5.2. National Policy

5.2.1. Project Ireland 2040: National Planning Framework, (NPF),

Section 3.2 – Refers to the Eastern and Midland Region, to the importance of the Dublin-Belfast Economic Corridor and to the high levels of population growth in the region in the last 20 years. For the Mid-East region, it refers to the importance of a more balanced and sustainable pattern of development in the future, with a greater focus on addressing employment creation, local infrastructure needs and addressing the legacy of rapid growth. Priorities for the region include enhanced emphasis on measures to promote self-sustaining economic and employment-based development opportunities.

Section 8.3 – Recognises the importance of the Dublin-Belfast Corridor as the largest economic agglomeration on the island and the national entry point to the island through its ports and airports. Policies seek to support and promote the development of the corridor and key settlements within it and to improve and protect key transport corridors such as the TEN-T network and the strategic function of the Dublin to Belfast road network from unnecessary development and sprawl.

National Strategic Outcome 2 – Seeks to maintain the strategic capacity and safety of the national roads network including planning for future capacity enhancements.

5.2.2. Regional Spatial and Economic Strategy, (RSES)

Chapter 8 – Connectivity - The RSES recognises the importance of maintaining, improving and protecting the strategic function of the key transport corridors including the imperative to improve and protect the strategic function of the Dublin to Belfast road corridor, which forms part of the TEN-T core network.

Regional Policy Objective 6.3 – seeks to ‘Support the effective planning and development of large centres of population and employment along the main economic corridor, in particular Drogheda and Dundalk’.

Regional Policy Objective 8.11 - Support the improvement, and protection, of the EU TEN-T network and the strategic function of the Dublin to Belfast road network.

5.3. Natural Heritage Designations

5.3.1. No designations apply to the subject site.

5.4. EIA Screening

5.4.1. The proposed development is a sub-threshold development as per Part 1 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). However, under Schedule 5 (13) (a) (i) of the Regulations, an EIA is required where changes or extensions to development would result in the cumulative area of the project exceeding the threshold for development under Class 13, (a), which states the following,

13 (a) Any change of extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-

(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule

5.4.2. The proposed development, together with the existing developments in the City North campus have a combined area of approximately 17.5ha, which is above the threshold for mandatory EIA as set out in Class 10, (a), which relates to 'Industrial estate development projects where the area would exceed 15 hectares'.

5.4.3. An EIAR was submitted as further information and is assessed in Section 8 below.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of the appeal relate to the reason for refusal and include the following,

- At the time of lodging the planning application, the Meath County Development Plan, (MCDP), 2013-2019 was the operative Development Plan. However, following its adoption on the 22nd of September 2021, the MCDP 2021-2023 was the statutory plan at the time the final decision was made, having come into effect on the 3rd of November 2021.

- Under the MCDP 2021-2027, the site is zoned objective ‘E3 – Warehousing and Distribution’, and both use Class 4 - ‘light industrial’, and Class 5 – ‘wholesale warehouse or repository’, are consistent with the zoning objective.
- The PA’s decision to refuse permission was made on foot of a submission from Irish Water. The applicant regards the issue raised as one of a technical nature that can be resolved.
- In the appeal, the applicant has submitted the documentation that demonstrates that they have a right of way over the existing services, including foul sewer, that connect City North Business Campus (encompassing the application site) and Gormanstown Road to the south.
- The enclosed documents state that Land Registry Instrument No. D2006NL049994, is registered as a burden on Eamonn and Eileen McCullough’s folio, providing for a wayleave that covers the sewer in question to the benefit of the applicant. A letter from the applicant’s solicitor is included in the appeal documents and confirms same.
- The appeal also includes evidence of the deed of transfer dated the 25th of May 2006 between (1) Eamonn and Eileen McCullough and (2) Sean Reilly. In this deed the McCulloughs granted Sean the easements and rights set out in the second schedule including a right to inspect etc. any ‘Utilities’, (defined as *‘all channels, conduits, pipes, drains, sewers, water courses, ditches, gulleys, trunks, flues, ducts, wires, mains, cables and other conducting media’*) in, under, over or passing through the ‘Retained Lands’. The Retained Lands are defined as ‘the property contained in folio MH16970 and folio Mh24787’, apart from the parts of these folios transferred in that deed to Sean Reilly, (the applicant).
- These easements and wayleaves benefit the ‘Transferees Property’ which is defined as the ‘Sold Land’ transferred to Sean Reilly by that deed of transfer and any other property which adjoins or is nearby or is in the vicinity of the Sold Land owned by Sean Reilly his executors, administrators or assigns or any connected person as defined.

- This evidence one submitted to Meath County Council in correspondence dated the 23rd of December 2021 for clarification purposes. However, as it was received at the closing stage all the further information consultation period, PA determined that it was not able to consider the documentation.
- Notwithstanding the evidence submitted, the applicant contends that they have in place the necessary legal agreement to facilitate the proposed wastewater connection over third-party lands to the South. The applicant is of the opinion that the only reason for refusal is sufficiently addressed and that all other issues raised were dealt with to the satisfaction of the PA.
- The grounds of appeal also respond to the submissions made by TII, dated the 4th of January 2021 and the 24th of November 2021 which state that the proposed development is contrary to national policy in relation to the control of development on national roads. A response to TII was included in the further information submitted by the applicant and included an updated Traffic and Transport Assessment, (TTA),
- The TTA found that with the development, Junction 7 of the M1 would be within capacity in the year 2022 and 2027 but above capacity in 2037, which would mean that an additional 2-3 vehicles would be queueing at the junction during peak periods.
- The cumulative impact of the proposed development and the development of the Master Plan lands was also considered in the TTA. Based on development assumptions, the TTA predicted that with the development and Master Plan, Junction 7 operates within capacity in the years 2022, 2027, but is above capacity in the assessment year 2037. If the junction was signalised, it would operate within capacity for all years including 2037.
- The results of the TTA were accepted by the PO in their report dated the 21st of January 2022 and the Transportation Department recommended conditions to be attached should permission be granted. Having carried out the relevant assessments, it is the applicant's view that the proposed development is not at variance with national guidance contained in the Spatial Planning and National Roads – Guidelines for Planning Authorities (2012).

- In the review of the County Development Plan, the council addressed the concerns of the TII and in the Chief Executive's (CE) report on the Draft Plan it is noted that the Council will facilitate the protection of all National Routes from frontage access and to minimise the number of junctions in accordance with TII's policy. The CE also states that, *'It is the view of the Council that the vehicular access to/from Stamullen via the City North Business Campus to the M1 interchange will not adversely affect the M1 Motorway Network...'*.
- The subject proposal does not provide for a link road to Stamullen. However, the Board's assessment of the previously proposed link road (ABP 301824-18, PA Ref. AA170598), is of some relevance in this instance, if only to highlight that the reason for the Board's refusal does not arise in the present case.
- In the previous Board decision, the Inspector believed the Traffic Impact Assessment submitted had no regard to the likely indirect effects of the connection, i.e., how it would affect traffic movements in the area to the west of Stamullen and potentially other junctions and flow patterns on the M1. It was thought that the development could result in unforeseen traffic flows, (including HGV's), through the residential lands to the south of the site.
- As the link road is not included in the proposal, the TTA prepared for the application addresses the effects of the likely traffic generation associated with the development on the surrounding road network, namely Junction 7 and the M1. The TTA also examined the effects associated with the full build out of the Master Plan lands based on the indicative layout.
- The applicant disputes the TII's position that the development should not be supported because of the precedent it would set. Each application should be assessed on its merits and should be assessed accordingly.
- The grounds of appeal also include responses to the conditions recommended by the Transportation Department of the PA if permission was granted.

6.2. Planning Authority Response

A response was received from the PA on the 15th of March 2022 and includes the following,

- The PA has reviewed the issues raised by the 1st Party as outlined in their appeal submission dated the 16th of February 2021 and is satisfied that these issues have been substantively addressed by the reports of the PO dated the 3rd of February 2021 and the 21st of January 2022.
- The PA was bound to refuse the proposed development in the interests of public health and for failure to demonstrate a sufficient legal interest in the subject lands.
- Article 22(2)(g) of the Planning and Development Regulations requires the written consent of the landowner if the application is not the owner of the lands concerned. Section 10 of the Planning Application Form sets out the applicant's legal interest in the land and states that they are the owner.
- Concerns regarding sufficient interest arose from the submissions from Irish Water dated the 23rd of December 2020 and the 20th of January 2022 where they outlined their understanding that the lands to the south were in 3rd party ownership with no wayleave agreement in place.
- Documents purporting to demonstrate that the applicant has an easement or right of way over existing services and lands were submitted to the PA as unsolicited further information on the 23rd of December 2021. The information was returned to the applicant on the 11th of January 2022 having regard to Section 5.10 of the Development Management Guidelines, (DEHLG, 2007).
- The PA's position remains that as set out in the planning reports, that permission should be refused.
- The PA requests that the Board consider whether the extent of the red line boundary, and failure to identify the purported easement or wayleave in yellow complies with Article 22 of the PDR 2001.
- The PA requests that, in the event of a grant of permission, that conditions be attached as set out in the internal reports from Public Lighting, Transportation

and Water Services. It is also requested that conditions controlling the use, external finishes, signage, landscaping and boundary treatment, external storage, operating hours, waste and construction management including construction hours, noise, temporary WWTP and development contributions are required.

6.3. Observations

- No observations received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, inspected the site and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Procedural Issues
- Residential Amenity
- Traffic and Transport
- Appropriate Assessment

7.2. Principle of Development

7.2.1. The subject site is zoned objective E3 – Warehousing and Distribution, with the objective, *‘To facilitate logistics, warehousing, distribution and supply chain management inclusive of related industry facilities which require good access to the major road network’*. The applicant has requested that a warehouse use and a light industrial use be considered for the buildings to allow some flexibility to the end user. Within the E3 zoning objective, warehouse use is listed as a ‘Permitted Use’ and light industrial use is listed as ‘Open for Consideration’. The MCDP states that uses that are listed as ‘Open for Consideration’ will only be considered where they do not compromise the objective of the overall zoning of the lands. Article 5, Part 2 of the Planning and Development Regulations 2001, (as amended), (the Planning

Regulations), defines a *'light industrial building'* as *'an industrial building in which the processes carried on or the plant or machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'*. I am satisfied in this instance that a light industrial use would be compatible with the overall development objective for the site to facilitate logistics, warehousing, distribution and supply chain management, and that both uses can be considered.

- 7.2.2. Planning permission is sought for a 10-year period. A Master Plan for the development of the wider campus lands was submitted by the applicant on foot of a request from the PA and in accordance with objective LU OBJ 2 of the 2013-2019 MCDP, which was the operative Development Plan at the time. This objective was not carried forward into the current Development Plan.
- 7.2.3. There is an extensive planning history for the site with most of the permitted applications not implemented. Recent history, (PA Ref. AA/160168 and AA/160220), includes permission for two warehouses with associated parking. PA Ref. AA/160168 was extended to 2026 under PA Ref. 21/791 but had not commenced at the time of the site inspection. An application to extend PA Ref. AA/160220, (PA Ref. 21/1625) was refused and this permission has now lapsed. The location of these developments is closer to existing development within the campus. As such they would have been more sequentially appropriate for development as they would be closer to the M1 and to existing development.
- 7.2.4. The PA requested that the applicant justify the site selection for the subject proposal in light of the empty development sites and lapsed permissions. The response states that the sites remained undeveloped because the development was speculative and instability in the market due to Brexit and Covid failed to attract any investors. An extension of duration was sought for PA Ref. AA/160220, but the implementation of changes to Section 42 of the Planning and Development Act resulted in a refusal. The site known as Block 6, (AA/160220), has since been sold and the applicant has no control over its development.

Whilst I share the concerns of the PA regarding the sequence of development of the site, I accept that the arguments put forward by the application regarding the impediments to development. The applicant has not stated why a 10-year

permission is required. However, based on the zoning for the site, the planning history for the site including the extant permission, I am satisfied that the applicants request for a 10-year permission is acceptable and that the application can be assessed on its merits and against the policies and objectives of the MCDP.

7.3. Procedural Issues

- 7.3.1. The PA refused permission based on one reason, which states that *'the applicant failed to demonstrate sufficient interest in all lands necessary to connect to the existing private wastewater network'*. This decision was made on foot of a recommendation by Uisce Éireann (formerly Irish Water) following a request for further information. Drawings submitted with the application show a proposed foul water connection to the existing sewer serving the City North lands which travels southwards to connect with the public foul water sewer on Gormanstown Road. The existing connection was outside of the blue line on the site plan and the applicant's interest in the land was queried.
- 7.3.2. A response to this issue was submitted in the grounds of appeal. The applicant's solicitor submitted a letter stating that the existing wastewater sewer passes directly from the applicants lands at City North, through the adjoining property contained in folio MH16970 and in an indenture dated the 25th of May 2006 between (1) Eamonn and Eileen McCullough, (the registered owners), and (2) Sean Reilly (the '2006 Indenture'). The applicant's property benefits from easements and rights over the property contained in folio MH16970 which facilitates the foul water services. A copy of folio MH16970 was enclosed as well as the Land Registry Instrument which includes the 2006 Indenture.
- 7.3.3. The appeal also notes that this information was submitted to the PA on the 23rd of December 2021 but was returned to the applicant further to Section 5.10 of the Development Management Guidelines (DEHLG 2007), which relates to unsolicited further information. As such the information was not considered by the PA. In terms of legal interest, I am satisfied that the applicant has provided sufficient evidence of their legal interest for the purposes of the planning application and decision. application and decision. In any case, Section 34(13) of the 2000 Planning and Development Act applies.

7.3.4. I note that neither the PA or Uisce Éireann had any comments regarding the proposed drainage and wastewater network proposed for the site and the queries related only to the applicant's ability to provide a connection to the existing network.

7.4. Residential Amenity

7.4.1. Concerns were raised by third parties regarding the impact of the proposal on the existing residential amenity of properties within the vicinity of the site. Of particular concern was the potential loss of light, overshadowing, loss of privacy, noise, traffic and general disturbance. Many of the issues raised were dealt with in detail in the relevant chapters of the EIAR which is assessed in Section 8.0 below. In the interests of clarity, I will review the issues raised in detail below. There are two residential developments to the south of the site and a row of detached houses along the western boundary and facing onto Cockhill Road. I consider the houses on Cockhill Road to be the most sensitive receptors as they are the closest in proximity to the development.

Visual Impact

7.4.2. The visual impact of the development is assessed in Chapter 5 of the EIAR, Landscape & Visual Impact Assessment, and in the verified Photomontages which were generated from ten different viewpoints in the surrounding area. As noted above, the most I consider the most sensitive viewpoints in the photomontages to be those from Cockhill Road as they are the closest in proximity to the development and would also demonstrate the impact of the proposal on the houses on the road. The closest of these properties would be approximately 62m from the façade of the proposed Unit 12 building.

7.4.3. The most relevant viewpoints for potential impacts on residential amenity are viewpoints 4, 5, 6 and 7, in the Photomontages, which are taken from Cockhill Road. The EIAR states that the views were selected to accurately represent the likely visual impact from a variety of viewpoints around the site. Views from the public domain were given priority, particularly those from main thoroughfares and public places, including those close to private property on Cockhill Road. The views were considered to be the most important and representative to examine the likely significant impacts.

- 7.4.4. I would question the selection of the views on Cockhill Road in terms of presenting a fair representation of the development, and in particular viewpoints 4 and 5. Viewpoint 4 is taken from a point in front of a house on Cockhill Road, approximately 240m to the south-west of the nearest proposed building, Unit 13. The photo angle is taken towards the front of the house with some large agricultural buildings directly behind the house and between the proposed development site. The development would not be visible from this point as the agricultural buildings would block it. However, if the image had been taken at the next house which is approximately 150m to the north, the landscape is more open with smaller houses and no large buildings. The potential for visual impact from this point is more likely.
- 7.4.5. Viewpoint 5 is taken from the public road directly to the west of the site and looks directly onto a tall treeline and boundary hedgerow. The proposed development would not be visible from this point on the public road as it would be blocked by vegetation. The house adjoining this hedgerow to the north is the closest house to the development and would be just 62m from the façade of Unit 12. If View 5 had been taken from a few metres to the north and from the public area to the front of this house, it would have given an indication of how the development would look from its most sensitive viewpoint. In my opinion the photomontage failed to give a fair representation of the visual impact from Cockhill Road.
- 7.4.6. Viewpoint 6 is taken from a point on the road to the north of the site and in front of a house. The landscape at this point is open and the proposed development would be partially visible above the existing treeline at year 7.
- 7.4.7. Although I am not convinced that the photomontages gave a fair representation of the visual impact of the development from Cockhill Road, I am satisfied that the impact of the proposal would not be of a scale or magnitude to have a significant negative impact on existing houses. Units 12 and 13 will be visible above, and possibly, through the existing treeline. However, a Landscaping Plan has been prepared that would provide additional tree planting to the rear of the proposed buildings. This would help to screen the buildings from the amenity spaces to the rear of the existing houses.

Loss of Daylight & Overshadowing

- 7.4.8. A Daylight, Sunlight and Overshadowing Impact Assessment for the properties on Cockhill Road was submitted by the applicant on foot of a request from the PA. The assessment concluded that, *'there will be no significant overshadowing and no significant loss of light to any of the adjacent properties along Cockhill Road'*.
- 7.4.9. The PA requested that the recommendations of, *'Site Layout Planning for Sunlight and Daylight: A Guide to Good Practice'* (B.R.E. 1991) or BS 8206 *'Lighting for Buildings, Part 2 1992: Code of Practice for Day Lighting'* should be followed for the preparation of the daylight and shadow projections. I note that these documents were superseded in 2022 by *'Site layout planning for daylight and sunlight: A guide to good practice'*, (BS EN 17037). However, I am satisfied that this will have no material bearing on the impact of the results of the assessment.
- 7.4.10. Eight houses on Cockhill Road were assessed in the report. The houses range in distance from approximately 62-120m from the rear elevations of Units 12 and 13 of the proposed development. The location and reference numbers assigned to all the houses assessed is shown on Page 14 of the report. The report measured the potential for loss of daylight to existing houses, loss of sunlight to the houses and external spaces, and overshadowing.
- 7.4.11. Loss of daylight is measured through the assessment of the levels of Vertical Sky Component, (VSC), which is equivalent to the amount of skylight falling on a vertical wall or window. BRE guidance states that where a VSC of 27% or more is achieved enough skylight should still be reaching the existing building and daylight will not be significantly affected. Where a VSC of less than 27% is achieved, further analysis is required, and any reductions should be limited to 20%. The analysis in the report was carried out using by running a simulation using specialised software, (IES Virtual Environment). It found that the VSC to the houses would not be significantly impacted with all windows maintaining a VSC of greater than 20%. Given the distance between existing and proposed buildings, this result is to be expected.
- 7.4.12. For internal spaces sunlight availability is measured by the Annual Probable Sunlight Hours, (APSH). The Guidance states that rooms will appear reasonably sunlit provided that at least one main window faces within 90° of due south and, the centre of at least one window to a main living space can receive 25% of APSH including at least 5% APSH in the winter months between the 21st of September and the 21st of

March. Windows could be adversely affected if a living room of an existing house has a main window facing within 90° of due south, and any part of that window subtends an angle of more than 25° to the horizontal when measured from the centre of the window in a vertical section. All houses were found to achieve at least 25% APSH to the windows on the rear elevations and facing towards the development. Any windows that did not achieve at least 5% APSH during the winter months had windows that were shaded by the projecting entrances to the houses themselves and were oriented slightly more than 90° from due south.

- 7.4.13. The external spaces to the houses were also tested for adequate sunlight. In this case BRE guidance recommends that for an amenity space to appear adequately sunlit throughout the year, at least half of the garden space should receive a minimum of two hours sunlight on March 21st. If any existing garden or amenity space does not receive the minimum amount of sunlight, and the reduction in light is less than 0.8 times its former value because of the development, the reduction is likely to be noticeable. The assessment carried out for the report showed that at least half of the garden areas on the nearby properties would achieve 2 hours sunlight on the design day, (21st of March) with more than 99% of the areas assessed achieving the required level of sun on the ground on the designated day.
- 7.4.14. An analysis was also carried out to determine whether the properties would be subject to overshadowing from the proposed development. The images generated are contained in Appendix A of the report. They show that on the designated design days of the 21st of March and the 21st of December, the amenity areas and houses would not experience any overshadowing from the buildings.
- 7.4.15. Having reviewed the information at hand and considered the proposed separation distances between buildings, I am satisfied that the proposed development will not have any significant impact on the levels of daylight and sunlight currently experienced by the houses on Cockhill Road and that the gardens and houses would not be overshadowed by the buildings.

Noise

- 7.4.16. Chapter 12 of the EIAR assesses the potential impacts of the development in terms of noise during the construction and operational stages. The EIAR predicts that the

construction stage has the highest potential for noise impact due to the works involved but this stage will be short-term with an estimated time frame of 19 months. The primary sources of outward noise during the operational stage would be long-term and would comprise traffic movements to and around the site, building services plant and loading/unloading activities.

- 7.4.17. To fully assess the impacts of noise the existing ambient noise was measured, and predictive calculations were carried out to assess the potential noise levels generated during the construction and operational works. A schedule of mitigation measures is also outlined in the EIAR. The most noise sensitive receptors are the houses on Cockhill Road but the noise levels at the Grange housing estate to the south of the site were also assessed.
- 7.4.18. Noise monitoring at the location closest to the houses on Cockhill Road found that the existing background noise levels were representative of an area at a distance from a national road. During daytime periods, average noise levels were in the range of 41 to 51dB $L_{Aeq, 15min}$, (continuous sound level), and 37 and 47 dB $L_{A90, 15min}$, (sound level exceeded for 90% of the time). During nighttime periods, average noise levels were in the range of 39 to 43 dB $L_{Aeq, 15min}$ and 33 to 35 dB $L_{A90, 15min}$. Construction noise was predicted using the guidance set out in BS 5228. Based on the existing noise characteristics, the BS 5228 Guidelines recommended a Construction Noise Threshold, (CNT), of 65dB L_{Aeq} for the houses on Cockhill Road. An assumption is made that the site will be surrounded by a 2.4m high solid hoarding and that 'on-time' for construction plant will be in the order of 66%. Based on these assumptions the results found that the recommended CNT of 65dB at 62m (i.e. the closest house), would not be exceeded for any of the activities to be undertaken during the construction phase. Additional traffic generated during the construction phase would not be of sufficient scale to represent an increase in noise levels. The EIAR found that the effects of noise on the closest receptors would be negative, moderate, local, and short-term.
- 7.4.19. During the operational phase the main sources of noise would be from building services and plant, loading and unloading activity, HGV movements and general traffic. As a mitigation measure the EIAR states that the selection of building services plant will comply with the noise level criteria set out in BS 4142. In consideration of the measured background level noise, a suitable noise level for

building services noise would be 35 dB L_{Aeq} and plant would be selected on this basis. To measure the impact from noise from loading and unloading the noise level from previously measured and similar activity was assessed against the existing background noise levels. The noise from loading and unloading during the daytime was predicted to be within the 50 dB $L_{Aeq, 1hr}$ for all three noise sensitive locations measured, (all locations were along Cockhill Road). However, at NSL1, (the closest house to the development), the nighttime noise level was predicted to be 49 dB $L_{Aeq, 15 min}$, which is above the noise level threshold of 45 dB $L_{Aeq, 15 min}$. The EIAR notes that nighttime activity is not anticipated but should this occur later, the noise could be mitigated by noise barriers or screens.

- 7.4.20. The increase in noise from additional traffic generated by the development was also measured and was found not to be significant. Traffic volumes would need to increase by approximately 25% for noise levels to increase by 1dB. The only road link where increases of this magnitude are expected is the access to City North itself. The predicted increase in noise associated with traffic flows in the years 2022 and 2037 (design year) will result in an increase of no more than 1dB along all roads receiving traffic from the proposed development.
- 7.4.21. I am satisfied that the proposed development will not result in any significant impacts on the existing residential amenity of the nearest houses to the site in terms of noise. I am also satisfied that any other concerns raised such as anti-social behaviour, increased levels of vermin or pests etc. can be addressed through planning conditions or effective site management and security. However, as predicted nighttime noise levels during the operational phase would be higher than the recommended threshold of 45dB, I recommend that a condition be attached to restrict operations to daytime hours should permission be granted.
- 7.4.22. Additional traffic on the surrounding road network was also raised as a concern by third parties. Traffic to and from the development will be from the existing road network to the east of the site, either from the R132 or the M1. There will be no reason for traffic to the development to use the local road network to the west and south and additional traffic on this network is not anticipated. The full impact of traffic from the development is assessed in the following section.

7.5. Traffic & Transport

- 7.5.1. Traffic was raised as a ground of concern by third parties during the public consultation phase of the application. Previous planning history for the City North lands, (ABP-301284-18, (PA Ref. AA/170598)), includes a refusal for a link road from City North to the housing estate to the south of the site. No additional vehicular entrances are proposed under the subject proposal, and the development would use the existing access road to the City North lands. Therefore, I am satisfied that there would be no significant increase in traffic on the surrounding local roads to the south and west of the site.
- 7.5.2. A submission on the application was received from Transport Infrastructure Ireland, (TII). The submission stated that the TII considers the proposal to be at variance with official policy regarding the control of development on national roads as set out in Section 2.7 of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), which states that PA's must make sure that development at junctions and interchanges *'can be catered for by the design assumptions underpinning such junctions and interchanges, thereby avoiding potentially compromising the capacity and efficiency of the national road/associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users'*. TII are also of the opinion that the data submitted with the application indicates that, the proposed development in conjunction with permitted and cumulative development would have a detrimental effect on the national road network and associated junction in the vicinity of the site.
- 7.5.3. A Traffic and Transport Assessment, (TTA), was submitted with the application. However, the PA were not satisfied that the report considered the cumulative impact of the development with existing development and an updated assessment was requested. Chapter 6 of the EIAR assesses the potential impact of the development in terms of traffic and transport. The predictions and assumptions used in Chapter 6 were based on the second TTA prepared for the development.
- 7.5.4. The TTA was undertaken during the Covid-19 travel restrictions. As such it was not possible to get accurate traffic count data from 2021 at Junction 7 of the M1. To address this, previous traffic data on the junction was taken from a 2017 permission and adjusted in line with TII growth factors for the Base Year, (2021), Opening Year

(2022) and the Future Year (2027, 2037), assessments. I am satisfied that this approach is an acceptable method to address the shortcomings of the baseline data.

- 7.5.5. The traffic impact assessment considered the implications of the proposed development in terms of its integration with existing traffic in the area, the extent of trips generated and the impact of the additional trips on the operational performance of the road network. Modelling was carried out for Junction 7 to test its capacity in scenarios 'with development' and 'without development'. In the model scenarios, 2022 is taken as the 'Opening Year' with 2027 and 2037 taken as 'Future Year' assessments. Junction performance is measured as a ratio between the flow and capacity (RFC). A junction with an RFC below 0.85 is operating within capacity, an RFC of 0.85 indicates a junction operating at capacity. Urban, priority-controlled junctions, such as signalised junctions, with an RFC below 0.90 (90%) are operating within capacity and an RFC of 0.90 indicates a junction operating at capacity.
- 7.5.6. In the scenario 'without development', results indicated that the junction will be below capacity in 2022 and 2027, but above capacity in 2037, with maximum RFC values of 0.90 in 2037. The scenario modelled 'with development' indicates that development traffic will be below capacity in 2022 and 2027 and above capacity in 2037 with maximum RFC values of 0.92. The TTA states that the increase in RFC would be equivalent to an additional 2-3 cars queueing at the junction during the peak period in the year 2037 and would have a negligible impact on the road network.
- 7.5.7. The TTA also assessed the traffic that would be generated during the construction phase of the project. The assessment estimated that a maximum of 40 construction staff would be employed on site during the construction phase, which would generate approximately 80 car trips per day. It is anticipated that the number of HGV trips per day will not exceed 56. All traffic to and from the site will remain on the M1 motorway and the internal City North Campus road network. HGV construction traffic shall not use the local roads within Stamullen. The number of trip movements to and from the site is estimated to be a maximum of 136 daily trips, which is not greater than the number of trips for the operational phase, (741), which was used to assess the junction capacity on the local road network. Based on the results of the analysis carried out for the operational phase, the traffic impacts associated with the construction phase will be negligible.

7.5.8. I am satisfied that the TTA submitted under further information, and used in the EIAR, demonstrates that Junction 7 will be operating above capacity in 2037 without the development. Should the development be permitted, the junction would operate within capacity up to 2027 and above capacity in 2037 with maximum RFC values of 0.92. The projected RFC value would relate to an additional 2-3 vehicles queueing at the junction during the peak period in 2037, which would have an imperceptible impact on the local road network.

7.6. **Appropriate Assessment**

7.6.1. A Stage 1 Screening for Appropriate Assessment was submitted with the application. The Assessment concluded that *'the proposed development at City North Business Campus, Stamullen, Co. Meath, poses no risk of likely significant effects on Natura 2000 sites either alone or in combination with other plans and projects, and therefore does not require progression to Stage 2 Appropriate Assessment'*.

7.6.2. In accordance with obligations under the Habitats Directives, there is a requirement on the Board, as the competent authority in this case, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is screening.

7.6.3. The proposed development is for the development of a greenfield site through the construction of three large buildings with a cumulative gross floor area of 23,380sq.m to be used for light industrial/warehousing/logistics with ancillary office accommodation. The development would also provide surface car parking, surface water drainage and a temporary wastewater treatment plant. A full description of the development is contained in Section 2.0 above.

7.6.4. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

- 7.6.5. The closest European site is the River Nanny Estuary and Shore SPA, (Site Code 4158), which is approximately 3.3km to the northeast of the site. Given the nature of and scale of the development and the characteristics of the development site, there is no reason to extend the potential Zone of Influence beyond this distance. Any potential impacts on European sites would be limited to the discharge of surface waters during the construction and operational stages of the development.
- 7.6.6. There is no direct or indirect hydrological connection between the subject site and the River Nanny Estuary and Shore SPA. The Kennetstown Stream is a small watercourse located to the north of the site and within the catchment of the river Delvin. The site currently drains to the river Delvin and the surface water from the development would do the same. The freshwater portion of the Delvin is not subject to any Natura designation, nor is its estuary at Gormanstown.
- 7.6.7. I have reviewed the qualifying interests and conservation objectives of the nearest European site and, having regard to the nature and scale of the proposed development and the separation distances to the nearest European site, no Appropriate Assessment issues arise. It is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Environmental Impact Assessment

- 8.1. This section of the report deals with the potential environmental impacts of the proposed development during the construction and operational phases of the development. Many of the issues addressed in the EIAR are reviewed in detail in Section 7.0 of this report.
- 8.2. **Compliance Legislative Requirements**
- 8.2.1. Directive 2011/92/EU was amended by Directive 2014/52/EU. The applicant has submitted an Environmental Impact Assessment Report (EIAR) which is presented in a 'grouped format' comprising the following:
- Non-Technical Summary
 - Main Statement

- Technical Appendices

- 8.2.2. It is submitted by the applicant that the EIAR has also been prepared in accordance with the EU (Planning and Development) (Environmental Impact Assessment) Regulations 2018 that came into effect on 1st September 2018, and which the Board will be aware, transposed by Directive 2014/52/EU into Irish planning law. As is required under Article 3(1) of the EIA Directive 2011/92/EU amended by Directive 2014/52/EU, the EIAR identifies, describes and assesses in an appropriate manner, the direct and indirect significant effects of the project on the following environmental factors: (a) population and human health; (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape and it equally considers the interaction between the factors referred to in points (a) to (d).
- 8.2.3. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the applicant, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment and complies with all relevant the requirements. I am also satisfied that the information contained in the EIAR complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014. I have carried out an examination of the information presented by the applicant, including the EIAR, and the written submissions.
- 8.2.4. The EIAR describes the proposed development, including information on the site and the project size and design. A description of the alternatives studied by the applicant is provided and the reasons for the preferred choice. The impact of the proposed development was assessed under all the relevant headings with respect to population and human health; landscape and visual impact; traffic and transport; material assets; lands and soils; water and hydrology; biodiversity; noise and vibration; air quality and climate; cultural heritage; interactions of impacts; and the suggested mitigation measures are set out at the end of each chapter.
- 8.2.5. The content and scope of the EIAR complies with Planning Regulations. No likely significant adverse impacts were identified in the EIAR.

8.3. Consideration of Reasonable Alternatives

- 8.3.1. Reasonable alternatives were considered in Chapter 3 of the EIAR. Consideration was given to the 'Do Nothing' scenario, alternative locations, alternative uses and alternative design and layouts.
- 8.3.2. In the 'Do Nothing' Scenario development would not occur, and the land would remain as it is. The EIAR concludes that the impact of this approach would be to underutilise zoned land and to miss the opportunity to generate employment opportunities close to Stamullen. In turn this would encourage commuting, by private transport, to areas outside of Stamullen and would represent the inefficient use of a strategically located and zoned landbank. It would also prevent the delivery of strategic objectives for the area.
- 8.3.3. Alternative locations were not considered for the development. The subject site was deemed suitable for development under the Meath County Development Plan 2013-2019 and the 2021-2027 Plan. Both plans were subject to a Strategic Environmental Assessment, (SEA), and the consideration of alternatives for the site. Accordingly, the consideration of alternative sites was not deemed to be necessary in the EIAR.
- 8.3.4. Alternative designs and layouts were considered for the development. The height and massing of the buildings were fixed by the requirements of the industrial and logistics market, but the design and layout evolved in response to the site. Earlier design layouts positioned Unit 12 closer to the northern and western boundaries, with a larger footprint. This option was identified as giving rise to a significant visual impact on the residential properties on Cockhill Road and the service yard was relocated which allowed for an improved landscape strategy to provide a larger buffer between the development and existing residential development.
- 8.3.5. Two access points were also considered, one from Cockhill Road and the other from an extension of the existing campus access road. This option would increase the level of hardstanding surfaces across the site and would facilitate traffic movements onto Cockhill Road. This would have impacts on residential amenity for houses on the road in terms of noise and traffic. Ecological populations may also be impacted from the removal of habitats and/or fragmentation. The provision of one access from the extended internal road which connects with the M1 Gormanstown interchange,

(Junction 7), was the preferred option as it would facilitate all traffic to the site and would have the least environmental impact.

- 8.3.6. The EIAR concluded that the proposed development represents the optimum solution taking into account the existing pattern of development surrounding the site, the nature of the development and the access requirements. Having examined the alternatives put forward, I would agree with this conclusion.

8.4. Summary of Likely Significant Effects

- 8.4.1. The EIA identifies and summarises the likely significant effects of the proposed development on the environment with respect to several key receptors in the receiving environment. It identifies the main mitigation measures and any residual impacts following the implementation of these measures and reaches a conclusion with respect to each of the receptors. It assesses cumulative impacts, identifies interactions between the receptors, and considers the risks associated with major accidents and/or disasters. The EIA reaches a Reasoned Conclusion, and no difficulties were encountered in the preparation of the assessment.
- 8.4.2. For ease of reference the EIA is presented in a tabular format with respect to:
- Population and Human Health
 - Landscape and Visual Impact
 - Traffic and Transport
 - Material Assets, (Built Services & Waste Management)
 - Lands and Soils
 - Water and Hydrology
 - Biodiversity
 - Noise and Vibration
 - Air quality and Climate
 - Cultural Heritage

interactions of impacts; and the suggested mitigation measures are set out at the end of each chapter.

Population and Human Health	
<p>Chapter 4 deals with population and human health. Impacts on human health are also addressed in Chapters 6 – Traffic and Transport; 10 – Water & Hydrology; 12 – Noise and Vibration; 13 - Air Quality & Climate, and Chapter 15 - Interactions of the Foregoing. The EIAR described the receiving environment and identified potential impacts on human beings, human health, local amenities, and health & safety. The EIAR did not predict any significant impacts because of the development during the construction and operational phases subject to the implementation of mitigation measures.</p>	
Potential Impacts	Assessment & mitigation measures
<p>There is the potential for the following impacts on human beings during the construction and operational phases of the proposed development.</p> <p>Residential Amenity – Potential for localised impacts on residential amenity during both phases of the development.</p> <p>Construction Phase – Potential short-term negative impacts from noise, dust and traffic. Positive impacts from additional employment.</p> <p>Operational phase – Positive, permanent impact on employment & economic activity.</p>	<p>Residential development adjoins the subject site to the west on Cockhill Road and the wider landholding to the south.</p> <p>A full assessment of the impacts on residential amenity in terms of visual impact, loss of daylight & overshadowing, noise and traffic is outlined in Section 7.4 of this report.</p> <p>A Construction Management Plan was submitted with the EIAR. The measures contained within will help to provide a safe construction site and minimise impact on nearby houses.</p>
<p>Residual Impacts:</p>	

There will be some short-term disturbance to residential amenity during the construction phase. No significant negative residual impacts are predicted for the operational phase, there will be some visual impact from the nearest houses.

Cumulative Impacts:

Potential for cumulative impacts resulting from development of the wider City North campus lands which are zoned for development.

Conclusion:

There will be no impact on population. Houses to the west of the site are closest in proximity and are the most sensitive receptors. They will experience short-term impacts such as noise, dust and visual impact during construction. These issues are dealt with in separate chapters. Potential impacts during the operational stage would be from noise and visual impacts. Chapters 5 and 12 assesses these impacts in full and set out mitigation measures for both.

Landscape and Visual Impact

Chapter 5 of the EIAR deals with the impact on Landscape and Visual Impact. The chapter was prepared using desktop studies and carrying out a Landscape and Visual Impact Assessment. Photomontages were also prepared from 10 different viewpoints surrounding the site. The site is within an area characterised as 'Coastal Landscape' of Moderate Value with High Sensitivity in the MCDP. There are no specific designations or protected views across the site. The site is a greenfield site adjoining lands that have been developed as part of a business park. It is generally flat with undulations with two large hedgerows crossing the site in a north-east, south-west direction.

The site would be most visible from Cockhill Road and from the houses on this road that back onto the site. These would be the most sensitive receptors for visual impact.

Potential Impacts	Assessment & Mitigation Measures
The character of the agricultural landscape would be permanently altered by the development. There is	The subject site and environs are not a landscape that has a high sensitivity. The development will be partially visible

<p>the potential for visual impacts from the development for the neighbouring houses.</p> <p>Construction Phase – Short-term visual impacts in relation to earthworks, hoarding and construction vehicles.</p> <p>Operational Phase – Potential for long-term visual impacts of various levels from the houses on Cockhill Road.</p>	<p>from the houses on Cockhill Road. The visual impact on the neighbouring houses is fully assessed in Section 7.4 of this report.</p> <p>Mitigation measures for the construction phase are set out in the Construction Management Plan accompanying the EIAR.</p> <p>Mitigation measures for the operational phase relate to the planting of trees and screening to block views.</p>
<p>Residual:</p> <p>The character of the landscape would be permanently altered by the development and the buildings would be partially visible from the houses on Cockhill Road. Existing trees and additional planting to be provided as part of the landscaping plan will mitigate the visual impact from neighbouring houses.</p>	
<p>Cumulative Impacts:</p> <p>Cumulative impacts would result from the development of the wider City North site and would be mainly visual impacts from the houses on Cockhill Road. An indication of the scale and mass of future buildings is provided in the Photomontages. To date these lands are not subject to any planning applications. There is one extant permission, (PA Ref. AA/160168), for the construction of a warehouse building of 3,645 sq. m.</p>	
<p>Conclusion:</p> <p>I have considered all the written submissions made in relation to landscape as well as the extent of the development and the scale of its output and impact. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the mitigation measures, and through suitable conditions. I am therefore satisfied that the proposed</p>	

development would not have any unacceptable direct, indirect, or cumulative effects on landscape

Traffic and Transport

Chapter 6 of the EIAR addresses the potential impacts from traffic on the surrounding environment. The site would be accessed from the existing road network in the City North campus, which is accessed via Junction 7 of the M1 Motorway and includes a junction with the R132 Regional Road. The M1 is part of the Dublin-Belfast corridor and is recognised as a route of national importance in national planning policy.

Potential Impacts	Assessment & Mitigation Measures
--------------------------	---------------------------------------------

There is a potential for impacts from additional traffic to and from the development during the construction and operational phase of the development.

Construction Phase – Short-term impacts from additional traffic and HGV traffic to and from the site.

Operational Phase – Long-term impacts from additional traffic to and from the development, including additional HGV traffic.

TII raised concerns regarding the potential impact of the development on the M1 national road network and the Dublin – Belfast Corridor in terms of the additional traffic to be generated and its impact on the capacity of Junction 7.

The impacts of traffic on the receiving environment is assessed in full in Section 7.4 of this report.

All traffic would go through the City North lands and enter from the regional and national road network, which have sufficient capacity. There would be no additional traffic on the local road network.

Traffic projections found that the capacity of Junction 7 would be marginally compromised by 2037 with or without the development.

Residual:

There would be additional traffic to and from the site, through the City North lands. However, the existing road network would have the capacity to absorb the traffic. Some upgrades to Junction 7 would be required by 2037 as there may be some additional queueing at the junction during peak hours.

Cumulative:

The cumulative impact of existing development was assessed. The development of the wider land bank would create further impacts and a review was carried out on this scenario in the EIAR.

Conclusion:

I have considered all the written submissions made in relation to traffic, including the results of the surveys, as well as the extent of the development and the scale of its output and impact. I am satisfied that potential effects would not be significant and would be managed and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on traffic in the area.

Material Assets –**Built Services & Waste Management**

Chapters 7 & 8 of the EIAR address the impacts of the proposal on Material Assets in terms of Built Services and Waste Management. The City North campus is served by a private water treatment plant consisting of a 200mm diameter well and a 150mm well and wastewater treatment plant. This serves the City North Hotel, the Circle K petrol station, and Units 3, 4 and 7 in the business park. The proposed development will connect to the existing network of watermains in the campus.

The campus currently has a private sewer network that collects the foul drainage from the industrial units and hotel. This network connects to the public sewer at Gormanstown Road. The wastewater is then treated at the Uisce Éireann wastewater treatment plant in Stamullen. Due to capacity issues at this treatment

plant, a temporary wastewater treatment plant would be constructed to treat the water onsite prior to discharge to the public sewer.

The site is serviced by medium voltage underground power cables and an ESB sub-station. It is proposed to connect to the gas network.

Potential Impacts	Assessment & Mitigation Measures
<p>Built Services -</p> <p>Construction Phase – Potential impacts would relate to the pollution of surface water through chemical spills or silt run-off or the contamination of ground water well & water supply.</p> <p>Operational Phase – Potential impacts from increased demand on services – electricity, telecoms, gas, water and wastewater. Impacts from surface water run-off.</p>	<p>The existing ground water well on the site was found to have sufficient capacity to accommodate the proposed development. The applicant engaged with Uisce Éireann regarding wastewater services.</p> <p>Adherence to good practice measures and the implementation of the Construction Management Plan would mitigate against potential contamination.</p> <p>Impacts would be mitigated by appropriately designed water supply network, foul drainage and surface water drainage network. Engagement with network providers to ensure capacity and regular monitoring of onsite water supply, wastewater treatment plant and surface water drainage system. Alternative energy sources would be implemented in accordance with the Near Zero Energy Buildings (NZEB).</p>

<p>Waste Management –</p> <p>Construction Phase – Additional waste materials would be generated. Potential pollutants may be stored on site.</p> <p>Operational Phase – Additional waste materials generated.</p>	<p>Adherence to the Construction Management Plan which would include waste management for the site.</p> <p>Implementation of a Waste Management Plan for the operational phase to minimise and properly dispose of waste.</p>
<p>Residual Impacts:</p> <p>No residual impacts are predicted.</p>	
<p>Cumulative Impacts:</p> <p>There are no extant permissions that would create cumulative impacts. The cumulative impact of the future development of the City North campus was considered. Future development may require a new water source and treatment plant. It would increase the demand on the Stamullen WWTP and would require additional SuDS features to control surface water runoff. Additional development would generate extra demand for waste removal during the construction and operational phases.</p>	
<p>Conclusion:</p> <p>I have considered all of the written submissions made in relation to material assets as well as the extent of the development and the scale of its output and impact. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative effects on the material assets.</p>	
<p>Land and Soils</p>	
<p>Chapter 9 of the EIAR deals with the potential impacts on land and soils. The existing site is greenfield in nature with a topography that slopes gently to the north</p>	

from 42.5m OD to 35m OD. The development would be constructed using a ‘cut and fill’ process and would involve an excavation of between 1 and 1.5m and the removal of approximately 20,000m³ of soil. The soil would be reused on the site. Finished floor levels for the units would be 39.0m, 41.7m and 41.05m respectively.

The existing site bedrock is Greywacke sandstone and siltstone of the Denhamstown Formation. Site investigations indicate that excavations on the site will not reach bedrock. The subsoil is described as till derived from the Lower Palaeozoic sandstones and shales and has low permeability.

Potential Impacts	Assessment and Mitigation
<p>Construction Phase – Potential impact for soil erosion through exposure of underlying layers to weather and traffic. Compaction of soil by HGV’s. Contamination of soils during earthworks. Contamination of surface water with silt runoff. Contamination of adjoining roads with soil and dust.</p> <p>Operational Phase - Potential impacts through accidental spillages from fuel or hazardous material stored on site and from increase in surface water runoff.</p>	<p>The proposed development would not involve extensive excavation or soil stripping. Excavated soil would be reused on site.</p> <p>Adherence to a Construction Management Plan to be prepared and agreed with the PA. The plan would include measures to ensure the protection of soils and groundwater from contamination during construction such as cut-off drains, sedimentation tanks, wheel wash systems and hydrocarbon interceptors.</p> <p>Adherence to good practice regarding the storage and management of materials on site. The installation of measures to control surface water runoff which would include oil interceptors and attenuation and SuDS.</p>

Residual Effects:

Residual effects are not predicted to be significant subject to the implementation of mitigation measures.

Cumulative Effects:

Cumulative effects are not anticipated. Any potential cumulative impacts would relate to the development of the wider business park lands, which would take place on a phased basis.

Conclusion:

I have considered all the written submissions made in relation to land and soils and I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.

Water & Hydrology

Chapter 10 of the EIAR sets out the potential impacts of the development on surface water, streams, rivers, groundwater, water quality, water supply and flood risk. The underlying bedrock aquifer is classified as 'Poor Bedrock' that is generally unproductive. The ground water vulnerability is classified as 'Low', and the subsoil permeability is also 'Low'.

Potable water for the development would be from an existing, private 200mm diameter well and 150mm diameter standby with a water treatment plant at the City North Hotel. The existing capacity of the well is 260m³ per day. The treatment plant can cater for 150m³ per day but can be expanded to cater for 260m³ if required. The existing and proposed demand is estimated to be 93.1m³ which is within the capacity of the existing well and treatment plant.

The site currently drains into open field drains that run across the site. None of these drains are watercourses and no water flows into the site from adjacent sites. The Delvin River is approximately 800m to the south of the site and flows eastwards. The Kennetstown Stream runs in an east-west direction approximately 460m to the north of the site. The site is within a category C flood risk area.

Potential Impacts	Assessment & Mitigation Measures
	As the ground water extraction rate would be within the capacity of the existing well and treatment plant, the

<p>Construction Phase - Potential for impacts from contamination of surface water from accidental spills and silt or pluvial flooding from drains blocked by silt.</p> <p>Operational Phase - Potential for contamination of ground water and water courses from the foul water system and for pluvial flooding from uncontrolled surface water runoff.</p>	<p>development will not have a significant impact on ground water extraction.</p> <p>Appropriate design of the water network, adherence to the Construction Management Plan and the application of good construction practices would ensure the protection of groundwater & surface water quality during the construction and operational phases.</p>
<p>Residual Impacts:</p> <p>There would be no significant residual impacts following the implementation of mitigation measures.</p>	
<p>Cumulative Impacts:</p> <p>Cumulative effects are not anticipated. Any potential cumulative impacts would relate to the development of the wider business park lands, which would take place on a phased basis. The demand for water may exceed the capacity of the existing well and treatment plant during the development of the overall City North campus lands.</p> <p>No cumulative impacts predicted for surface water as SuDS will be required in accordance with the GDSDS.</p> <p>No cumulative impacts predicted for flooding from the site as the drainage system will be designed and delivered in tandem with the phased development.</p>	
<p>Conclusion:</p> <p>I have considered all the written submissions made and I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.</p>	

Biodiversity

Chapter 11 of the EIAR assesses the impact of the proposed development on the biodiversity of the site and surrounding area. The baseline information was compiled using desktop studies and field surveys. This information also determined the zone of influence, (Zol), for the development. The site is not within a designated conservation site and has no direct hydrological connection to any designated site. A Stage 1 AA Screening document was submitted with the application and concluded that the development would not result in any risk of likely effects on Natura 2000 sites. The closest European site is the River Nanny Estuary and Shore SPA, which is c. 3km from the subject site. The Laytown Dunes/Nanny Estuary pNHA is also c. 3km from the site. The surface water network from the City North lands outfalls to the river Delvin, which is a minimum of 130m from the site.

No flora or terrestrial fauna species or habitats of National or International conservation importance were noted on the site. No protected species were found on the site and no invasive species were noted. Several red listed bird species, (Herring gull, Yellowhammer and Meadow Pipit), were noted on the site but none are on Annex I of the EU Birds Directive. The primary habitat on the site is Improved Agricultural Grassland with one area of scrub, treelines, hedgerows and buildings and artificial surfaces.

Predicted Impacts

Assessment & Mitigation Measures

Construction Phase – Predicted impacts would relate to the permanent loss of habitat and/or fragmentation of habitats, displacement and disturbance of species and the potential for pollution

The proposed development would result in the removal of the existing habitats on the site and the displacement of fauna.

Mitigation measures would include the removal of hedgerows and trees outside of the nesting period. Adherence to the Construction Management Plan to prevent surface water pollution and for

<p>to enter watercourses and impact on species.</p> <p>Operational Stage – There is a potential for impacts from the pollution of water courses from inadequate drainage of surface waters.</p>	<p>site management. Implementation of SuDS measures.</p> <p>Implementation of landscaping plan with native species to promote biodiversity and the implementation of SuDS measures.</p>
<p>Residual Impacts:</p> <p>There would be a permanent loss of hedgerows, habitats and foraging area for birds. Red listed bird species would be displaced onto neighbouring agricultural land.</p>	
<p>Cumulative Impacts:</p> <p>No cumulative impacts are anticipated.</p>	
<p>Conclusion:</p> <p>The development would result in the loss of habitats, such as hedgerows and trees, within the site. However, no protected species were found within the site and the impact would be of local importance. Species using the site would be displaced to the neighbouring agricultural lands and the operational phase would involve replacement landscaping to encourage biodiversity. I have considered all the details regarding biodiversity I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise.</p>	
<p>Noise & Vibration</p>	
<p>Chapter 12 of the EIAR deals with the effects of direct and indirect noise & vibration during the construction and operational stages. An environmental noise survey was undertaken to assess the existing environment and predictive calculations were performed to assess the impact of the development on the most sensitive receptors, which are the houses on Cockhill Road that back onto the site. The site currently experiences noise at moderate levels due to the surrounding road network.</p>	
<p>Predicted Impacts</p>	<p>Assessment & Mitigation Measures</p>

<p>Construction Phase -</p> <p>Noise from plant, machinery, and additional traffic to and from the site.</p> <p>Vibration and disturbance from piling.</p> <p>Operational Phase -</p>	<p>The construction phase has the greatest potential for generating noise and vibration. These works are expected to take 19 months. The closest noise sensitive receptor is a house on Cockhill Road that would be 62m from the construction works. A full assessment of noise impacts on residential amenity is set out in Section 7.4 of this report.</p> <p>At the closest noise sensitive receptor noise from construction activities would be within the parameters set out in British Standard BS 5228 (2009+A1 2014) Part 1 – Noise.</p> <p>Vibration was also assessed, and the low vibration levels predicted would not cause any disturbance to occupants of nearby buildings.</p> <p>Should nighttime operations be permitted the criterion adopted for the houses on Cockhill Road would be exceeded and mitigation would be required.</p> <p>Mitigation Measures -</p> <p>Implementation and adherence to an agreed CMP and the use of good practice construction methods and noise control measures. Compliance with the control measures set out in BS 5228 (2009 +A1 2014).</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Noise from plant, traffic and loading/unloading activity.	Operational mitigation measures include monitoring the noise levels from plant and machinery, positioning of turning circles and loading bays and noise barriers to loading areas.
<p>Residual Impacts:</p> <p>Additional noise and traffic during the construction phase. Additional traffic during the operational phase.</p>	
<p>Cumulative Impacts:</p> <p>There is a potential for cumulative impacts from traffic flows and building services noise. These impacts were taken into account during the assessments and would not be significant.</p>	
<p>Conclusion:</p> <p>I have considered all the written submissions made in relation to traffic and transport and I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise as a result of the development.</p>	
<p>Air Quality & Climate</p>	
<p>Chapter 13 of the EIAR assesses the likely air quality and climate impacts associated with the proposed development. The assessment was carried out by undertaking desktop studies and field studies.</p>	
<p>Predicted Impacts</p>	<p>Assessment & Mitigation Measures</p>
<p>Construction Phase - The main source of impacts on air quality during the construction phase would be from fugitive dust emissions from site activities and the generation of PM₁₀ and PM_{2.5} emissions. Greenhouse gas (GHG) emissions from construction</p>	<p>Assessments found that the emissions would not exceed the recommended thresholds, and that there was an overall low risk of dust soiling or human health impacts from dust emissions during the construction stage.</p> <p>Traffic during the construction and operational phases would not reach the</p>

<p>vehicles have the potential to impact on climate.</p> <p>Operational Phase – Potential impacts on air quality and climate would be generated from traffic emissions to and from the site.</p>	<p>recommended thresholds for detailed assessment and would have no potential for significant impacts.</p> <p>Impacts on climate were assessed by predicting the concentrations of CO₂ as a result of the development to 2025 and 2030, which were found to be marginal.</p>
<p>Residual Impacts:</p> <p>There would be no significant residual impacts following the implementation of mitigation measures.</p>	
<p>Cumulative Impacts:</p> <p>Any cumulative impacts would be because of development occurring in tandem. There are no extant permissions that would result in any cumulative impacts and the development of the wider site would most likely take place on a phased basis.</p>	
<p>Conclusion:</p> <p>I have considered all the written submissions made in relation to air quality and I am satisfied that they have been appropriately addressed in terms of the application and that no significant adverse effect is likely to arise because of the development.</p>	
<p>Cultural Heritage</p>	
<p>Chapter 14 of the EIAR assesses the potential impacts of the development on archaeological or cultural heritage features in or around the site because of the development. There are no protected structures or recorded monuments within the site, and no archaeological remains have been identified on the site. There are 23 recorded monuments within 1km of the site and there is a Zone of Archaeological Notification in the centre of Stamullen town. A geophysical survey carried out for the EIAR found an area of moderate archaeological potential within the site.</p>	
<p>Predicted Impacts</p>	<p>Assessment & Mitigation Measures</p>

<p>Construction Phase - There is the potential for groundworks to unearth archaeological features or remains.</p>	<p>Prior to any works being carried out the area should be subject to an archaeological assessment.</p> <p>During the construction phase all ground disturbance works would be monitored by a suitably qualified archaeologist and advice sought from the DHLGH if any artifacts or features are found.</p>
<p>Residual Impacts:</p> <p>No residual impacts are anticipated.</p>	
<p>Cumulative Impacts:</p> <p>No cumulative impacts are anticipated.</p>	
<p>Conclusion:</p> <p>The subject site is not sensitive in terms of potential impacts on cultural heritage. I am satisfied that the potential for impacts on the cultural heritage of and around the site have been sufficiently addressed and that no adverse effect is likely to arise.</p>	

8.9. Interaction of the Foregoing / In-combination Effects

8.9.1. Chapter 15 of the EIAR sets out the interactions between impacts of the different environmental aspects and in-combination effects. I have also considered the interactions between the different factors and consider there to be the potential for crossovers between the following elements:

Population and Human Health -

- Noise
- Air Quality / dust
- Traffic, (i.e. additional emissions, road safety and disturbance)
- Water

- Landscape / visual impact

Landscape and Visual Impact -

- Population and Human Health (visual impacts)
- Biodiversity

Traffic & Transport -

- Human Health
- Noise
- Air Quality & Climate

Material Assets – Built Services & Waste Management –

- Population & Human Health
- Water & Hydrology, (quality & supply)
- Land & Soils, (removal)

Land, Soils & Geology -

- Human Health, (i.e. soil stripping and dust generation)
- Water & Hydrology (i.e. pollution from silt)
- Air Quality & Climate
- Traffic & Transport (during the construction stage)

Water & Hydrogeology

- Human health
- Land, Soils & Geology

Biodiversity -

- Land & Soils
- Landscape & Visual

Noise

- Human health

- Traffic & Transport

Air Quality & Climate

- Human health
- Traffic, (emissions)
- Land & Soils (dust)
- Water & Hydrology (pollution from dust)

Cultural Heritage

- Land and soils, (archaeological impacts)

8.9.2. I have reviewed each of the elements listed above on an individual basis and how they may interact with each other, and I am satisfied that any significant impacts can be avoided, managed, and mitigated by the measures which form part of the proposed development. I note that many of the mitigation measures proposed serve to mitigate against several impacts.

Cumulative impacts were assessed in each chapter of the EIAR. There is one extant permission in the area, (PA Ref. AA160168). However, given the location and scale of the development, I am satisfied that there would be no significant cumulative impacts.

8.10. Risks associated with major accidents and/or disasters.

8.10.1. No outstanding risks associated with major accidents or disasters have been identified for the proposed development.

8.11. Reasoned Conclusion

8.11.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, the submission from the Planning Authority and prescribed bodies in the course of the application and appeal, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

8.11.2. The project could give rise to minor localised impacts on ***residential amenity and human health*** in the form of noise, dust traffic safety & general disturbance during

the construction and operational phases. These impacts would be mitigated by the implementation of measures related to the protection of air quality, control of noise and dust, traffic management, additional tree planting and landscaping, and by the agreement of measures within the Construction Environmental Management Plan and an Environmental Management Plan.

8.11.3. The proposed project would give rise to a minor localised increase ***in vehicle and HGV movements*** and resulting traffic impacts during the construction and operational phases. These impacts would be mitigated by the agreement of measures within a Construction and Environment Management Plan and an Environmental Management Plan. It is estimated that Junction 7 would reach capacity by 2037 with or without the development, and upgrade works may be required at this time.

8.11.4. The proposed development could give rise to a minor localised ***visual impact*** during the operational phase due to the change in the character of the greenfield site. These impacts would be mitigated by the implementation of the landscaping measures proposed such as tree planting to the rear of the buildings and along the western boundary.

9.0 Recommendation

9.1. Arising from my assessment of this planning application I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below, and subject to the attached conditions.

10.0 Reasons and Considerations

Having regard to:

- The National Planning Framework – Ireland 2040,
- The Regional Spatial & Economic Strategy for the Eastern & Midlands Region (2019),
- The policies of the planning authority as set out in the Meath County Development Plan 2021 to 2027,

- The distance to dwellings or other sensitive receptors,
- The submissions made in connection with the application,
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- The report and recommendation of the Inspector,
- The nature and scale of the proposed development, as set out in planning application documentation and the pattern of development in the area;

it is concluded that subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on the environment, including water and air quality, would not seriously injure the amenities of the area 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.

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) the nature, scale, location, and extent of the proposed development on a greenfield site which is zoned for development,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies, planning authority and observers, and
- (d) the Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development, and identifies and describes adequately the direct,

indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made during the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Noise and dust during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) which includes specific provisions relating to the control of dust and noise.
- The increase in vehicle movements and resulting traffic during the construction and operational phases would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR).
- The impacts on residential amenity during the construction and operational phases in terms of disturbance, nuisance and visual impact would be avoided by the implementation of the measures set out in the Environmental Impact Assessment Report (EIAR) which includes specific provisions relating to the control and management of dust, noise, water quality, traffic movement and landscaping.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 1st day of December 2020, (including the Environmental Impact Assessment Report and Appropriate Assessment Screening report), as amended by the further plans and particulars submitted on the 1st day of November 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The use of the buildings hereby permitted shall be restricted to uses in defined under Class 4 – Use as a Light Industrial building or Class 5 – Use as a wholesale warehouse in or as a repository in Part 4, Schedule 2 of the Planning and Development Regulations 2001 (as amended).</p> <p>Prior to the occupation of any of the units, details of the use proposed for each unit, and the use Class it accords with, shall be submitted in writing to the Planning Authority. Any subsequent change of use from the Class as defined will require a separate planning permission.</p> <p>Reason: In the interests of clarity and orderly development.</p>
3.	<p>The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.</p> <p>Reason: Having regard to the nature of the development and the zoning objective for the site, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.</p>
4.	<p>The buildings hereby permitted, and all activities occurring therein, shall only operate between 0700 hours and 2100 hours, Monday to Friday and</p>

	<p>between 0700 hours and 1430 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.</p> <p>Reason: In order to protect the residential amenities of property in the vicinity.</p>
5.	<p>The proposals, mitigation measures and commitments set out in the Environmental Impact Assessment Report and additional information received by the planning authority shall be implemented in full as part of the proposed development.</p> <p>Reason: In the interest of clarity, to mitigate the environmental effects of the proposed quarry and to protect the amenities of the area and of property in the vicinity.</p>
6.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
7.	<p>The developer shall comply with the requirements of the planning authority with regard to traffic management and access arrangements and the details of such works, including general road works, shall be agreed in writing prior to the commencement of development.</p> <p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.</p> <p>Reason: In order to safeguard local amenities.</p>
8.	<p>(a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, and the details of the temporary waste-water treatment plant shall comply with the requirements of the planning authority</p>

	<p>for such works and services and shall be agreed in writing prior to the commencement of development.</p> <p>(b) The proposed land drain diversion shall have minimum 200mm freeboard and be constructed and installed as per the details submitted on Drawing 403066-HP-00-ZZ-DR-C-01110 & Appendix E of the Drainage Report.</p> <p>(c) Prior to the commencement of development, the developer shall submit detailed design for the drinking water supply scheme for the written agreement of the Planning Authority.</p> <p>Reason: In the interest of public health.</p>
9.	<p>The developer shall comply with the requirements of Uisce Éireann when a connection to the public waste-water system can be facilitated.</p> <p>Reason: In the interest of public health.</p>
10.	<p>During the operation phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations at the closest houses to the site on Cockhill Road,</p> <p>(a) an Leq, 1h value of 55 dB(A) between 08.00 and 20.00 hours</p> <p>(b) an Leq, 15 min value of 45 dB(A) at any other time. Night time emissions shall have no tonal component.</p> <p>Reason: In order to protect the residential amenities of property in the vicinity.</p>
11.	<p>All plant and machinery shall be enclosed and soundproofed in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To safeguard the amenities of adjoining property.</p>
12.	<p>(a) A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for</p>

	<p>the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) All goods, including raw materials, manufactured goods, packaging, crates etc. shall be stored or displayed only within the enclosed buildings.</p> <p>(c) Receptacles for waste shall be provided and available for use at all times on the premises in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual amenity and to provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
13.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of amenity and public safety.</p>
14.	<p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -</p> <ul style="list-style-type: none"> a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

	<p>c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p>
15.	<p>Details of the materials, colours and textures of all the external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>
16.	<p>Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area</p>
17.	<p>a. The landscaping scheme, as submitted to the planning authority on the 22nd day of October 2021 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>b. Hedges and trees shall not be removed during the nesting season, (i.e. March 1st to August 31st).</p> <p>c. All mitigation measures set out in the EIAR shall be fully implemented.</p> <p>d. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become</p>

	<p>seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>e. Details of all boundary treatments and planting shall be agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of residential and visual amenity.</p>
18.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the satisfactory reinstatement of the site, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory restoration of the site in the interest of visual amenity.</p>
19.	<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. 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</p>

	<p>matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: 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>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Elaine Sullivan
Planning Inspector

26th July 2023