



An
Bord
Pleanála

Inspector's Report ABP-317154-23

Development	The development of 8 no. warehouse units with ancillary office & staff facilities.
Location	Listcartan, Navan, Co. Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	22/866.
Applicant(s)	BCL Elite Limited.
Type of Application	Permission.
Planning Authority Decision	Grant of Permission.
Type of Appeal	Third Party v Grant of Permission
Appellant	Noel Foley Johanna & Sean Harding Mark Hornby Sean Harding Jnr.
Observer(s)	None
Date of Site Inspection	21/06/2023
Inspector	Enda Duignan

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1.0 Site Location and Description

- 1.1.** The appeal site has an address at Listcartan, Navan, Co. Meath. The greenfield site is located on the south-western side of the R147, c. 3.5km to the north-west of Navan town centre. The irregular shaped site has an area of c. 6.9ha. with a frontage of c. 310m to the R147. I note that the site was amended by the Applicant at further information stage to include lands within the control of Meath County Council, with the overall area of site being increased to c. 8ha. In terms of topography, the site is relatively flat and is consistent with that of the surrounding area. A hedgerow, interspersed with trees of varying maturities forms the boundary with the R147. The south-eastern and south-western boundaries are characterised by a mature tree line and the north-western boundary is open. I note that there are a number of overhead powerlines that currently bisect the site in an east to west and north to south direction.
- 1.2.** In terms of the site surrounds, there are a number of established residential properties to the north-west of the site which have a frontage to the R147. A detached property is also located opposite the appeal site on the north-eastern side of the R147. There are a number of commercial/industrial buildings located further to the north-west within the Liscarton Industrial Estate. The remainder of the lands with the vicinity of the site are typically in agricultural use and are reflective of the site's location outside the settlement boundary of Navan.

2.0 Proposed Development

- 2.1.** Planning permission is sought for the development comprising the construction of 8 no. warehouse units with ancillary office, staff facilities and associated development. The development will have a gross floor area (GFA) of 20,849 sq. m and shall comprise the following:
- Warehouse Unit No. 1 with a GFA 4,636sq.m., comprising warehouse area (4,242sq.m.) with ancillary office (181sq.m.) & staff facilities (213 sq. m). The building will have a maximum height of 15.45m.
 - Warehouse Unit No. 2 with a GFA of 5,120sq.m., comprising warehouse area (4,648sq.m.) & staff facilities (212sq.m.) The building will have a maximum height of 15.45m.
 - Warehouse Unit Nos. 3 & 4 with a GFA of 970sq.m., comprising warehouse area (798sq.m.) with ancillary office (61sq.m.) & staff facilities (111sq.m.). The

building will have a maximum height of 15.15m.

- Warehouse Unit Nos. 5 & 6 with a GFA of 1,458sq.m., comprising warehouse area (1,268sq.m.) with ancillary office (67sq.m.) & staff facilities (123sq.m.); The building will have a maximum height of 15.75m.
- Warehouse Unit No 7 with a GFA of 3,373sq.m., comprising warehouse area (3,068sq.m.) with ancillary office (114sq.m.) & staff facilities (191sq.m.). The building will have a maximum height of 16.3m.
- Warehouse Unit No. 8 with a GFA of 2,864sq.m., comprising warehouse area (2,572sq.m.) with ancillary office (106sq.m.) & staff facilities (186sq.m.). The building will have a maximum height of 16.15m.

2.2. Permission is also sought for the provision of:

- A vehicular & pedestrian access to the site from the R147;
- An internal estate road with internal access/egress spurs;
- Footpaths & pedestrian accesses & gates;
- 212 No. car parking spaces including EV & accessible parking spaces;
- Bicycle parking;
- HGV marshalling yards & associated sliding gates;
- Level access goods doors;
- Dock levellers;
- Lighting;
- ESB substations;
- Plant, including wastewater treatment plant
- External canopies;
- Boundary treatments;
- Hard & soft landscaping; and,
- All associated site and development works, above and below ground.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority granted permission for the proposed development subject to compliance with 17 no. conditions.

3.1.2. Conditions of note include:

- Condition No. 2 relates to the recommendations of the Transportation Department and requires amendments to the width of the access roads, the provision of pedestrian and cyclist crossing points, etc.
- Condition 4 restricts the use of the site to 'light industrial' (Class 4) and/or 'warehouse' (Class 5).
- Condition No. 6 requires the implementation of the mitigation measures set out in the submitted NIS.
- Condition No. 10 & 11 requires the submission of a Construction and Environmental Monitoring Plan (CEMP) and a Waste Management Plan (WMP).
- Condition No. 14 relates to landscaping.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Meath County Council Planning Reports forms the basis for the decision. The first report provides a description of the proposed development, a summary of the policy at local level that is applicable to the development proposal and an outline of the matters raised in the observations on the planning file. The report also sets out details with respect to the pre-planning consultation that was facilitated by the Planning Authority.

In terms of their assessment, the Planning Authority was satisfied that the principle of development was acceptable and was in accordance with the 'E2 – general Enterprise & Employment' zoning that pertains to the site. It was noted that the size, scale and massing of the proposed units would be in keeping with the design and appearance of the existing units located within the Liscarton Industrial Estate and are therefore appropriate to its industrial context and zoning. In addition, it was noted that the development was acceptable having regard to the residential amenity of the surrounding area. However, further information was requested with respect to the following:

- Undertake revisions to the scheme to address the concerns of the Transportation Department, namely:
 - o The provision of a right turn lane on the R147.

- Widening of footpaths within the development and along the site frontage.
- Internal revisions to include changing rooms, lockers and showers for cyclists.
- Details of covered bicycle parking.
- The Applicant was requested to address the requirement for EIA screening.
- The submission of an archaeological assessment.
- The Applicant was requested to engage with Irish Water regarding a pre-connection enquiry and undertake revisions to the watermain design.
- Undertake revisions to the scheme to address the concerns of the Water Services section:
 - Surface water attenuation for the access road.
 - Separate attenuation systems for each individual unit.
 - The installation of a penstock valve within the flow control chamber.
 - The provision of a BRE 365 result for the site of the proposed attenuation system and the Applicant was requested to maximise the opportunity for onsite infiltration.
 - The Applicant shall prove the existence and capacity of the existing surface water drainage network.
 - The provision of a non-return valve to the outfall which shall be fitted to a headwall.
- The Applicant was invited to comment on the content of the Third Party submissions.

The following revisions were made to the proposed development as part of the Applicant's further information response:

- Site Layout
 - The site area has changed from 6.9ha. to 8ha. to incorporate additional lands for engineering requirements (Letter of Consent in respect of the inclusion of a portion of lands in the ownership of Meath County Council for road works accompanied response).
 - Modified right turn lane from the R147;
 - Footpath width increased from 2 to 3m along the R147;
 - The footpath along the front of the buildings adjacent to the

perpendicular parking was increased to achieve 2.10m wide (1.8m wide footpath and an additional verge of 0.3m);

- Changing rooms, lockers, and showers incorporated into the internal layout of each unit.
- Drainage Layout:
 - Detention pond placed along the western boundary of the development to which all surface water will drain;
 - Previously proposed individual attenuation tanks are omitted;
 - A penstock valve is proposed in the flow control manhole;
 - A non-return valve is incorporated on the proposed outfall headwall.
- Landscape Layout.
 - A reduction of 67 No. semi mature Callery Pear (*Pyrus Calleryana*) tree planting;
 - An additional 123m of native hedgerow planting;
 - An additional 100m of pollinator friendly hedgerow planting.

Following the submission of further information, a grant of planning permission was recommended by the Planning Authority subject to 17 no. conditions.

3.2.2. Other Technical Reports

Transportation: Report received recommending further information as detailed in Section 3.2.1. Second report on file stating no objection subject to conditions.

Public Lighting: Report received recommending the submission of a public lighting design.

Water Services: Report received recommending further information as detailed in Section 3.2.1. Second report on file stating no objection subject to conditions.

Fire Officer: Report received providing recommendations.

EHO: Report received following the submission of further information. The report recommends conditions to be attached relating to:

- Drainage related conditions.

- Details of climate initiatives and energy conservation measures.
- The submission of a CEMP for the proposed development.
- The implementation of a formal complaint's procedure.

3.3. Prescribed Bodies

Irish Water: Report received recommending further information as detailed in Section 3.2.1. Second report on file stating no objection subject to conditions.

Health & Safety Authority: Report received indicating that they do not advise against granting planning permission.

Transport Infrastructure Ireland: 2 no. reports received indicating that they have no observations to make.

Department of Housing, Local Government & Heritage, Development Applications Unit: Initial report received recommending further information with respect to the requirement for an archaeological assessment. Second report on file recommending suitable conditions.

3.4. Third Party Observations

- 3.4.1. Four (4) no. observations were received from Third Parties. A further three (3) no. observations were received following the submission of the Applicant's further information response. I note that the observers to the application are Third Party appellants in this instance and the matters raised are broadly similar to those raised in the grounds of appeal which I will discuss in detail in Section 6 of this report.

4.0 Site Planning History

- 4.1.1. **NA180507:** Planning permission granted in August 2018 for development comprising the construction of a new access point onto the R147 along with the development of infrastructural services including internal road network; the provision of underground utilities including drainage, water supply and electricity; together with footpaths, streetlighting, landscaping and pumping station along with connections to all services and associated site development works. A Natura Impact Statement was prepared and submitted with the application.

- 4.1.2. I note that works on foot of this permission have not commenced, and it is unclear if this permission has now expired. I also note that the internal road layout permitted under NA180507 differs from that proposed under the current proposal.

5.0 Policy Context

5.1. Meath County Development Plan (CDP), 2021-2027.

- 5.1.1. Under the Meath County Development Plan 2021-2027, the appeal site is located outside the settlement boundary of Navan, but within an area zoned 'E2 General Enterprise and Employment' (Navan Sheet No. 28(a) Land Use Zoning). The objective E2 zoned land is 'To provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment/enterprise uses in a good quality physical environment. The guidance set out under the current Plan notes that E2 lands constitute an important land bank for employment use which must be protected. The development of E2 lands seek to provide for the creation and production of enterprise and facilitate opportunities for industrial, manufacturing, distribution, warehousing and other general employment / enterprise uses in a good quality physical environment.

- 5.1.2. Chapter 4 of the current Plan sets out the County's 'Economy and Employment Strategy'. The Plan notes that the Economic Development Strategy for County Meath 2014- 2022 seeks to build on the success of the Mullaghboy Industrial Park and Liscarton Industrial lands and additional lands have been identified adjacent to these sites to facilitate the continued growth in the indigenous and SME sectors. Policies and objectives of note include:

- ED POL 4 - To identify and promote a range of locations within the County for different types of enterprise activity including international business and technology parks, small and medium enterprises (SME) and micro enterprise centres.
- ED POL 10 - To ensure that zoning for employment uses will be carried out in a manner which protects investment in the national road network, in accordance with Chapter 2 of the DECLG guidelines on 'Spatial Planning and National Roads.
- ED POL 11 - To require that all new developments with over 100 employees

shall have a mobility management Plan, (Refer to Chapter 11 Development Management Standards and Land Use Zoning Objectives).

- ED OBJ 2 - To continue to promote Meath as a strategically located economic and employment hub within the Greater Dublin Area.
- ED OBJ 5 - To work with Irish Water and other infrastructure providers, to support the provision of services and facilities to accommodate the future economic growth of the County and to seek to reserve infrastructure capacity for employment generating uses.
- ED OBJ 24 - To promote the Key Town of Navan as a primary centre of employment in the County so that its significant residential population will have employment opportunities within easy distance of their homes, thereby reducing outbound commuting.
- ED OBJ 36 - To facilitate the appropriate expansion of the Liscarton and Mullaghboy Industrial Estates.

5.1.3. Given the nature and location of the proposed development, Section 11.6.7 (Industrial, Office, Warehousing and Business Park Development) is relevant to its consideration and includes Objective DM OBJ 61 which notes that 'Any planning application for industrial, office, warehousing and Business Park Development shall address the following development assessment criteria:

- To require innovative contemporary designs for new industrial, office, warehousing and business park developments.
- External finishes shall be suitable for the local/natural landscape.
- That indicative site coverage for industrial/commercial development on greenfield sites is 50% coverage unless the design characteristics of the scheme, proposed uses and mobility management plan indicate support for higher site coverage.
- In town centre locations, in order to encourage and facilitate the development of a compact town centre, and to achieve desirable massing and heights of buildings, plot ratio and site coverage of 1.5 and 70% respectively will generally be the norm.
- To require that full details of the proposed use(s), including industrial processes involved are provided.
- To require that full details of the hours of operation be provided.

- To require that details of suitable access arrangements, internal roads layout including details of footpaths, turning areas, loading bays be provided.
- Boundaries which are visible from the public road should be of a high architectural quality. Palisade fencing to the front of any building line shall not be permitted.
- The use of retention ponds as an urban design feature within business parks will be encouraged to enhance the setting, subject to compliance with all relevant safety requirements.
- To require that proposals for and location of onsite areas for storage and disposal (if applicable) of waste be provided as part of any planning application. All external storage including bin storage, oil tanks, etc, shall be visually screened from public areas.
- To require that waste and recycling areas be covered, screened and enclosed from public view and wind, compliant with the Council's Waste Management Strategy.
- All overground oil, chemical storage tanks should be adequately banded to protect against spillage.
- To require that a survey of any existing vegetation onsite and a suitable landscaping scheme prepared by an appropriately qualified professional, taking account of same, be submitted as part of any planning application to enhance the development. Open space shall be provided in suitable locations as part of the development in order to enhance the development and provide amenity and passive recreation for future employees.
- To require that all significant Industrial, Office, Warehousing and Business Park Development incorporate works of public art in the form of outdoor sculptures, special architectural and landscape features or other appropriate art work in the development.
- To require that all planning applications for Industrial, Office, Warehousing and Business Park Development on sites in excess of 0.5 hectares are accompanied by a Construction Environmental Management Plan (CEMP).
- To require that all new developments with over 100 employees shall have a Mobility Management Plan.
- To encourage the provision of supporting facilities for employees including childcare facilities, leisure uses and coffee shops in business parks.

- To encourage research and development activities as an ancillary part of all new and existing business parks in the County in conjunction with 3rd level Institutions.

5.1.4. The appeal site is located within the 1000m consultation radius of a Lower Tier Seveso Site (i.e. Xtratherm Limited) which is located within the Liscarton Industrial Estate (Table 11.5: List of Seveso Sites in County Meath or Sites where Consultation Distances extend into the County, these are illustrated on Map 11.1.). Relevant policies and objectives outlined in Section 11.13.1 (Seveso Sites) of the Plan include:

- DM POL 36: To have regard to the advice of the Health & Safety Authority when proposals for new SEVESO sites are being considered or modifications to existing Seveso sites are being considered.
- DM POL 37: To have regard to the advice of the Health & Safety Authority when proposals for development within the consultation zone of a SEVESO site are being considered.
- DM OBJ 112: To have regard to the provision of the 'Major Accident Directive' (Seveso III) (European Council Directive 2012/18/EU) and in consultation with the HSA impose restrictions, on developments adjoining or within proximity of a Seveso site. The extent of restrictions on development will be dependent on the type of risk present and the quantity and form of the dangerous substance present or likely to be present.

5.1.5. Section 8.9 (Biodiversity) of the current Plan acknowledges that 'The protection and wise use of the county's natural resources is vital to achieving sustainable development. Policies and objectives of relevance to the appeal include:

- HER POL 27 - To protect, conserve and enhance the County's biodiversity where appropriate.
- HER POL 28 - To integrate in the development management process the protection and enhancement of biodiversity and landscape features wherever possible, by minimising adverse impacts on existing habitats (whether designated or not) and by including mitigation and/or compensation measures, as appropriate.
- HER POL 31 - To ensure that the ecological impact of all development proposals on habitats and species are appropriately assessed by suitably

qualified professional(s) in accordance with best practice guidelines – e.g. the preparation of an Ecological Impact Assessment (EclA), Screening Statement for Appropriate Assessment, Environmental Impact Assessment, Natura Impact Statement (NIS), species surveys etc. (as appropriate).

- HER POL 36 - To consult with the National Parks and Wildlife Service and take account of their views and any licensing requirements, when undertaking, approving or authorising development which is likely to affect plant, animal or bird species protected by law.
- HER OBJ 35 - To ensure that development does not have a significant adverse impact, incapable of satisfactory avoidance or mitigation, on plant, animal or bird species protected by law.

5.1.6. In terms of landscape capacity, the area within which the site is located is classified as a Lowland Landscape of Moderate Value, Medium Sensitivity and Local Importance. The current Plan contains the following policies and objectives which are relevant to the consideration of the application:

- HER POL 52 - To protect and enhance the quality, character, and distinctiveness of the landscapes of the County in accordance with national policy and guidelines and the recommendations of the Meath Landscape Character Assessment (2007) in Appendix 5, to ensure that new development meets high standards of siting and design.
- HER POL 53 - To discourage proposals necessitating the removal of extensive amount of trees, hedgerows and historic walls or other distinctive boundary treatments.
- HER OBJ 49 - To ensure that the management of development will have regard to the value of the landscape, its character, importance, sensitivity and capacity to absorb change as outlined in Appendix 5 Meath Landscape Character Assessment and its recommendations.
- HER OBJ 50 - To require landscape and visual impact assessments prepared by suitably qualified professionals be submitted with planning applications for development which may have significant impact on landscape character areas of medium or high sensitivity.

5.1.7. Other policies and objectives relevant to this appeal include:

- Policy INF POL 31 - To protect and develop, in a sustainable manner, the existing groundwater sources and aquifers in the County and to manage development in a manner consistent with the protection of these resources.
- Policy INF POL 33 - To protect recognised salmonid water courses (in conjunction with Inland Fisheries Ireland) such as the Boyne and Blackwater catchments, which are recognised to be exceptional in supporting salmonid fish species.

5.2. Section 28 Ministerial Guidelines.

5.2.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).

Other relevant national guidelines include:

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009)

5.3. Climate Action Plan (CAP) 2024

5.4. Project Ireland 2040 National Planning Framework (NPF)

5.5. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

5.6. Design Manual for Urban Roads and Streets (DMURS) (2019).

5.7. Natural Heritage Designations

5.7.1. There are no European designated sites within the immediate vicinity of the site. The nearest designated sites are the River Boyne and River Blackwater Special Area of

Conservation (Site Code: 002299) and The River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232) which are located c. 230m to the north of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Two (2) no. Third Party planning appeals have been submitted in relation to the subject proposal from the following parties.

1. Noel Foley.
2. An appeal submission prepared on behalf of:
 - a. Johanna & Sean Harding.
 - b. Mark Hornby.
 - c. Sean Harding Jnr.

Noel Foley

6.1.2. The appellant has an address at Liscarton, Kells Road, Navan, Co. Meath. It is submitted by the appellant that proper consideration was not given to the arguments outlined in their submissions and it is argued that the grant of planning runs contrary to good planning and common sense. It is also stated that the decision to request an EIA to be carried out after the grant of planning permission runs contrary to good administrative practice, as in the grant of planning all matters need to be taken into account before a final decision is taken by Meath County Council. Enclosed with the appeal are 3 no. observations made by the appellant to the Planning Authority during the application stage. In addition, the appellant has enclosed a copy of a peer review by Forest Environmental Research and Services (FERS) Ltd of the Ecological Impact Assessment (EclA), AA screening/NIS and EIA screening reports prepared on behalf of the Applicant (authored by Enviroguide Consulting).

6.1.3. The appellant's initial observation (2nd August 2022) contends that there are serious flaws in several of the surveys/reports prepared on behalf of the applicant (BCL Elite Ltd), in particular the EclA, the AA screening report and the NIS. In addition, it is the observer's view that a serious conflict of interest exists as regards the proposed development. This issue raised surrounds the site ownership and the fact that the plot of land increased at least eightfold in value after being rezoned. It is the observer's

view that that there is an inherent conflict of interest in the granting of this planning permission.

- 6.1.4. The observation on the file dated 16th March 2023 again notes that the EclA, the AA screening report/NIS and EIA screening report are wholly inadequate and not fit for purpose as regards informing the Relevant Authority as to whether the proposed development has the potential to negatively impact on the environment. It is stated that this is of particular concern as regards the EIA screening, which concludes that the proposed development will not be likely to have significant effects on the environment. It is contended that the findings of the EIA screening are based on an entirely deficient assessment of the biodiversity resource present. It is also noted that the findings of the AA screening report/NIS are similarly fatally flawed, based on a spatially and temporally erroneous assessment of the biodiversity resource present, and containing significant lacunae.
- 6.1.5. The submission goes on to note that there is a distinct lack of any detailed information as regards the greenhouse gas emissions during construction and/or operation of the proposed development contained within the Applicant's documentation. The submission notes that the EIA Screening does not identify or address the concept of cumulative Greenhouse Gas Emissions, and hence the cumulative impact of the proposed development with the existing industrial complex and it is highlighted that the 2014 EIA Directive requires the assessment of the impact of a proposed development on climate (e.g., greenhouse emissions) and the vulnerability of the project to climate change as highlighted in the publication "Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment August 2018". The observation notes that this has not been complied with within the EIA screening and is an example of just one of the plethora of inconsistencies, errors, flaws and lacunae within the reports/surveys presented in support of the planning application.
- 6.1.6. A final observation by the appellant dated 31st March 2022 which raised the following matters:
- In terms of the rezoning of the lands in question in the most recent Development Plan, the appellant notes that they were not aware of any planning application

sign erected at the site for the prescribed length of time.

- In terms of the principle of development at this location, it is stated that appeal site is based in an agricultural/rural setting - not an urban setting and it is contrary to good planning to place a new industrial site in a rural setting. The following points are noted in this regard:
 - o Any industrial site should be located within the Navan town boundary and a new industrial site at the proposed location would effectively extend the town into what is primarily a rural area.
 - o There is sufficient land already zoned E2 - General Enterprise and Employment adjacent to the town and putting this land to use prior to all other available E2 zoned lands is premature and against good planning practice.
 - o The proposed Industrial development within a rural setting is contrary to Government policy which is encouraging nature restoration and increased biodiversity.
 - o The resources required to extend critical infrastructure to facilitate this proposed development in a rural area is contrary to proper planning as the development will require investment in an adequate electricity, water, public transport and waste facilities to meet the needs of a new industrial site.
- In terms of wastewater management, reference is made to the proposed revision to the urban wastewater treatment directive by EU Commission which recognises that there is an additional requirement to better protect human and environmental health by collecting and treating wastewater in an integrated way and in a manner that will help to achieve the zero-pollution ambition by 2050. It is also noted that the proposed development is very close to a source of drinking water for the Navan town and its hinterland namely the Liscarton water works. It is against this background that the protection of groundwater and wastewater management for any development close to a source of drinking water needs to be properly taken into account and justified by the planning authority.
- In terms of access, it is argued that a new entrance to an industrial estate off a National Route with a speed limit of 80 kph is unwarranted and any further development should make use of the entrance to the existing industrial estate.
- Given the development is not served by a public bus service, the development

will necessitate employees to drive cars to work and the increase in traffic is contrary to Government public policy and will mitigate against the ambitions of the climate legislation where reductions in the level of carbon emissions is a legislative requirement.

- There is no detailed description of the precise function(s) and processes that will be undertaken at the proposed development. In this regard, it is submitted that an inadequate EIA as required by legislation has been submitted with this application.
- In terms of the Habitats Directive, the submission highlights that no comprehensive hydrogeological assessment of the proposed development has been undertaken. There is potential for impacts on ground and/or surface (as recognised by the applicant) water quality and hydrology, which may indirectly impact on the Conservation Objective of the Qualifying Interests of the River Boyne and River Blackwater SAC/SPA. It is also noted that the proposed development is less than 2km from the Tara Mines Tailings Pond facility, known to support significant numbers of species of conservation concern, including Whooper Swan and Golden Plover - both listed on Annex I of the EU Birds Directive. It is stated that the applicant has presented no information concerning the possible use of the agricultural field containing suitable habitat for foraging Whooper Swan and Golden Plover - as ex situ foraging/roosting for such species in which the proposed development is to be located.
- In terms of Bats, it is contended that the Applicant has provided no information regarding an appropriately timed assessment of the use of the site and environs by bats. The impacts of the proposed development require comprehensive knowledge of the species of bat occurring at the site and environs and the nature of any activity in order to assess any impacts. The Ecological Impact Assessment and the conclusions of all documents relying on the findings of this document are inadequate to inform the Appropriate Authority as to the potential impacts of the construction of this project on bats not only at the site in question, but also local suitable habitats such as Padeog Wood and Liscartan Castle ruins. It is considered that as a minimum independent, night time bat surveys be carried out by qualified personnel when the climatic conditions are conducive to bat activity in accordance with best practice.
- The observer highlights their concerns regarding their ability to gain access to

the EIA Screening Report which was not available on the Planning Authority's website, and it is their view that this is in contravention of the Aarhus Convention with regards to Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters and of Directive 2003/4/EC with particular reference to articles 3 and 7 thereof.

- It is submitted that the Planning Authority will have to be satisfied that by granting planning permission for this development, it has complied with its obligations under the Climate Action and Low Carbon Development (Amendment) Act 2021.

6.1.7. As detailed in the foregoing, the appellant has enclosed a copy of a peer review by FERS Ltd of the EclA, AA screening/NIS and EIA screening reports prepared on behalf of the Applicant (authored by Enviroguide Consulting). The rationale for the report (Section 2) seeks to highlight some of the many significant omissions, inconsistencies, lacunae and errors contained with a number of the Applicant's documents. It is noted that the EclA informs both the AA process and the screening for EIA and it is contended that fundamental flaws in the EclA have, therefore had an iterative impact on both the AA process and the screening for EIA with regard to the proposed development.

6.1.8. The report notes that the data presented within the EclA is deficient both quantitatively and qualitatively. In terms 'Habitat/flora/invasive alien plant species surveys', it is stated that the surveys were undertaken in March of 2022 and outside the optimal window for such ecological surveys. It is noted that there was no hedgerow assessment undertaken despite there being a potential for impact with regards severing the use of an ecological corridor through disturbance. In addition, several Flora Protection Order plant species would not be apparent in March as it is outside of the appropriate ecological window. There is no indication as to the weather conditions or timing of site visit, which could impact on the quality of the survey. In addition, there was no indication that any aquatic plant surveys having been undertaken.

6.1.9. The report notes that there is a notable lack of any comprehensive bat surveys, despite the location of the site proximate to the River Blackwater, Old Woodland Habitat and

Liscartan Castle and its surrounding ruins. As part of the appeal, FERS undertook a bat survey of the general vicinity and also Liscartan Castle and its associated ruins. Despite the earliness of the season, it is stated that the results of these bat surveys indicate that the areas immediately adjacent to the proposed development site are utilised by numerous species as foraging, commuting and roosting habitat. It is noted that the results of the survey demonstrate that there is a diverse bat fauna present in the environs of the proposed development site, with numerous species that are particularly sensitive to disturbance (Daubenton's Bat, Natterer's Bat, Whiskered Bat and Brown Long-eared Bat). The failure within the EclA presented on behalf of the applicant to undertake any bat survey (other than identification of habitats) can only be construed as a fatal flaw in the assessment. The report notes that all Irish species of bat are listed in Annex IV of the Habitats Directive and must be afforded strict protection. A derogation licence is required for any development that has the potential to impact on bat resting places. In the absence of a derogation licence, it is stated that it is contrary to good planning practice to grant planning permission.

6.1.10. The report notes that the bird surveys were also taken outside the optimal window for identifying breeding birds at a site. It is stated that the location of the proposed development site to the River Blackwater and the Tara Mines Tailings Storage Facility (TSF) has not informed the bird surveys undertaken and the TSF is an important roost for several over-wintering species of conservation concern, including Whooper Swan, Golden Plover and Lapwing. Agricultural lands in the vicinity of the River Blackwater are utilised by foraging Whooper Swan during the day, and Golden Plover and Lapwing by night. The EclA presents no surveys identifying if the agricultural field in question is utilised as a foraging (ex situ) site by any of these species which is of significance to the informing of the NIS. In the absence of appropriate surveys, the Competent Authority could not lawfully exclude ex-situ effects on avifauna from the proposed development.

6.1.11. In terms of non-volant mammals, it is stated that the surveys undertaken were wholly inadequate and not fit for purpose in terms of informing the potential impacts of the proposed development on the local ecology and is contrary to the Wildlife Act (1976) as amended. In addition, the EclA has not identified the proximity of the proposed development to Boliden Mines DAC, a SEVESO site, or the licenced premises

immediately adjacent to the proposed development site. Potential cumulative impacts and mitigation have therefore not been identified.

6.1.12. FERS have undertaken a Peer Review of the AA Screening/NIS. It is their view that the Appropriate Assessment process has failed to identify what can only be defined as a strong, direct hydrological Source-Pathway-Receptor linkage between the proposed development and the Natura 2000 sites.

6.1.13. In the absence of any information regarding the updated primary threats, pressures and activities (within and without) to the Natura 2000 sites, it is not possible to accurately identify potential impacts. There has also been a failure to address the potential threats of the proposed development associated with climate change. Furthermore, The NIS has failed to identify the potential impacts associated with the proposed development and is not in compliance with the EU Habitats Directive or the European Communities (Birds and Natural Habitats) Regulations of 2011 (as amended). In the absence of correctly identifying pathways and receptors, threats pressures and activities, and potential impacts of the proposed development, the proposed mitigation measures are a moot point and not fit for purpose insofar as they cannot inform the Competent Authority as regards the potential impacts of the proposed development.

6.1.14. In terms of the Applicant's EIA Screening, potential cumulative impacts and mitigation have not been appropriately identified. In addition, in the absence of a detailed description of the function (or restrictions regarding functions) of the proposed warehouse units, it is not possible to assess cumulative impacts. The report notes that based on the information presented in the EIA screening (or lack thereof), it is concluded that the proposed development does require the preparation of an EIAR and an outline of specific mitigation measures to address the impact of the proposed development with regard to climate change.

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6.1.15. As a prelude to the appeal, the Board is referred to an article written by Frank Connolly in "The Village" in 2020 entitled "Meath Council's Inept Investigation of Conflict of Interest in Major Land Rezoning". It is stated that this conflict of interest issue was

raised in the planning submissions by Mr. Noel Foley of Liscartan but was never addressed by either the applicant in their submissions or by the planners in the reports on file. It is the appellant's view that all the council staff who were involved in the rezoning and the previous grant of planning on this site should have declared a potential conflict of interest with regard to reporting on this application which has not been done.

- 6.1.16. The validity of the application is questioned as an applicant must have the consent of all the landowners for works within the "Red Line" defining the site. In terms of the modified red line boundary at further information stage, it is stated that their (applicant) ownership extends only to half the road and the works required to provide the right turning lane required by the grant (see Condition 2 (c)) extends beyond the centre of the public road into the section of road owned by Mr. Noel Foley of Liscartan. It is stated that Meath County Council as the Road Authority only have a right of way between fences and are not the owners of the public road. In providing the letter of consent, the Council acted in an "ultra vires" manner and the Planning Authority erred in accepting the said letter of consent.
- 6.1.17. It is contended that Condition No. 2 (d) is invalid and un-enforceable in that it requires the applicant to construct a footpath through sections of the half road that is owned by the appellant (i.e. the Hardings). The Applicant does not have the consent of the Hardings to erect a footpath on lands in their ownership.
- 6.1.18. It is argued within the appeal that the proposed development triggers a mandatory requirement for EIA. Notwithstanding that the subject site is c. 8ha, the site when combined with the remainder of the field and the existing Industrial Estate at Liscartan, will greatly exceed the 15ha lower threshold set out in Schedule 5 Part 2 (10) (a) of the Act. Accordingly, it is contended that an EIA should have been requested, one that covered the full developed and zoned area at Liscartan. It is noted that 212 no. car parking spaces are proposed. However, the car parking requirement for the site when combined with the development plan requirement for parking for the remainder of the field, together with the existing car parking provided at the Industrial Estate will greatly exceed the 400 space lower threshold as set out in Schedule 5 Part 2 (10) (b) (a), therefore triggering the requirement for an EIA. Furthermore, it is contended that the

site is part of an urban development that exceeds 10ha., the proposed area when combined with the rest of the field (making c 15ha.) in effect "other parts" and would therefore exceed the lower limit and require an EIA in line with Schedule 5 Part 2 (10) (b) (iv).

6.1.19. In terms of the development's compliance with the requirements of the County Development Plan (notably Objective DM OBJ 61), the following is noted:

- No details of the individual uses or projected employment levels for the warehouses were submitted. This information would be important to assess the full impact of the application in respect provision of other facilities, traffic impact, waste discharge etc.
- It is proposed that the site will be in use 24hrs a day. However, no breakdown of the hourly operation of the individual units were supplied or asked for.
- The Applicant has failed to submit a mobility management, noting they are required for developments with over 100 employees.
- The policy requires large scale industrial developments to provide supporting facilities such as childcare facilities, coffee/tea facilities, leisure facilities. It is stated no such facilities are proposed in the case of the subject proposal.

6.1.20. Other issues raised within the appeal submission can be summarised as follows:

- In terms of wastewater treatment, the appellant notes that they could find no details of the P.E. that the plant is designed for or indeed any assessment of the soil/percolation area to cater for a major discharge from a c. 7ha. industrial development comprising 8 large warehouses. The design of the P.E. for the treatment plant would be dependent on employment numbers, visitor numbers, potential industry discharge etc. The submission notes that the Condition 5 of the previous grant on the site (NA 180507) required the Applicant to connect to the town sewer and concerns are raised that this matter has not been addressed. It is stated that the Applicant was to discuss water supply and wastewater treatment with Irish Water, but our inspection of the file indicates that there was no discussions/submission about the latter. It is also indicated that the proposed treatment plant is clearly in the wrong location in respect of a possible future connection to the town system.
- In terms of surface water drainage, it is proposed to discharge surface water to

the local agricultural drainage network at the west of the site from a large holding pond. This pond will take a considerable time to discharge in flood conditions due to its size and no assessment was made of the capacity of the receiving system from the point of discharge to the discharge point to the River Blackwater. Therefore, no assessment was carried out to see if there are "local flooding area" or flow restrictions on the receiving drains, all of which would be located on lands owned by third parties. The submission also notes that there is the potential discharge of "pollutants" to the local drainage network, the latter discharges to the Blackwater upstream of the intake for the drinking water supply for Navan Town and Environs. The submission also refers to the proximity of the detention pond to the treatment plant (see layout drawings etc., e.g. fig 2.7 in the TOC report) and concerns are raised regarding the discharge from the latter to ground water. It is stated that the zone of influence of the treatment plant discharge would extend under the detention pond. The submission contends that Condition No. 3 is inoperable given that the Municipal District Engineer has no jurisdiction or control over the receiving agricultural drainage network other than the section crossing under the public road.

- In terms of traffic, the submission notes that there is already a major industrial access within 250-300m of the site. This section of R147 has an 80km/hr speed limit and the "operational speed" of traffic on the road at Liscartan would exceed the speed limit. Further, the proposed entrance is located on a straight section of road where there are excellent passing sightlines and the provision of a new access incorporating a turning bay will reduce the available capacity of the road in both volumetric terms and overtaking opportunity. Furthermore, it is contended that the predicted traffic generation volumes are undersized, in that a TRICS data card for warehousing indicates daily trip rates of 5-8/100m² GFA, industrial units at 4-8 trips per 100m² GFA and 10-16 for industrial estates. Taking a conservative low at 6 to 7 trips, the daily traffic prediction would be 1200 to 1400. The appellant again highlights that a mobility management plan has not been submitted as required by the current Plan policy. It is also argued that the traffic report and safety audit were carried out by the same firm, whereby they should typically be prepared by independent parties.
- The appeal submission notes that there are considerable lands zoned for industrial/warehousing uses close to the existing built-up area of Navan, e.g.

lands on the Trim Road. It is the appellant's view that lands zoned for industry nearer the town should be developed before lands that are not contiguous to the town such as the appeal site.

6.2. Planning Authority Response

- 6.2.1. A response was received on 9th June 2023 which confirms their decision and requests the Board to uphold the decision of the Planning Authority.

6.3. First Party Response

- 6.3.1. A response to the Third Party appeal has been prepared and submitted on behalf of the Applicant. The submission provides a response to the appellant's grounds of appeal which are summarised under the following headings:

Zoning of the Land.

- 6.3.2. In terms of the alleged historic controversy regarding the zoning of the land, it is stated that the media attention attributed to the zoning of the land is of no relevance to the assessment of the subject application. The lands are appropriately zoned for Enterprise and Employment development, similar to adjacent lands that are in industrial use. The response notes that the development will provide for direct and indirect employment for the Navan and wider areas, providing much needed warehousing units which will complement the existing employment uses in proximity to the site. The proposal is therefore fully in accordance with the zoning objective pertaining to the lands.

The Appellants Assert that the Council Had No Right to Furnish a Letter of Consent in Respect of Works to the Public Road.

- 6.3.3. It is asserted within the appeal that the Council had no right to furnish a Letter of Consent in respect of works to the public road as they claim the public road is owned by a private individual. In response, it is noted that the road in question is a Regional Road that was historically the National Primary Road, and the road has been continually in charge and maintained by the Council. It is confirmed by the Applicant's legal advisors that the Council were fully within their rights to issue the letter of consent and are fully within their rights to grant permission for the works on the road.

Requirement for EIA Having Regard to Future Development Potential

- 6.3.4. In terms of the appellant's claims regarding the requirement for an Environmental Impact Assessment Report to be undertaken, it is stated that this statement represents a lack of understanding of the legislative basis for requirement to undertake the assessment. The Applicant's screening report referred to; the nature and scale of the proposed development on an urban site served by public infrastructure, the absence of any significant environmental sensitivities in the area, and the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended). It concluded that by reason of the nature, scale and location of the subject site, the proposed development will not be likely to have significant effects on the environment.

Confirmation of End User

- 6.3.5. In response to the Appellants concerns that an end user had not yet been identified and there was insufficient information to assess the impact of the development, it is noted that the majority of applications for warehousing developments are prepared as speculative development and end users are secured subsequent to receiving planning permission. It is submitted that sufficient information has been provided in the plans and particulars submitted with the application to allow a robust assessment to take place.

Drainage Proposal Suitability

- 6.3.6. The response notes that the water supply and wastewater connections were assessed by Irish Water in response to the submission of a pre-connection enquiry and confirmation of feasibility was issued by Irish Water as an outcome of the enquiry. According to Irish Water, the water main connection is feasible subject to upgrades and foul sewer connection is not feasible and thus we are advised that Irish Water suggested a treatment plant, which was ultimately considered acceptable to Meath County Council. It is also noted that the Site Characterisation Report submitted with the application provides details of the percolation test and PE that the plant is designed for.
- 6.3.7. In terms of capacity of the receiving environment to accommodate surface water discharge from the attenuation pond flooding, the discharge from the attenuation pond

was restricted to green field runoff rate (QBAR) in accordance with the County Council recommendations to protect receiving watercourse and adjacent lands. In terms of the potential for 'pollutants' to enter the local drainage network, it is noted that the runoff from the site will pass through silt traps and petrol interceptors to remove pollutants prior to being discharged to the watercourse. It is also noted that businesses on site will be primarily warehousing and logistics facilities and no trade effluent will be generated on site.

Traffic and Transportation Proposal Suitability

- 6.3.8. In terms of the appellant's arguments that the existing access serving the Xtratherm facility should be utilised, it is noted that an extant permission exists for the provision of an access/egress to the subject site in accordance with Reg. Ref. NA180507. A Traffic Impact Assessment was lodged with the application which demonstrates that the access has been designed in accordance with the relevant TII standards for geometry and sightlines, and the entire layout was subject to an independent Road Safety Audit which was included with this application.
- 6.3.9. In terms of the claims that the traffic report and safety audit were carried out by the same firm is erroneous. It is noted the traffic report was undertaken by Stephen Reid Consulting Traffic and Transportation and the Road Safety Audit was undertaken by Traffico Road Safety Engineers, which is a wholly separate and unrelated firm.
- 6.3.10. In response to the claims that the traffic generation volumes utilised in the Traffic Impact Assessment are not accurate, the consultant engineer has confirmed that the predicted development traffic generation is based on TRICS data of existing surveyed sites for distribution warehouse uses, including a number in the Dublin and Leinster TRICS Regions and is a more accurate tool than the basic and limited TRICS data card referenced by the Appellant.

Adequacy of Environmental Technical Assessment

- 6.3.11. In response to the Peer Review by 'FERS' which was undertaken on behalf of the appellant, it is noted that a detailed response to the key points raised has been prepared by Enviroguide Consulting and is attached as Appendix A to the appeal response. It is stated that this demonstrates that a robust and comprehensive

assessment of the impact of the subject scheme on biodiversity was undertaken and that the biodiversity assessment is fit to inform the assessments of the AA Screening and NIS prepared in respect of the subject development. This response also demonstrates that Enviroguide Consulting have followed the correct processes to assess the biodiversity on site and followed the mitigation hierarchy to retain and protect all habitats where possible, and provide enhancements or mitigation measures, if needed.

6.3.12. Furthermore, an additional habitat/flora/invasive alien plant species survey was carried out on site on the 9th of June 2023 which found that no new habitats or floral species were recorded, and it is confirmed that the original assessments remain unchanged.

6.4. Further Responses

6.4.1. None.

7.0 Assessment

Having examined the application details and all other documentation on file, including the reports of the Local Authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Zoning, Principle of Development & Procedural Matters
- Design, Landscaping & Residential Amenity
- Site Access & Traffic
- Drainage
- Ecology
- Appropriate Assessment
- Environmental Impact Assessment (EIA) Screening

7.1. Zoning, Principle of Development & Procedural Matters

7.1.1. Planning permission is being sought by the Applicant for development comprising the construction of 8 no. warehouse units with ancillary office, staff facilities and all associated site works, including a vehicular and pedestrian access to the site from the R147, an internal estate road, footpaths, lighting, hard and soft landscaping etc. The

appeal site is located within a landbank of predominantly E2 (General Enterprise and Employment) zoned lands which are situated approximately 2km to the north-west of Navan. The overall landbank includes the Liscarton Industrial Estate and greenfield lands further to the south-east, within which the appeal site is located. I note that the E2 zoning also extends to the south and to the north-west of the existing industrial estate. The overarching objective for E2 zoned land is 'To provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment/enterprise uses in a good quality physical environment.' Under the current Plan, 'warehousing' is identified as a 'permitted use' within E2 zoned lands. Permissible uses are those which are generally acceptable in principle in the relevant zone, but which are subject to normal planning consideration, including policies and objectives outlined in the Plan. The guidance for development within lands zoned E2 lands to provide for the creation and production of enterprise and facilitate opportunities for industrial, manufacturing, distribution, warehousing and other general employment / enterprise uses in a good quality physical environment. I am also conscious of Objective ED OBJ 36 of the Plan which seeks 'To facilitate the appropriate expansion of the Liscarton and Mullaghboy Industrial Estates'. Therefore, on the basis of the foregoing, I am satisfied that there is policy support under the current Plan for development of this nature at this location, and the principle of the proposed use would accord with the zoning objective that pertains to the lands.

- 7.1.2. I note that the appellants in this case have highlighted that there is a controversy over this historical zoning of the appeal site and concerns have been raised regarding a potential conflict of interest that has arisen. I note that matters of this nature are beyond the scope of this appeal, and it is therefore not a matter for the Board's consideration. As noted in the foregoing, the appeal site is currently subject to an E2 zoning and shall be assessed against its compliance with same and the relevant policies and objectives of the current Plan.
- 7.1.3. The appellants in this case have also highlighted that the site is located within an agricultural/rural setting, and it is contrary to good planning to place a new industrial development in a setting such as this. It is noted that any industrial site should be located within the Navan town boundary and there is already sufficient land zoned

adjacent to the town. It is contended that putting this land to use, prior to all other available E2 zoned lands would be premature and against good planning practice. Whilst I am conscious of the greenfield nature of the site and its location within a rural area on the periphery of the settlement, I note that there are no policies or objectives within the current Plan regarding the sequencing of development for general enterprise and employment zoned lands. I am therefore satisfied that there is no impediment in bringing forward a development of this nature on the appeal site.

7.1.4. It is clear from the development description and the totality of the documentation on file that permission has been sought for a warehousing development on the appeal site. However, I am conscious of Condition No. 4 of the Planning Authority's decision which restricts the use of the units to 'light industrial' (Class 4) and / or 'warehouse' (Class 5) purposes as defined in the Planning & Development Regulations 2001 (as amended) (referred to herein as the Regulations). I note that the Regulations define 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'. Whilst this may have been done to allow a greater deal of flexibility to the ultimate end users, a clear distinction can be made between the two uses and permission has not been applied for a light industrial use. In addition, the Applicant's supporting documentation, for example, the Traffic and Transportation Assessment, has been prepared in the context a warehousing development. Notably, the section of the assessment which relates to traffic generation is based on TRICS data of existing surveyed sites for distribution warehouse uses. Therefore, it is my view that should permission be contemplated by the Board for the subject proposal, a condition should clearly stipulate that the use of the units are restricted to 'warehouse' (Class 5) purposes as defined in the Regulations, unless authorised by a further grant of permission.

7.1.5. Following on from the foregoing, I note that Objective DM OBJ 61 of the current Plan requires any planning application for industrial, office, warehousing and Business Park Development to address a number of development assessment criteria. The appellant has raised concerns that the use of the individual units has not been specified nor the projected employment levels provided. They go on to note that it is proposed that the site will be in use 24hrs a day, however, no breakdown of the hourly operation of the

individual units were supplied as required by the policy of the current Plan. In response to this, the Applicant has indicated that an end user had not yet been identified for the units and there was insufficient information to assess the impact of the development. It is also highlighted by the Applicant that the majority of applications for warehousing developments are prepared as speculative development and end users are secured subsequent to receiving planning permission. Notwithstanding the concerns of the appellant, I note that Applicant has specified the proposed use (i.e. warehousing) and the Applicant has applied for development to be in use for 24hrs a day which is not atypical for a development of this nature. Overall, I am satisfied that adequate information has been submitted to allow for an assessment of this aspect of the development and it has been demonstrated that it is in compliance with the relevant policy provisions of the current Plan. However, as per above, it is my recommendation that a condition be included which restricts the use of the units to 'warehouse' (Class 5) purposes as defined in the Regulations. The policy of the Plan requires full details of the proposed use(s), including industrial processes involved to be provided. Permitted light industrial uses on the site in the absence of same would run contrary to the policy of the Plan.

- 7.1.6. The appellant in their submission has also raised concerns regarding the validity of the application. In response to the Planning Authority's request for further information, the red line boundary was extended to facilitate works to the R147, namely the provision of a right turn lane. It is contended by the appellant that the Council, by providing the letter of consent, acted in an "ultra vires" manner as they are not the owners of the road and the Planning Authority erred in accepting the said letter of consent. It is argued that works extend beyond the centre of the public road into the section of road owned by Mr. Noel Foley. In response, the Applicant notes that the road in question is a Regional Road that was historically the National Primary Road, and the road has been continually in charge and maintained by the Council. It is contended that the Council were fully within their rights to issue the letter of consent and are fully within their rights to grant permission for the works on the road. In my view, the issues raised in the grounds of appeal are a civil and/or legal matter, that is outside the statutory remit of this appeal. I also refer to Section 5.13 of the Development Management Guidelines which state that 'the planning system is not designed as a mechanism for resolving disputes about title to land or premises or

rights over land; these are ultimately matters for resolution in the Courts'. The Board is therefore not required to arbitrate on such a matter in the making of a decision with respect to this appeal. Furthermore, it is of relevance to highlight the provisions of section 34(13) of the Planning and Development Act, 2000 (as amended), which states:

- 'A person shall not be entitled solely by reason of a permission under this section to carry out any development.'

In addition, it is the appellant's contention that Condition No. 2 (d) is invalid and unenforceable, given it requires the Applicant to construct a footpath through sections of the half road that is owned by the appellant (i.e. the Hardings). It is highlighted that the Applicant does not have the consent of the appellant to erect a footpath on lands in their ownership. I note that the Planning Authority's rationale for the inclusion of this condition is to provide a safe pedestrian link between the site and the existing bus stops further to the site's north-west. Should the Board be minded to grant permission for the development, it is my view that the condition should be modified so that the new footpath is provided along the south-western side of the R147, where it abuts the lands with the Applicant's current ownership (i.e. red and blue line boundary).

7.2. Design, Landscaping & Residential Amenity

- 7.2.1. As noted, the proposals include the development of a total of 8 no. warehouse buildings and associated works on the appeal site. The existing boundary vegetation, including a number of trees along the R147 are proposed to be removed and Unit Nos. 1 & 2 are positioned parallel to the R147 with a setback of c. 27m from the roadside boundary. These are the largest units within the development with floor areas ranging between c. 4,600sq.m and c. 5,100sq.m. and the units have a maximum height of c. 15.45m. A c. 2m high landscaped earthen embankment is proposed along the site frontage. Between earthen embankment and the units are surface level car parking areas. The new entrance to the site is positioned between Unit Nos. 1 & 2 and the internal access road will lead to the centre of the site where it leads to Units Nos.3-7. Unit Nos. 3 & 4 and Unit Nos. 5 & 6 are semi-detached structures with the larger detached Unit No. 7 located to the south. I note that pedestrian access and car parking is provided to the front (north-east) and is segregated from the HGV access which is located to the rear. The internal access road then leads to the rear portion of the site, within which Unit No. 8 is located. The pedestrian access and surface car parking

areas are provided to the north-west of the Unit and the unit is served by an extensive HGV parking and circulation area to its south-east.

7.2.2. Development assessment criteria noted under Objective DM OBJ 61 of the current Plan seek to require innovative contemporary designs for new industrial, office, warehousing and business park developments. In addition, external finishes shall be suitable for the local/natural landscape. Furthermore, boundaries which are visible from the public road should be of a high architectural quality. The warehouse units within the development range in height from between c. 15.15m to 16.3m and the Applicant notes that they are designed with a contemporary architectural finish which incorporates green walls which are used to soften the elevations when viewed from the R147. It is argued that the use of different metal cladding profiles, colour shades, coupled with the horizontal placement of the cladding panels has been carefully considered to ensure that the warehouse buildings are not perceived as intrusive or imposing in scale or height. I note that the Applicant has prepared 3D visualisations and verified photomontages of the proposed development taken from a number of vantage points from within the site surrounds.

7.2.3. The Application is also supported by a Landscape and Visual Screening Statement and Design Statement which notes that the site is situated on the boundary between Landscape Character Area (LCA) 16 - 'West Navan Lowlands' and LCA 20 – Blackwater Valley. LCA 3 - 'West Navan Lowlands', is identified as having; 'Moderate' Landscape Value; 'Moderate' Landscape Sensitivity, while LCA 20 is identified as having a High Sensitivity and Very High landscape value. The Applicant's report notes that the site is contained in an area that has a range of landscape and land use influences and this is reflected in its location on the boundary between the highly sensitive Blackwater Corridor LCA and the much less sensitive West Navan Lowlands LCA. It is stated that this corridor of the Blackwater is quite narrow and contained by riparian vegetation, such that it is not a particularly overt feature of this landscape beyond a short distance. It is noted that the river corridor is also located on the opposite side of the R147. Having inspected the site and surrounding area, I would fully agree with the author that the appeal site relates more to the West Navan Lowlands landscape character than the Blackwater corridor character. In terms of mitigation, the buildings themselves are set back in excess of c. 27m from the road

edge and the focus of perimeter planting is on Oak, native hedgerows and native understorey woodland species, including a high percentage of holly, a native evergreen. As noted, it is also proposed to form a 2m high landscaped earthen mound along the R147 road edge. Internally the site is subdivided by double and single tree lined avenues and low maintained pollinator friendly hedges. It is concluded within the Applicant's report that the proposed development will give rise to both landscape and visual impacts in the short term (first 1 to 7 years) but will be mitigated with the proposed substantial landscaping, building distance from the road edge and building design.

- 7.2.4. Whilst the site has a rural setting, the development will ultimately form an extension of the existing industrial estate further to the north-west. When considering the totality of the documentation on file and having inspected the site and surrounding area, I am generally satisfied that the proposed development is designed to an acceptable standard. Whilst the design of units of this nature can be constrained given their spatial requirements, I note that Applicant has provided a contemporary architectural expression and has sought to articulate the elevations through a varied and considered palette of materials and finishes. In addition, their overall scale, form and height is generally commensurate with that of other structures within the neighbouring industrial estate. In my view, the design of the structures, combined with the comprehensive landscape proposals will reduce their overall visual impact and will allow the scheme to better assimilate into the receiving landscape.
- 7.2.5. I note that the south-west (side) and south-east (rear) boundaries of the appeal site are characterised by a mature tree line and hedgerow. The existing boundary vegetation currently provides screening of the appeal site from the surrounding hinterland, but it can also form an important ecological corridor. The application is supported by a Tree Report & Survey which assesses the arboricultural impact of the proposed development and provides a method statement in terms of tree protection measures. Notwithstanding this, I note that only a small number of trees have been identified on the Applicant's survey which is not reflective of my observations on site. It is critical that all boundary vegetation is retained as part of the proposed development and appropriate measures are put in place to ensure the ongoing viability of the trees and hedgerows are maintained. I note that this sentiment is echoed in the

Applicant's EclA. Should permission be granted for the proposed development, it is my recommendation that a condition be included which requires the engagement of an arborist for the duration of the project and there be a requirement to provide a revised arboricultural assessment prior to the commencement of development. This revised arboricultural assessment should provide a complete survey which identifies all boundary vegetation. The condition shall stipulate that all boundary vegetation (south-east & south-west) be retained, and the Applicant's assessment shall provide details of tree and hedgerow protection measures given the proximity of the development to the existing tree lines.

- 7.2.6. Within their assessment of the application, the Planning Authority noted that there would be satisfactory separation distances (c. 65m) provided between the proposed development and the neighbouring properties and it was not considered that the proposed development would have any harmful impacts on the residential amenity of residential properties in the area. In support of the application, the Applicant has submitted a 'Daylight, Sunlight & Overshadowing Assessment' of the proposed development. In terms of impacts on existing properties, the Applicant's assessment provides an analysis of the impact of the development on existing neighbouring properties, namely the double storey dwelling located opposite the appeal site on the northern side of the R147 and the existing dormer bungalow to the north-west of the site. I note that the occupants of the dwellings in question are appellants in this case. The impact on neighbouring properties was assessed by means of vertical sky component (VSC). The VSC is the ratio of the direct sky illuminance at the vertical reference point, to the simultaneous illuminance on an unobstructed horizontal plane. The study demonstrates that all windows examined on the neighbouring properties meet the relevant BRE Guidelines and the development will have a negligible adverse impact on daylight to the windows of the properties within the site's vicinity. In terms of overshadowing impacts, shadow imagery has been prepared for the development (Appendix A) for March 21st, June 21st and December 21st. The results demonstrate minimal additional shadowing to the neighbouring dwelling opposite the appeal site (i.e. Liscarton Lodge) will occur in the late evening period during December to the lower solar altitude. The analysis also illustrates that there is no additional overshadowing to the existing dormer bungalow to the site's north-west. Having regard to the overall scale, height and form of the proposed development, the separation

distances provided from the existing neighbouring properties and the results of the Applicant's 'Daylight, Sunlight & Overshadowing Assessment', I am satisfied that the proposed development will not unduly compromise the residential amenity of properties within the site surrounds by reason of overshadowing and loss of daylight/sunlight.

7.2.7. Given the overall scale, height and form of the development and the separation distances provided from the nearest residential properties, I am also satisfied that undue overlooking will not arise, and the proposals will not adversely compromise the residential amenity of properties within the vicinity by reason of being visually overbearing.

7.2.8. I note that the application was supported by a Noise Impact Assessment Report for the proposed development. As part of the assessment, a baseline noise monitoring survey was undertaken in proximity to the proposed development site and the nearest residential properties from Tuesday 3rd May 2022 to Wednesday 11th May 2022. This was done to establish the current ambient background noise levels in the area. The location of the various noise sensitive receivers is identified in Figure 1 of the Applicant's report. Section 4.2.2 (Construction Noise Prediction) acknowledges that there is likely to be temporary and intermittent increases in noise levels during the construction phase of the proposed development at the nearest residential properties. The main sources of noise due to construction of the proposed development will be from activities such as truck movements of excavated and construction materials as well as crane and excavator/loader noise sources. During the approximate 6 month construction phase, the proposed development will generate HGV movements. The noise impact of passing HGVs will be short-term at receiver locations in the area. The construction of the proposed development will also include associated construction site traffic, comprising of contractors' vehicles and cars.

7.2.9. In terms of the operational phase of the proposed development, the report notes that existing traffic noise levels during the daytime in proximity to the nearest noise sensitive receivers along the R147 will make the proposed warehouse development and its associated transportation movements relatively inaudible at the nearest sensitive receiver locations. The assessment highlights that there will be less than a 1

dB(A) increase in noise levels with the development in operation at all the nearest receiver locations. It is stated that the predicted cumulative noise level from the proposed development of approximately 55 dB(A) Leq, 1 hour during daytime and 45 dB(A) Leq, 1 hour during night-time (with mitigation in place) is in accordance with WHO noise guidelines and is not a significant daytime or night-time noise level. Overall, I am satisfied that the proposed development will not unduly compromise the residential amenity of properties within the surrounds of the appeal site by reason of noise related impacts subject to the Applicant implementing with the various mitigation measures as outlined in Section 5 of the assessment. Should the Board be minded to grant permission for the proposed development, it is my recommendation that a condition should be included requiring compliance with same.

7.3. Site Access & Traffic

- 7.3.1. In terms of site access, a new vehicular entrance is proposed off the R147 which is to be centrally located within the roadside boundary. The appellants in this case have highlighted that the provision of a new access at this location is unwarranted and it contended that the development should make use of the entrance to the existing industrial estate to the north-west of the site. An appellant goes on to note that the "operational speed" of traffic on R147 exceeds the 80km/hr speed limit road and the provision of a new access which incorporates a right hand turn lane will reduce the available capacity of the road in both volumetric terms and overtaking opportunity. The Applicant's Traffic Impact Assessment indicated that the access junction with right turn lane has been designed in accordance with the requirements for the 80kph speed limit and in accordance with the current TII standard DN-GEO-03060. It is also noted that the access will be controlled by a stop line and sign and sightlines of 160m with a 3m setback are available in each direction from the proposed entrance.
- 7.3.2. As part of the Planning Authority's assessment, the Applicant was requested to revise the red line boundary so that the right turn lane and the works to address the various issues identified in the RSA are included within the revised site layout. In addition, the Applicant was requested to demonstrate that the proposed right turn lane layout complied with TII's Design Manual for Roads and Bridges, taking into account the existing right turn lane to the north. In response, the Applicant obtained the consent from Meath County Council for the works and submitted a revised layout plan which

illustrated all of the proposed right turn lane works. In addition, Drawing SRC-361-100 RevA was submitted which provided key dimensions of the existing road, and the proposed lane widths, taper lengths and right turn entry taper and storage lengths, in accordance with the DN-GEO-03060 standard for a road in an 80 km/h speed limit area (85km/h design speed in DN-GEO-03060), along with the required 160m x 3.0m sightlines in each direction. As part of their further information response, the Applicant also referred to Drawing No. SRC-361-100 RevA which indicated that the centreline marking on the section of the R147 between the proposed ghost island/right turn lane and the existing Xtratherm access junction to the north-west (implemented by MCC in 2022 as part of safety improvements) is to be replaced with a solid centreline to identify that no overtaking is permitted on the approach to the ghost island. Currently, the markings are a solid line and broken line which permits overtaking south-east bound (towards Navan Town) after passing the Xtratherm right turn ghost island. Within their assessment of the Applicant's response, the Planning Authority's Transportation Department indicated that they had now no objection to the proposed development subject to compliance with the following conditions:

- The widths of the access road shall be reduced to a maximum of 7m.
- The provision of appropriate pedestrian and cycle crossing points within the development.
- The right turn lane in compliance with TII document DN-GEO-03060 with a turning lane length of 65m. Advance warning signs and road markings to be included.

7.3.3. Although it is the appellant's contention that access to the site should be provided through the existing entrance to the industrial estate to the north-west, I note that this arrangement would be reliant on access through third party lands and is therefore beyond the control of the Applicant. Irrespective of this, I am satisfied that adequate sightlines have been provided from the entrance in each direction and subject to compliance with appropriate conditions, it has been demonstrated that the proposed development will not result in a traffic hazard.

7.3.4. It is the appellant's contention that the predicted traffic generation volumes are undersized. Taking a conservative low at 6 to 7 trips, it is stated that the daily traffic prediction would be 1200 to 1400. Section 4 (Development Traffic Generation) of the

Applicant's Traffic Impact Assessment notes that the predicted traffic generation is based on TRICS data of existing surveyed sites for distribution warehouse uses, included a number in the Dublin and Leinster TRICS Regions. Table 4.1 of the Applicant's assessment gives the vehicle trips for 20,774sq.m. GFA (It is noted within the report that after the traffic figures were prepared in May there was a slight change in the overall area to 20,849sq.m. but this has zero impact on the hourly peak traffic figures). The assessment highlights that there are arrivals over several hours in the morning as warehouse operators and drivers will arrive earlier for a morning shift, between 05.00 and 08.00, while office/admin staff will tend to arrive between 08.00 and 09.00. The estimated total for the day (survey data from 05.00-23.00 only) is 415 arrivals and 403 departures. Section 5 (Development Impact) of the assessment notes that a '+5' design year (2029) and '+15' (2039) has also been considered and it is indicated that the volumes of traffic generated by the proposed development will not be significant during the network peak hours, and this can be accommodated by the existing public road network, without queuing or delays. Notwithstanding the concerns of the appellant, I am satisfied that the information presented in the Applicant's Traffic Impact Assessment is robust and there is sufficient capacity in the existing road network to cater to a development of this scale. As I have discussed before, should permission be contemplated for the development, it is my recommendation that a condition be included which restricts the use of the units to 'warehouse' (Class 5) purposes as defined in the Regulations, unless authorised by a further grant of permission.

- 7.3.5. In accordance with DM OBJ 89 of the current Plan, it is an objective for car parking to be provided in accordance with Table 11.2 and the associated guidance notes. For warehousing, the Plan stipulates that 1 no. car space shall be provided per 100sq.m. GFA. As part of the proposed development, I note that the scheme is proposed to be served by a total of 212 no. surface level car parking spaces. On the basis of the total floor area of the units across the development (i.e. 20,849sq.m.), the proposal would therefore comply with the relevant development plan standards (i.e. 208.5 spaces). The appellant has also raised concerns within their appeal that the application was not supported by a Mobility Management Plan. I note that ED POL 11 of the Plan seeks 'To require that all new developments with over 100 employees shall have a mobility management Plan'. In addition, the criteria contained within Objective DM OBJ 61

seeks 'To require that all new developments with over 100 employees shall have a Mobility Management Plan. Therefore, in the event of a grant of permission, it is my recommendation that a condition be included which requires the Applicant to prepare and submit a Mobility Management Plan for the development prior the occupation of any unit on site.

- 7.3.6. It is noted by an appellant that the traffic report and safety audit were carried out by the same firm, whereby it is contended that they should typically be prepared by independent parties. Notwithstanding this, the Applicant in their response to the appeal have confirmed that the traffic report was undertaken by Stephen Reid Consulting Traffic and Transportation and the Road Safety Audit was undertaken by Traffico Road Safety Engineers, which is a wholly separate and unrelated firm. This response is deemed to be acceptable.

7.4. Drainage

- 7.4.1. In terms of the development's surface water drainage proposals, the surface water runoff generated from the development was originally proposed to discharge from individual sites through the proposed attenuation systems, flow control devices and link pipes to the proposed surface water drains in the estate roads and subsequently to the existing ditch located along the western boundary of the site as illustrated on Drawing No. D1728 D4. However, following feedback from the Planning Authority's Water Service Department, the Applicant's proposals were revised, and a single attenuation storage (detention pond) was now proposed to serve the entire development (as per D1728-D4-PL2) in lieu of the previously proposed individual attenuation tanks. The detention pond is located in the north-western corner of the site, adjacent to the proposed wastewater treatment plant. The proposed attenuation system was also redesigned to new levels with the base level set above the surveyed water level in the receiving drainage ditch (in proximity to the detention pond) and above the ground water level. This is illustrated in the cross sectional diagram of the detention pond (Section A-A) on Drawing No. D1728 D4 PL2. Following the Applicant's revisions to the Scheme, the Planning Authority's Water Service Department indicated that the development was broadly in accordance with their requirements with respect to the orderly collection, treatment and disposal of surface water and the proposal was acceptable subject to a condition regarding remedial works to the existing drain along the western boundary.

- 7.4.2. I note that concerns had been raised by the appellant with respect to the capacity of the receiving environment to accommodate surface water discharge from the proposed attenuation pond. It is contended by the appellant that the detention pond will take a considerable time to discharge in flood conditions due to its size and no assessment was made of the capacity of the receiving system from the point of discharge to the discharge point to the River Blackwater. In terms of flooding, the analysis provided within the Applicant's Flood Risk Assessment confirms that the site is located within Flood Zone C, where the probability of flooding from rivers and the sea is low (less than 0.1% or 1 in 1000 for both river and coastal flooding) and there are no identified risks associated with groundwater flooding and pluvial flooding. It is concluded within the assessment that there is no potential flood risk including fluvial, tidal / coastal, pluvial or groundwater flooding associated with the development and there is no identified overall flood risk for the site. In addition, I note that the Applicant in their response to the appeal confirmed that the discharge from the attenuation pond was restricted to green field runoff rate (QBAR) in order to protect the receiving watercourse (i.e. drainage ditch) and adjacent lands from flooding.
- 7.4.3. In terms of the concerns with respect to the potential for 'pollutants' to enter the local drainage network, the Applicant confirms in their response that the runoff from the site will pass through silt traps and petrol interceptors to remove pollutants prior to being discharged to the watercourse. Further to this, it is indicated that the end users of the development will be primarily warehousing and logistics facilities, and no trade effluent will therefore be generated on site. Having regard to the foregoing, I am satisfied that the Applicant's proposals are satisfactory, and the proposed development is therefore acceptable from a surface water management perspective.
- 7.4.4. The Applicant's Drainage Design Report confirms that the proposed foul sewer, fully separated from the proposed storm water drainage, is designed for sewage and wastewater collection from the office toilets and staff facilities of the proposed buildings. It is stated that the foul sewer network collecting wastewater was designed using the hydraulic modelling computer program to calculate pipe gradients in order to achieve a minimum self-cleansing velocities of 0.75m/s throughout the proposed network. It is also noted that the foul sewer will discharge by gravity to the proposed

on-site wastewater treatment plant and percolation area and the report highlights that details of the proposed treatment plant and percolation area are included in the documents submitted as part of this planning application. The development's wastewater treatment plant is located in the north-western corner of the site, adjacent to the proposed detention pond, the location of which is identified on Drawing No. D1728 D4 PL2 (Drainage and Watermain Layout). The wastewater treatment plant detail is also illustrated in Drawing No. D1728 D5 PL2.

- 7.4.5. Within the grounds of appeal, an appellant has noted the proximity of the detention pond to the treatment plant and has raised concerns regarding the associated discharge from the latter to groundwater. It is also highlighted with an appeal that they were unable to find details of the Population Equivalent (PE) that the plant is designed for, or indeed any assessment of the soil/percolation area to cater to a development of this scale. It is contended that the development should be connected to the public sewer as was conditioned under the previous grant of the permission on the site (Condition No. 5(a) of Ref. NA180507).
- 7.4.6. In the Applicant's response to the appeal, it was stated that a foul sewer connection was not feasible, and they note that Irish Water had suggested an onsite treatment plant. I note that the correspondence on file from Irish Water (Pre-Connection Enquiry) confirms that a wastewater connection is not feasible. The Applicant's response to the appeal goes on to note that the Site Characterisation Report submitted with the application provides details of the percolation test and PE that the plant is designed for. Whilst I note there are references to this documentation in a number of the Applicant's reports, I have found no evidence of a Site Characterisation Report or its supporting documentation on the planning file. In addition, I note from examining the Planner's Reports on file, that there does not appear to be an assessment of this element of the development. It is therefore unclear whether this element of the development has in fact been considered. I note that there is commentary within the initial Planner's Report that feedback had not been received from the Planning Authority's Environment Section. In contrast, I note that there was an application (Ref. NA181170) on the neighbouring industrial site (Xtratherm) which sought permission for the development of a 50 P.E BAF WwTP, pump chamber and a percolation upgrade. This permission was ultimately granted by the Planning Authority and was

supported by an array of documentation (Site Characterisation Report and Assessment, Wastewater Treatment System Upgrade Proposal and associated drawings) which would typically be required for a development of that nature. When carrying out my inspection of the appeal site, I also found no evidence of soil disturbance within the north western portion of the site that would typically be associated with trial holes. However, I acknowledge that several years may have passed since the initial site investigations.

- 7.4.7. Although the ground conditions I observed on site displayed characteristics that typically demonstrate good drainage qualities, in the absence of documentary evidence regarding the adequacy of the proposed wastewater treatment plant and the suitability of the site to cater to a development of this scale, I am not satisfied that the proposed development would not be prejudicial to public health. This is particularly relevant when considering the high and extreme groundwater vulnerability that applies to the lands in question. In addition, I note the location of the proposed treatment plant and percolation area, relative to the existing drainage ditch to the north-west and the hydrological link that exists between the site and the SAC and SPA associated with the River Blackwater (i.e. located c. 230m to the north). In terms of Section 6.9 (Wastewater) of the current Plan, the policy notes that for larger developments, the requirements for private systems are set out by the EPA Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999) and EPA Guidance on the Authorisation of Discharges to Groundwater (EPA 2011). In this regard, the appropriateness of examining the development against the EPA Code of Practice for Domestic Wastewater Treatment Systems (2021) as purported in the Applicant's AA Screening Report could therefore be questioned given the scale and commercial nature of the development proposed. For these reasons, the proposed development is considered to be contrary to the proper planning and sustainable development of the area and Objective INF OBJ 13 of the current Plan which seeks 'To ensure that septic tanks, proprietary effluent treatment systems and percolation areas are located and constructed in accordance with the recommendations and guidelines of the EPA and the Council in order to minimise the impact on surface water of discharges. For these reasons, it is my recommendation that permission be refused for the proposed development.

7.5. Ecology

7.5.1. In support of the application, the Applicant submitted an EclA of the proposed development which was prepared by Enviroguide Consulting. The EclA was prepared to assess the potential effects of the proposed development on habitats and species (flora and fauna), and it assesses the potential effects of the construction and operational phases of the development on these ecological receptors. In addition to a desktop study, the following field surveys were undertaken by the consultant ecologist:

- A habitat survey carried out at the site on the 7th of March 2022. Habitat categories, characteristic plant species, invasive species and other ecological features were recorded.
- A bat habitat assessment survey was carried out at the site on the 7th of March 2022 along with the overall habitat survey.
- A bird survey was completed on the 7th of March 2022, with bird species observed, while the additional mammal surveys were undertaken on the 2nd of June and 14th of June 2022.
- Mammal surveys of the site were carried out in conjunction with the habitat survey, with additional surveys undertaken on the 2nd and 14th of June 2022. The site was examined for tracks and signs of mammals. The habitat types recorded throughout the survey area were used to assist in identifying the fauna considered likely to utilise the area.
- The site was assessed for the presence of invasive plant species on the 7th of March 2022 along with the overall habitat survey.

7.5.2. It is contended within the appellant's observations to the application that there are serious flaws in several of the surveys/reports prepared on behalf of the applicant (BCL Elite Ltd), in particular the EclA, the AA screening report and the NIS. In addition, the appellant has enclosed a copy of a peer review by Forest Environmental Research and Services (FERS) Ltd of the Applicant's EclA, AA screening/NIS and EIA screening reports which similarly contend that flaws have been identified within the Applicant's documentation.

7.5.3. In terms of habitats & flora, the habitats encountered and identified within the EclA are described as:

- Improved Agricultural Grassland (GA1),
- Drainage Ditch (FW4),

- Hedgerows (WL1)
- Treelines (WL2)
- Stone Walls and Other Stoneworks (BL1)

It is noted that the predominant habitat on the site is Improved Agricultural Grassland (GA1), (with Nettle (*Urtica dioica*), Dock (*Rumex* sp.), Clover (*Trifolium* sp.) and Chickweed (*Stellaria* sp.) observed), with the site currently being utilised for grazing cattle. The report notes that the south-east boundary is bordered by Hedgerow (WL1), formed primarily by Ash (*Fraxinus excelsior*), Oak (*Quercus robur*), Elder (*Sambucus nigra*), Hawthorn (*Crataegus monogyna*), and areas of Bramble (*Rubus fruticosus* agg.), with dense Ivy (*Hedera helix*) climbing the majority of trees within this linear vegetation. The habitat transitions into a Treeline (WL2) approximately halfway down the boundary, and is comprised of the same species, with the addition of Beech (*Fagus sylvatica*). The south and south-west boundaries are then primarily abutted by Treelines (WL2) habitat, comprising mainly of Ash, with a section of recently managed hedgerow along the south-west boundary. It is noted that a Drainage Ditch (FW4) runs between the grassland and hedgerow and treelines habitats and Stone Walls and Other Stoneworks (BL1) habitat were observed within the hedgerow and treeline habitat on site, and within the south of the site in the form of an old stone wall.

- 7.5.4. Within the appellant's peer review, it was highlighted that the relevant surveys were undertaken in March 2022. It is stated that there was no hedgerow or aquatic plant surveys undertaken nor had an indication been provided as to the weather conditions or time of the site visit. In response, the Applicant's consultant ecologist confirms that the flora and invasive alien species surveys were updated during the site visits on the 2nd & 14th, in conjunction with the bird and mammal surveys and the conditions at the time of the surveys were confirmed. It is stated that no rare or protected fauna were recorded during the June 2022 surveys. In addition, no species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations (S.I. 477 of 2011) were recorded at the site. The only invasive species (medium impact) was the sycamore within the hedgerow and treeline habitat bounding the agricultural field. It is confirmed that the majority of the length of the ditch along the north-western boundary was unvegetated, with areas of poached earth from drinking cattle and was therefore unlikely to be able to support a rare assemblage of aquatic species. It is also confirmed that the hedgerow habitat bounding the site will be retained and the

supplemental planting will enhance the ecological corridor during the operational phase. The response also notes that a further habitat/flora/invasive alien plant species survey was undertaken on the 9th June 2023 to corroborate previous findings and no new habitats or floral species were recorded. Overall, I am satisfied that Applicant's surveys have been undertaken during the appropriate period and sufficient information has been submitted to allow for an assessment of the proposed development. It is confirmed within the ecologist's response that the Applicant will ensure the hedgerow and treeline habitats abutting the site remain unlit to maintain the dark ecological corridor for nocturnal wildlife. As noted earlier in this report, the boundaries of the site, particularly to the south and south-east are important ecological corridors and suitable conditions would need to be attached to ensure they are safeguarded during both the construction and operational phases of the proposed development. Subject to compliance with these conditions, I am satisfied that Applicant's proposals are generally acceptable.

- 7.5.5. In terms of Bats, Section 5.4.3 of the EcIA notes that there are no buildings on the site. However, the treeline habitat bounding the site, particularly the mature trees with high Ivy cover, offers suitable roosting, foraging and commuting habitat for local bats, with the open grassland also providing a foraging and commuting habitat. It is therefore concluded within the report that the site has 'Moderate' to 'High' bat potential with regards to roosting, foraging, and commuting opportunities for bats in the vicinity. I note that the appellant has questioned the adequacy of the Applicant's surveys given the site's location relative to the River Blackwater, Old Woodland Habitat, Liscartan Castle and its surrounding ruins. As part of the appellant's peer review, a Bat Survey of the site's general vicinity was undertaken in May 2023 and it is stated that the results of these bat surveys indicate that the areas immediately adjacent to the proposed development site are utilised by numerous species as foraging, commuting and roosting habitat. The Applicant's response confirms that the bat habitat assessments were carried out in March and June 2022. It is stated that the five trees to be removed from the site along the roadside boundary were deemed to have negligible roosting potential for local bats, and it is indicated that the survey carried out in June 2023 confirmed this was still the case. Further to this, the hedgerow and treeline habitat which offers commuting and foraging habitat will be retained. In terms of grassland habitat, it is stated that the loss across the site to facilitate the development is not

considered significant due to the abundance of this habitat within the surrounding landscape. In terms of the appellant's evidence of bat activity recorded outside the appeal site, it is contended that they will not be directly or indirectly impacted by the development, due to the mitigation proposed around lighting. I would agree with the Applicant that in the event of a grant of permission, suitable conditions should be attached to ensure the hedgerow and treeline habitats abutting the site remain unlit so that a dark ecological corridor for nocturnal wildlife is maintained both during the construction and operational phases of the development.

- 7.5.6. For birds, the assessment indicates that several bird species were observed on the site on the 7th of March, 2nd of June, and 14th of June 2022. It is stated that these species were primarily recorded within the hedgerow and treeline habitat bounding the site, with several nests observed within the larger Oak and Ash trees. Birds were also observed foraging within the grassland habitat. The species observed on the various field surveys are identified in Table 4, 5 & 6 of the EcIA. The appellant's peer review contends that the Applicant's bird surveys were undertaken outside the optimal window for identifying breeding birds on the site. They also note that the location of the site relative to the River Blackwater and the Tara Mines Tailings Storage Facility (TSF) has not informed the bird surveys given the TSF is an important roost for several over wintering species, including Whooper Swan, Golden Plover and Lapwing. They note that agricultural lands in the vicinity of the River Blackwater are utilised by foraging Whooper Swan during the day, and Golden Plover and Lapwing by night.
- 7.5.7. In response, the Applicant's ecologist confirms that the preliminary site walkover in March 2022 was followed by two breeding bird surveys within the optimal survey window of June 2022, two weeks apart. In addition, a ground truthing survey was then carried out on the 9th of June 2023. It is stated that the breeding habitat for these nesting birds, namely the hedgerow and treelines, will be retained, and enhancements for breeding birds, including additional planting and suitable bird boxes, are included as part of the scheme.
- 7.5.8. In terms of wintering birds, the ecologist notes that seasonal constraints prevented comprehensive winter bird surveys prior to lodgement. However, noting the size of the site, the tall treelines which reduce visibility for wading birds, and the R147 road which

separates the site from the River Blackwater, it is their view that the site does not offer significant ex situ habitat for wintering bird species, such as whooper swan and golden plover. In addition, no ex-situ species (or evidence of) were recorded during the March 2022 survey which is within the winter period. As such, the potential impacts to these species as a result of ex situ habitat loss due to the proposed development is considered insignificant. I would agree with the Applicant's ecologist that there is an abundance of agricultural grassland habitat within the surrounding environment, including the buffer between Tara Mines and the which offers potential foraging and roosting ex situ habitat for wintering and wading birds and the loss of the subject to accommodate the proposed development would have a negligible impact.

7.5.9. In the case of mammals, the EclA notes that signs of Badger (*Meles meles*) were recorded within the south-east of the site, namely footprints, which moved from the south-east field margin, across the grassland habitat, to the south-west field margin. No further evidence, including setts or latrines, were encountered during the other surveys undertaken in June. An adult Pine Marten, along with two kits, were also observed foraging within the canopies of the Ash and Hawthorn trees with dense Ivy cover within the south-eastern boundary. Evidence of Hedgehog in the form of droppings was recorded within the south-west field boundary on the 14th of June 2022. In addition, burrows were observed within the south-east field margin of the site, and small mammal trails were recorded within the grassland habitat, with evidence of Rabbit (*Oryctolagus cuniculus*), in the form of droppings. The appellant's review notes that there are no details as to the timing of the site visits on the day of visit, the duration of the visits or the prevailing weather and it was their view that there was a lack of survey effort required given the ecologically sensitive location of the site. I note that the Applicant's ecologist in their response to the appeal has now supplied this information which confirms that they were undertaken within the optimal period.

7.5.10. The EclA indicates that no species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations (S.I. 477 of 2011) including Japanese Knotweed (*Reynoutria japonica*) were recorded at the site.

7.5.11. The potential impacts of the proposed development, the proposed mitigation measures and the residual impact are summarised in Table 7.1 below.

Table 7.1.

Key Ecological Resource	Potential Impact	Proposed Mitigation	Residual Impact
Small Mammals	<p>Mortality during Construction Phase.</p> <p>Disturbance due to noise and dust generated during Construction Phase.</p> <p>Disturbance due to night-time light pollution during the Operational Phase.</p>	<p>Best practise construction waste storage/handling measures to be implemented. Work likely to cause disturbance during hibernation (removal of hibernation habitats such as log piles and dense scrub) will not take place during November to March.</p> <p>Planting of native hedgerow and tree species to take place as part of project design. Construction related noise control/minimisation measures to be implemented.</p> <p>Wildlife-friendly lighting measures incorporated into the Construction Phase and public lighting design described in section 7.2.1 of EcIA.</p>	Neutral
Bats	<p>Loss of sections of potential foraging habitat.</p> <p>Disturbance due to noise generated during Construction Phase.</p> <p>Disturbance/removal of foraging routes/habitat due to increased lighting as a result of the Proposed Development.</p>	<p>Planting of shrub and tree species to take place as part of project design.</p> <p>Construction related noise control/minimisation measures to be implemented.</p> <p>Wildlife-friendly lighting measures incorporated into the Construction Phase and public lighting design described in section 7.2.1 of the EcIA.</p> <p>A series of 5 bat boxes will be erected within the hedgerow and treeline habitat bounding the Site.</p>	Neutral

Birds	Loss of potential foraging habitat. Disturbance due to noise generated during Construction Phase.	Planting of shrub and tree species to take place as part of project design. Construction related noise control/minimisation measures to be implemented.	Neutral
Lizard	Loss of nesting/hibernacula and foraging habitat during the Construction Phase.	Retention of south-east and south-west boundary vegetation and stonewalls, and planting of shrub and native tree species to take place as part of project design.	Neutral
Aquatic Fauna	Deterioration in water quality due to surface water discharges associated with the Construction Phase.	Mitigation measures to protect surface waters as outlined in section 7.1.2 of the EclA.	Neutral

The various mitigations measures proposed during the construction and operational phases of the development are outlined in Sections 7.1 & 7.2 of the EclA. However, as noted in Section 7.2 of this report, it is my recommendation that in the event of a grant of planning permission, a condition be included which requires the engagement of an arborist for the duration of the project. A revised arboricultural assessment should provide a complete survey which identifies all boundary vegetation, and details shall be submitted of tree and hedgerow protection measures given the proximity of the development to the existing tree lines. In addition, I note that there should be a requirement for a revised lighting design for the proposed development which covers both the construction and operational phases of the development. This should be prepared in conjunction and signed off by the project ecologist in order to ensure the hedgerow and treeline habitats abutting the site remain unlit so that a dark ecological corridor for nocturnal wildlife is maintained. Overall, I am satisfied that the submitted documentation at application and appeal stage, which included an additional habitat/flora/invasive alien plant species survey, demonstrates that the correct processes to assess the biodiversity on site have been followed and habitats will be protected where possible, subject to compliance with the suite of appropriate mitigation measures.

7.6. Appropriate Assessment

Introduction

- 7.6.1. As per Appendix 2 of this report, the proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have a significant effect on European Sites (the River Boyne and River Blackwater SAC (0002299) and the River Boyne and River Blackwater SPA (0004232)) in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a Natura Impact Statement (NIS)) is therefore required.
- 7.6.2. An NIS has been submitted by the Applicant which has been prepared by Enviroguide Consulting. The NIS notes that there is a hydrological connection between the appeal site and River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA via the drainage ditches which carry surface water from the site into the River Blackwater. Therefore, in the event of rainfall, and the absence of standard, appropriate mitigation measures, there is potential for sediments/pollutants from the site to enter the River Blackwater and, thus, the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA, via surface water run-off during both the construction phase and operational phase of the proposed development. This could result in impacts on water quality in the relevant European Sites. A summary of the two sites is presented below and full details of these sites are available on the website of the National Parks and Wildlife Service.
- 7.6.3. As noted earlier in this report, FERS have undertaken a Peer Review of the Applicant's AA Screening/NIS. It is their view that the Appropriate Assessment process has failed to identify what can only be defined as a strong, direct hydrological Source-Pathway-Receptor linkage between the proposed development and the Natura 2000 sites. In response to the appeal, the Applicant's ecologist notes that the AA Screening assessed the hydrological pathway from the site to the River Boyne and River Blackwater SAC and SPA and concluded the possibility may not be excluded that the proposed development could have a significant effect on these European sites. As such, an NIS was undertaken, and appropriate mitigation measures were put in place. I am satisfied that the Applicant has correctly identified that a hydrological pathway exists between the appeal site and the relevant European Sites.

Potential Impact on Key Habitat Species

- 7.6.4. Table 1 of the Applicant's NIS identifies potential pathways between the proposed development site and the qualifying interests of River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA. Table 2 then outlines the attributes and targets associated with the Site-specific Conservation Objectives for the relevant qualifying interests and Special Conservation Interest species for the River Boyne and River Blackwater SAC and the generic conservation objectives for the relevant Special Conservation Interest species for the River Boyne and River Blackwater SPA. The potential significant effects of the proposed development on these attributes and targets are also assessed and does not consider the mitigation measures that will be implemented as part of the proposed development.
- 7.6.5. Within the FERS Peer Review of the AA Screening/NIS, it is noted that in the absence of any information regarding the updated primary threats, pressures and activities (within and without) to the Natura 2000 sites, it is not possible to accurately identify potential impacts. In response, the Appellant has now identified the negative threats or pressures listed in the Standard Natura forms for the River Boyne and River Blackwater SAC (NPWS, 2019) and River Boyne and River Blackwater SPA (NPWS, 2020) (Table 2 of Appendix A (Response to Environmental Matters provided by Environguide Consulting).
- 7.6.6. The River Boyne and River Blackwater SAC (002299) comprises the freshwater element of the River Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramor and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers. These riverine stretches drain a considerable area of Meath and Westmeath, and smaller areas of Cavan and Louth. The underlying geology is Carboniferous Limestone for the most part, with areas of Upper, Lower and Middle well represented. In the vicinity of Kells Silurian Quartzite is present while close to Trim are Carboniferous Shales and Sandstones. There are many large towns adjacent to but not within the site, including Slane, Navan, Kells, Trim, Athboy and Ballivor.
- 7.6.7. The Alkaline Fen habitat has not been mapped in detail and thus the exact total current area of the qualifying habitat in the SAC is currently unknown. However, the main

areas of this terrestrial habitat within this SAC occur in the vicinity of Lough Shesk, Freekan Lough, and Newtown Lough, approximately 19.5km west (as the crow flies) of the appeal site and are therefore considered to be outside of the zone of influence of the proposed development. In terms of Alluvial Forests, the closest habitat is located 21.8km to the north-east (as the crow flies) of the site and is currently recorded to cover an area of 16.7ha. I would concur with the Applicant that there is no potential for significant effects on this habitat given the significant distance between the appeal site and recorded locations of this terrestrial habitat within the River Boyne and River Blackwater SAC. In addition, the intervening distance between the site and this habitat is sufficient to exclude the possibility of significant effects on the habitat arising from: emissions of noise, dust, pollutants and/or vibrations emitted from the site during the construction phase; increased traffic volumes during the construction and operational phase and associated emissions; potential increased lighting emitted from the site during construction and operational phase; and increased human presence at the site during construction and operational phase.

- 7.6.8. Salmon occur throughout the Boyne and Blackwater system and are very sensitive to changes in water quality and increases in sedimentation. Potential effects on this species cannot be ruled out. In the absence of mitigation, an accidental pollution event during construction and / or operation of a sufficient magnitude could impact the salmon populations. Such impacts could result in a reduction in fish numbers, at least temporarily, with an increased risk of a population level effect if a pollution event were to occur in conjunction with fish migrating upstream from the sea to spawning.
- 7.6.9. Salmon and Lamprey have been recorded within the River Boyne, 4.3km downstream of the appeal site. It is noted within the Applicant's documentation that the National Biodiversity Data Centre have records of Otter sightings/evidence within the River Blackwater and the environs surrounding the appeal site. Table 1 of the NIS notes that in the absence of appropriate mitigation measures, there is a weak hydrological connection between the appeal site and these species via the River Blackwater. It is proposed to discharge surface water from the site to the River Blackwater via existing drainage ditches, which has the potential to impact these species within the SAC via water quality deterioration during the construction phase of the proposed development. Salmon and Otter have been recorded throughout the River Boyne, and

while both the distribution and abundance of River Lamprey is not well known, this SAC has an important population of this species. as such it cannot be excluded that the proposed development will have a likely significant effect on these species.

7.6.10. In terms of the River Boyne and River Blackwater SPA (004232), it is a long, linear site that comprises stretches of the River Boyne and several of its tributaries; most of the site is in Co. Meath, but it extends also into Counties Cavan, Louth and Westmeath. The SPA is of high ornithological importance as it supports a nationally important population of Kingfisher, a species that is listed on Annex I of the E.U. Birds Directive. In the absence of pollution control/water attenuation measures, surface water run-off/discharges from the proposed development may have the potential to negatively affect the status of habitats and foraging resources, on which this bird species relies, during the construction and operational phases of the proposed development. this may ultimately undermine this conservation objective target.

7.6.11. Within the FERS Peer Review of the AA Screening/NIS, it is contended that the NIS has failed to identify the potential impacts associated with the proposed development and therefore fails to comply with the EU Habitats Directive or the European Communities (Birds and Natural Habitats) Regulations of 2011 (as amended). It is noted within the Peer Review that there were no over-wintering Whooper Swan surveys, or post sunset surveys to assess if the area is utilised by foraging Golden Plover. In response, the Applicant's ecologist notes that seasonal constraints prevented comprehensive winter bird surveys prior to lodgement. However, due to the size of the site, the tall treelines which reduce visibility for wading birds, and the R147 road which separates the site from the River Boyne and River Blackwater SPA, it is deemed that the site does not provide potential significant ex situ habitat for wintering bird species, such as whooper swan and golden plover. In addition, it is confirmed that no ex-situ species (or evidence of) was recorded during the March 2022 survey which was within the winter period. As such, the potential impacts to these species as a result of ex situ habitat loss due to the proposed development is considered insignificant. The Applicant's consultant ecologist notes that the Qualifying Interest of the River Boyne and Blackwater SPA is Kingfisher which would not use a terrestrial site. It is also stated that an abundance of agricultural grassland habitat within the surrounding environment, including the buffer between Tara Mines and the site, offers potential

foraging and roosting ex situ habitat for wintering and wading birds. Whilst I acknowledge the commentary of the appellant's Ecologist regarding the lack of wintering bird surveys, I would concur with the Applicant that the site would not offer a significant ex situ habitat for wintering birds given the reasons outlined above. I am therefore satisfied that the information presented by the Applicant is sufficient to allow for a thorough assessment of the development proposal.

Mitigation Measures

7.6.12. Where potentially significant impacts were identified, a range of mitigation and avoidance measures have been suggested and set out in Section 8 of the Applicant's NIS and summarised in Tables 7.1 & 7.2 below. It is contended that once the avoidance and mitigation measures are implemented as proposed, the proposed development will not have a significant adverse impact on the above European Sites.

Table 7.2: Construction Phase Mitigation

General Protection of Surface Waters	<p><i>Fuel and Chemical Storage</i></p> <p>Appropriate storage facilities will be provided on site. Areas of high risk include:</p> <ul style="list-style-type: none"> - Fuel and chemical storage; - Refuelling Areas; - Site Compound; and - Waste storage areas. <p>There will be no washdown facilities for plant and equipment on the Proposed Development Site.</p> <p>If required, fuel, oils and chemicals will be stored on an impervious base contained within a bund and remote from any surface water ditches or locations.</p> <p>All tank, container and drum storage areas will be rendered impervious to the materials stored therein. Bunds will be designed having regard to Environmental Protection Agency guidelines 'Storage and Transfer of Materials for Scheduled Activities' (2904). All tank and drum storage areas will, as a minimum, be bunded to a volume not less than the greater of the following:</p> <ul style="list-style-type: none"> - 110% of the capacity of the largest tank or drum within the bunded area; or - 25% of the total volume of substance that could be stored within the bunded area. <p>concrete mixer trucks will not be permitted to wash out on site with the exception of cleaning the chute into a container which will be removed off site to an authorised waste treatment facility.</p> <p>Water will not be discharged to open water courses.</p>
	<p><i>General Protection Measures</i></p> <p>All works carried out as part of the proposed development will comply with</p>

	<p>all Statutory Legislation including the Local Government (Water Pollution) acts, 1977 and 1990 and the contractor will cooperate fully with the Environment Section of Meath County Council in this regard.</p> <p>Personnel working on the Site will be trained in the implementation of environmental control and emergency procedures. Standard best international practice will be adhered to throughout the construction phase.</p> <p>The following measures will protect surface waters during the construction phase of the proposed development:</p> <ul style="list-style-type: none"> - Storm drain inlets which could receive stormwater from the Proposed Development will be protected throughout the Construction Phase. Inlet protection will be installed before soil disturbing activities begin. - Surface water run-off will be controlled using silt fences, silt trays/settlement ponds and temporary interceptors and traps will be installed at appropriate locations until such time as permanent facilities are constructed. Temporary oil interceptor facilities will be installed and maintained where Site Works involve the discharge of drainage waters to nearby watercourses. - Pumping of concrete will be monitored to ensure that there is no accidental discharge; - There will be no mixer washings or excess concrete discharged on Site. All excess concrete is to be removed from Site and all washout of concrete chutes to be captured in a tank which will be removed offsite for disposal at an authorised wastewater treatment facility; - Any oil and lubricant changes and maintenance will take place offsite; - Refuelling of plant and machinery on Site will take place in a designated, impermeable area; - Any imported materials will, as much as possible, be placed on Site in their proposed location and double handling will be avoided. Where this is not possible designated temporary material storage areas will be used; - All containment and treatment facilities will be regularly inspected and maintained. - Refuelling of plant during the construction phase will only be carried out at designated refuelling station locations on site. Each station will be fully equipped for spill response and a specially trained and dedicated Environmental and Emergency Spill Response team will be appointed before the commencement of works on site. - Only emergency breakdown maintenance will be carried out on site. Drip trays and spill kits will be available on site to ensure that any spills from vehicles are contained and removed off site; - All personnel working on site will be trained in pollution incident control response. Emergency spillage response procedures and a contingency plan to contain silt during an incident will be available on site; - Any other diesel, fuel or hydraulic oils stored on site will be stored in bunded storage tanks- the bunded area will have a volume of at least 110% of the volume of the stored materials as per best practice guidelines (Enterprise Ireland, BPGCS005); - Portaloo's and/or containerised toilets and welfare units will be used to provide facilities for site personnel. All associated waste will be removed from site by a licenced waste disposal contractor. <p>All wastewater generated on-site during the construction phase will be disposed of appropriately by discharge to foul sewer or by tankering off site. Under no circumstances will any untreated wastewater generated onsite (from equipment washing, road sweeping etc.) be released into nearby ditches or watercourses.</p>
Groundwater	Measures set out in above (Surface Water- Fuel and Chemical Storage) will

	<p>serve to protect soil and groundwater.</p> <p>Groundwater may be encountered during the construction works. Where water must be pumped from the excavations, water will be managed in accordance with best practice standards (i.e., CIRIA - C750) and regulatory consents.</p> <p>Excavations and potentially contaminated stockpiled soils will be constructed/located/sheeted in a manner that ensures water is contained within the site boundary.</p>
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Table 7.3: Operational Phase Mitigation

Surface Water	<p>Sustainable Drainage System (SuDS) measures are proposed within the project design. The SuDS measures will control surface water run-off from the Proposed Development and remove pollutants from surface water discharged from the Site during the Operational Phase.</p> <p>The following SuDS elements, outlined in the Drainage Design Report (Kavanagh Burke Consulting Engineers, 2022), accompanying this planning application, have been included within the Proposed Development:</p> <ul style="list-style-type: none"> - Petrol interceptors - Flow control devices - Silt traps <p>The proposed SuDS measures will therefore attenuate the flow of and ensure the quality of surface water discharges to the River Blackwater, and therefore to European Sites located downstream of the appeal site.</p>
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7.6.13. Within their Peer Review, FERS have noted that in the absence of correctly identifying pathways and receptors, threats pressures and activities, and potential impacts of the proposed development, the proposed mitigation measures are a moot point and not fit for purpose, insofar as they cannot inform the Competent Authority as regards the potential impacts of the proposed development. It is noted that the mitigation measures proposed by the Applicant are standard practices and would typically be required for a development in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. However, in the event that the pollution control and surface water treatment measures were not implemented or failed, it is my opinion that there is potential for likely significant effects on the qualifying interests of Natura 2000 sites from surface water run-off and therefore, these standard practices are considered to be mitigation measures in the context of Appropriate Assessment.

7.6.14. Irrespective of the above, I note that the warehousing development is proposed to be served by an on-site wastewater treatment plant. The Applicant's screening report notes that this system shall be a Conder Submerged Aerated Filter (CSAF), which will

be installed, commissioned and operated in full compliance with the EPA Code of Practise for Domestic Wastewater Treatment Systems (2021). It is recommended within the Applicant's documentation that storm water drains, water mains, service pipes, surface water soakaways, access roads, driveways, paved areas and land drains should not be located within or around the infiltration/treatment area. In addition, it is stated within the Screening Report that a buffer strip of 1m around the infiltration/treatment area should be observed at all times. The Screening Report therefore contends that there is no potential for significant impacts to the River Boyne and River Blackwater SAC or SPA via foul water during the Operational Phase of the development. However, as noted in Section 7.4 of this report, there is a distinct absence of documentary evidence regarding the adequacy of the proposed wastewater treatment plant and the suitability of the site to cater to a development of this scale. In addition, no information has been provided regarding the potential number of employees of the proposed development or the Population Equivalent that the wastewater treatment has been designed to. The appropriateness of examining the development against the EPA Code of Practise for Domestic Wastewater Treatment Systems (2021) could also be questioned given the scale and commercial nature of the development proposed. These issues are of particular relevance when considering the high and extreme groundwater vulnerability that applies to the appeal site, the location of the proposed treatment plant and percolation area relative to the existing drainage ditch to the north-west and the surface water attenuation pond, and the hydrological link that exists between the site and the SAC and SPA associated with the River Blackwater, which is located c. 230m to the north. In absence of this information, it is my opinion that it is not certain that significant effects European Sites associated with the River Blackwater can be ruled out. The proposed development would therefore be contrary to HER OBJ 33 of the Meath County Development Plan, 2021-2027, Section 28 Ministerial Guidelines '*Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities, 2009*' and the proper planning and sustainable development of the area. I note that this is a new issue for the Board's consideration as the Planning Authority have concluded that the proposed development (entire project), by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Site(s), subject to compliance with the mitigation measures outlined in the submitted NIS.

Cumulative Effects

- 7.6.14.1. The proposed warehousing development is catered for through land use planning, including the Meath County Development Plan, 2021-2027, covering the location of the application site. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas.
- 7.6.14.2. Section 3.5.2.6 of the Applicant's Screening Report considered 'Potential for In-Combination Effects' and permissions referenced include:
- NA200241 – Navan Ford Centre: Permission granted for development consisting of 55m² extension to parts area, changes in glazing and cladding to front and side facades, changes in entrance door detail, locations of signage, internal layouts and site boundaries.
 - NA190468 – Xtratherm Ltd, Liscartan: Permission granted for 1) An extension to existing warehouse with an area of 1785m², 2) A two storey prefabricated Canteen building with an area of 120m², 3) Covered yard area for material storage, 4) Relocation of HGV parking area with additional hardstanding and all associated earthworks and site works.
 - NA201526 – Xtratherm Ltd, Liscartan: Permission granted for the installation of 3500 Solar PV panels on the roof of existing industrial buildings and all ancillary site works and services.
- 7.6.14.3. Whilst the Screening Report has failed to mention a number of permitted development within the site surrounds, these mainly relate to other industrial/commercial developments within the existing industrial estate to the north-west and would be subject to the similar construction management and drainage arrangements as the subject proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites). Notwithstanding this, significant effects on the European Sites associated with the River Blackwater cannot be ruled out given the absence of information regarding the development's wastewater treatment plant as I have outlined in the foregoing sections.

Conclusion

7.6.15. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act, 2000, as amended. In the absence of documentary evidence regarding the adequacy of the proposed wastewater treatment plant and the suitability of the site to cater to a development of this scale, it is not certain that significant effects to River Boyne and Blackwater SAC and SPA can be ruled out. The proposed development would therefore be contrary to HER OBJ 33 of the Meath County Development Plan, 2021-2027, Section 28 Ministerial Guidelines *‘Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities, 2009’* and the proper planning and sustainable development of the area and should therefore be refused permission.

7.6.16. As noted within this report, the appellant’s Peer Review has highlighted concerns regarding the adequacy of the proposed mitigation measures. In addition, the lack of over-wintering Whooper Swan surveys, or post sunset surveys to assess if the area is utilised by foraging Golden Plover has been highlighted as an issue of concern. Whilst the commentary of the appellant’s Ecologist is acknowledged, I am satisfied that the Applicant has adequately responded to these particular points in their response to the appeal as outlined within the assessment above.

7.7. Environmental Impact Assessment (EIA) Screening

7.7.1. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

7.7.2. **Applicant’s EIA Screening Report:** The applicant has submitted an EIA Screening Report, including Schedule 7 details, which has been prepared by Enviroguide Consulting dated February 2023, and I have had regard to same. The submitted report considers that the development is below the thresholds for mandatory EIAR having regard to:

- Class 10(a) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, (Industrial estate development projects, where the area would exceed 15 hectares).
- Class 10(b)(ii) of Part 2 of Schedule 5 of the Planning and Development

Regulations 2001, as amended, (Construction of a carpark providing more than 400 spaces, other than a carpark provided as part of, and incidental to the primary purpose of, a development.), and,

- Class 10(a)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended. (Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.)

7.7.3. In terms of Class 10(a), it is contended that the development site is 8 hectares in size which is under the 15-hectare threshold and accordingly, a mandatory EIA is not required. For Class 10(b)(ii), the report notes that the proposed development includes 213 no. car parking spaces which are incidental to the primary purpose of the proposed development and as such a mandatory EIA is not required. In this case of Class 10(a)(iv), the report notes that the development site is located on a site which is zoned as "E2 General Enterprise and Employment" under the Meath County Development Plan 2021-2027. Therefore, the site is not located within a business district and the threshold of 10 hectares applies. The site is 8ha in size thus below the threshold and accordingly, a mandatory EIA is not required. A description of the proposed development is provided under Section 3.6 of the EIA Screening Report.

7.7.4. Full consideration is provided of Class 15 in the submitted EIA Screening and a summary of EIA activities is provided in Table 3-1. Sub-threshold development is considered under Section 3.4. Table 3-3 provides details on 'Designated sites within 15km of the Site' and which lists the River Boyne and Blackwater SAC and SPA and Girley (Drewstown) Bog SAC. Section 3.8 of the Screening Report provides the characteristics of the potential impacts. The report notes that during construction phase, temporary and intermittent impacts are predicted due to potential noise and dust. However, these impacts will be localised and last only for the duration of these phases. Any potential nuisances will be controlled through careful pre-project planning and effective site management. It is stated that there are no aspects to the proposed development which are considered to be of unusual magnitude or complexity, and any potential impacts are considered to be consistent with projects of this scale. During operation, it is stated that a positive impact may be realised as this development will facilitate the provision of employment opportunities. The potential impacts of the

proposed development were considered under the following headings:

- Air Quality & Climate,
- Noise & Vibration,
- Soils & Geology,
- Hydrology & Hydrogeology,
- Biodiversity,
- Archaeology, Architecture and Cultural Heritage,
- Material Assets & Land,
- Landscape & Visual Amenity,
- Population & Human Health, and,
- Resource & Waste Management.

7.7.5. Section 3.9 considers 'Cumulation with Other Projects' and details are provided of planning applications which have been decided in the last five years. The majority of which are located within the Liscarton Industrial Estate. Cumulative impacts may arise in terms of potential pollution and nuisance during the construction phase of the development. However, these can be addressed through standard construction management practices and are detailed in the EcIA. It is reported that 'there is no potential for significant in-combination impacts to arise due to surface water discharges during the construction and operational phases of the proposed development. Due to the full implementation of management controls to avoid adverse environmental impacts from the current proposed development and the proposed off-site projects, it noted within the report that it is not expected that cumulative impacts from these developments are likely to result in significant adverse effects on the environment.

7.7.6. Section 4 provides a 'Summary of Assessment Findings' and these are outlined in Table 4-1, with no likely significant effects foreseen. Section 6 provides the conclusion and states that 'based on the assessment carried out in the appropriate sections of this Screening Report, it can be concluded that the Proposed Development will not have significant effects on the environment'.

7.7.7. Having regard to the nature and scale of the Proposed Development on an urban site served by public infrastructure, and the absence of any significant environmental

sensitivities in the area and the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended), it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and a mandatory Environmental Impact Assessment Report (EIAR) is not required for the Proposed Development.

7.7.8. **Planning Authority Comment on the EIA Screening Report:** The Planning Authority reported no concern in relation to the submitted EIA Screening and their conclusion was that ‘there was no likelihood of significant effects on the environment and as such EIAR is not required.’

7.7.9. **EIA Screening Assessment:** Class 10(a) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, provides that an EIA is required for industrial estate development projects, where the area would exceed 15 hectares. In addition, Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- Construction of a carpark providing more than 400 spaces, other than a carpark provided as part of, and incidental to the primary purpose of, a development. (Class 10(b)(ii))
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as ‘a district within a city or town in which the predominant land use is retail or commercial use’ (Class 10(a)(iv))

7.7.10. The applicant submitted an EIA Screening Statement at further information stage, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an EIA. The reports submitted with the application include an Ecological Impact Assessment, AA Screening Report and an NIS to address a variety of environmental issues. The documentation assesses the impact of the proposed development and demonstrates that, subject to the various construction and design related mitigation measures, the proposed development will

not have a significant impact on the environment. The reports also consider the cumulative impacts with regard to other permitted developments in proximity to the site. In undertaking my assessment, I have had regard to the characteristics of the site, the location of the proposed development, and types and characteristics of potential impacts. I have also examined the sub criteria having regard to the Schedule 7A information, the various submissions on file, and I have considered the totality of the documentation on file.

7.7.11. Under the relevant themed headings outlined under Section 7.7.4 of this report, the Applicant's EIA screening report has considered the implications and interactions between these issues and it is concluded within the report that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

7.7.12. I have completed an EIA screening assessment as set out in Appendix A of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. The impact of the development in combination with other developments in the area has also been considered and no significant effects on the environment arise.

7.7.13. **Appeal comments on EIA:** Within the appellant's submissions to the application, the location of the appeal site relative to the Liscartan water works was highlighted. It is noted that the protection of groundwater and wastewater management for any development close to a source of drinking water needs to be properly taken into account and justified by the Planning Authority. Within their response to the appeal, the Applicant's consultant Ecologist has indicated that the proposed development will be subject to good design principles and mitigation measures that will avoid significant environmental effects occurring on water resources. They refer to Section 3.8.3.4 (Hydrology and Hydrogeology) of the EIA Screening which sets out that the proposed development will ensure that the water runoff collected onsite will be discharged via appropriate treatment and attenuation to the existing drainage ditch adjoining the

western boundary of the site. Surface water will be treated via a series of permeable paving, silt traps and Class 1 by-pass petrol interceptors (or similar approved) to remove potential suspended solids and any hydrocarbons entrained in surface water. Foul water will be developed as a fully separated system to the proposed storm water drainage from the site. The proposed foul water network will collect effluent from across the site and which will direct this by gravity to a newly developed wastewater treatment plant located in the western portion of the site. I note that there is a lack of information regarding the adequacy of the proposed wastewater treatment plant and I have highlighted concerns given its location relative to the watercourse on site where a hydrological connection exists to 2 no. European Sites. Whilst I accept that significant effects to the Natura 2000 Sites cannot be ruled out, I note that the lands in question demonstrate good drainage characteristics which would typically be suitable for a private wastewater treatment plant and in normal circumstances (i.e. absence of a link to a Natura 2000 site), I am satisfied that this issue could be addressed through adherence with best practice guidance and construction techniques (for e.g. compliance with the relevant EPA Code of Practice).

- 7.7.14. The failure to address cumulative impacts with Boliden Mines DAC, SEVESO site and Unilin Insulation Ireland has been highlighted within the appellant's Peer Review of the EIA Screening Report. Further to this, it is stated that the EIA screening report does not identify or address the concept of cumulative greenhouse gas emission, and hence the cumulative impact of the proposed development. Notwithstanding this, the Applicant's consultant Ecologist confirms in their response that Bolinden Mines DAC site has been considered as part of the cumulative effects assessment in Section 3.9 of the EIA Screening Report. In addition, the Unillin Insulation Ireland project referenced is also captured in the cumulative effects scope and study area (Ref. NA181170). In terms of cumulative greenhouse gas emissions, it is confirmed that each unit within the development shall seek to achieve the greatest standards of sustainable construction and design and has incorporated sustainable building design criteria from the outset which support overall climate change mitigation, including the requirement that the Development do not exceed the threshold set for the nearly zero-energy building (NZEB) requirements in national regulation implementing Directive 2010/31/EU. The Applicant notes that the sustainable design ensures that each unit in the development performs efficiently and complies with the NZEB criteria. The

Applicant goes on to note that the submitted Part L Compliance Reports (Axiseng, 2022), outline the elements (based on passive and active measures) that aid in the reduction of energy consumption and carbon emissions. Furthermore, it is noted that CO₂ emission rate from each unit is less than that of the reference building used in the Part L assessment. The consultant Ecologist notes that a significant effort has been taken to reduce the lifecycle carbon emissions of the proposed development through the adoption of the forementioned measures as detailed above.

7.7.15. Another point raised by the appellant is that there was a lack of detailed information with regard to the greenhouse gas emissions during the construction and/or operation of the proposed development. They again go on to note that the EIA Screening does not identify or address the concept of cumulative greenhouse gas emissions, and hence the cumulative impact of the proposed development with the existing industrial complex adjacent. In response to the appeal, it is acknowledged that on site machinery and increased traffic flow is likely to contribute to increases in GHG emissions such as CO₂ and NO₂ during the development's construction phase. However, these contributions are short-term, temporary, and likely to be marginal in terms of overall national GHG emission estimates and Ireland's obligations under the Paris Agreement, and therefore unlikely to have an adverse effect on climate. In terms of the operational phase, the consultant Ecologist notes that it is widely anticipated that CO₂ emissions for the passenger car fleet will reduce substantially in future years due to the increasing prevalence of electric or hybrid vehicle use, therefore operational GHG emissions as a result of passenger vehicles are likely to reduce over time. It is also reiterated that the sustainable design of each unit shall achieve the most energy efficient performance possible and reduce associated carbon emissions during the operational phase, thus reducing the potential for cumulative impacts with adjacent industrial buildings.

7.7.16. **Conclusion on EIAR Screening:** The application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an Environmental Impact Assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. It is recommended that a Screening Determination should be issued confirming that there is no

requirement for an EIAR based on the above considerations.

8.0 Recommendation

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. Noting the commentary within the submitted documentation that the proposed wastewater treatment system shall be installed, commissioned and operated in full compliance with the EPA Code of Practice for Domestic Wastewater Treatment Systems (2021), the Board is cognisant of Section 6.9 (Wastewater) of the Meath County Development Plan, 2021-2027, which indicates that for larger developments, the requirements for wastewater treatment plants are set out by the EPA Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999) and EPA Guidance on the Authorisation of Discharges to Groundwater (EPA 2011). In addition, it is an objective of the current Plan (INF OBJ 13) 'To ensure that septic tanks, proprietary effluent treatment systems and percolation areas are located and constructed in accordance with the recommendations and guidelines of the EPA and the Council in order to minimise the impact on surface water of discharges'. In the absence of documentary evidence regarding the adequacy of the proposed wastewater treatment plant, the Population Equivalent that the wastewater system is designed to and the suitability of the site to cater to a development of this scale, the Board is not satisfied that it has been adequately demonstrated that the proposed development would not be prejudicial to public health by way of groundwater contamination. This is particularly relevant when considering the high and extreme groundwater vulnerability that applies to appeal site and the location of the proposed treatment plant and percolation area, relative to the proposed surface water attenuation pond and the existing drainage ditch to its north-west, where a hydrological link exists between the appeal site and the SAC and SPA associated with the River Blackwater (i.e. located c. 230m to the north). In this regard, the proposed development would be contrary to the aforementioned objective (INF OBJ 13) of the Meath County

Development Plan, 2021-2027, would be prejudicial to public health and would therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act, 2000, as amended. In the absence of documentary evidence regarding the adequacy of the proposed wastewater treatment plant, the Population Equivalent that the system is designed to and the suitability of the site to cater to a development of this scale, it is not certain that significant effects to the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232) can be ruled out. This is particularly relevant when considering the high and extreme groundwater vulnerability that applies to appeal site and the location of the proposed treatment plant and percolation area, relative to the existing drainage ditch to its north-west, where a hydrological link exists between the appeal site and the SAC and SPA associated with the River Blackwater (i.e. located c. 230m to the north). The proposed development would therefore be contrary to Objective HER OBJ 33 of the Meath County Development Plan, 2021-2027, the Section 28 Ministerial Guidelines *'Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities, 2009'* and the proper planning and sustainable development of the area.

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.

Enda Duignan

Planning Inspector

31st July 2024

Appendix 1

Screening for Appropriate Assessment Screening Determination

Step 1: Description of the project

I have considered the proposed residential development, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. An Appropriate Assessment Screening Report and Natura Impact Statement (NIS) prepared by Enviroguide Consulting and dated June 2022 was submitted with the application. In addition, the application was supported by an Ecological Impact Assessment (EclA) and a Flood Risk Assessment. An EIA Screening Report dated February 2023 was also submitted in response to a request for further information. The 3 no. documents have also been prepared by Enviroguide Consulting on behalf of the Applicant and the objective information presented informs the screening determination.

The address of the appeal site is Listcartan, Navan, Co. Meath. The greenfield site is located on the south-western side of the R147, c. 3.5km to the north-west of Navan town centre. The irregular shaped site has an area of c. 8ha. and I have provided a detailed description of the site location and its surrounding context in section 1 of my report, while the development is described in detail in section 2. Detailed specifications of the proposed development are provided in the AA Screening Report and in other planning documents provided by the Applicant. In summary, the development seeks planning consent for the development of 8 no. warehouse units with ancillary office, staff facilities and all associated site works.

The nearest Natura 2000 Sites are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and The River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232) which are located c. 230m to the north-east of the site.

SACs and SPAs within 15km of the site have been identified in the Applicant's Screening Report as the project's Zone of Influence (Zol). The potential for connectivity with European Sites at distances greater than 15km from the Proposed Development was also considered in this initial assessment. In this case, it is stated that there is no potential connectivity between the Proposed Development Site and European Sites located at a distance greater than 15km from the Proposed Development based on the S.P.R model.

The AA screening Report indicates that the Zol of the proposed project would be seen to be restricted to the site outline, with potential for minor localised noise and lighting impacts during construction which do not extend significantly beyond the site outline nor are they likely to have any significant effects on any European sites. European sites within the project's Zol are identified as follows:

- River Boyne and River Blackwater SAC (Site Code: 002299) – 0.2km
- Girley (Drewstown) Bog SAC (Site Code: 002203) – 12.8km

- The River Boyne and River Blackwater SPA (Site Code: 004232) – 5.6km
In the case of the Girley (Drewstown) Bog SAC, there are no direct or indirect hydrological pathways from the proposed development site to the European Site. I would agree with the Applicant that construction and operation of the proposed development will not impact on the conservation interests of this site and no potential impacts are foreseen.

The site of the proposed development is currently served by surface water drainage ditches that discharge to the river blackwater, which flows 230m to the northeast of the site, and the proposed development will continue to utilise this drainage ditch via a new connection. Therefore, there is a hydrological connection between the site and River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA via surface water discharges into the River Blackwater from the Site during both the Construction and Operational Phases. Therefore, these sites are examined in further detail below.

I note that a submission has been received on the application from Irish Water which confirm that a connection to the foul sewer was not feasible, and a private wastewater treatment plant was recommended.

Step 2: Potential impact mechanisms from the project

As noted above, the site is served by surface water drainage ditches that discharge to the River Blackwater. An open drainage ditch runs along the site's north-western boundary. This acts as an outflow for any potential surface water attenuation flows and connects to the SAC and SPA, c. 230m to the north-east. This watercourse has the potential for indirect impacts during the construction and operational phase of the development given the hydrological connection to the site that exists. In addition, foul water would be seen as output from the site during the operational phase of the development that could potentially extend to these Natura 2000 sites. With this in mind, an assessment of potential hydrological impacts on the SAC and SPA is necessary. These are considered in further detail below.

Steps 3 & 4: European Sites at risk from impacts of the proposed project and likely significant effects on the European site(s) 'alone'

Natura 2000 Site	Qualify Interests/Special Conservation Interests for which the Natura 2000 Site has been designated.	Conservation Objectives	Impact Assessment
River Boyne and River Blackwater SAC (002299)	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355]	To maintain or restore the favourable Conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.	<p>There is the potential for hydrological connectivity between the proposed site and this SAC during the construction and operational phase of the proposed development.</p> <p>Surface water drainage from the proposed site is directed towards the attenuation pond and subsequently onwards towards the drainage ditch that has hydrological connectivity to the River Blackwater.</p> <p>Construction Phase</p> <ul style="list-style-type: none"> - Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks. - Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies. - Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater. - Waste generation during the Construction Phase comprising soils, construction and demolition wastes. - Increased noise, dust and/or vibrations as a result of construction activity. - Increased dust and air emissions from construction traffic. - Increased lighting in the vicinity as a result of construction activity. <p>Operational Phase</p> <ul style="list-style-type: none"> - Surface water drainage from the Site of the Proposed Development. - Increased lighting in the vicinity emitted from the Proposed Development; and - Increased human presence in the vicinity as a result of the Proposed Development. <p>In the absence of appropriate mitigation</p>

			<p>measures, there is potential for sediments/pollutants from the Site to enter the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA via drainage ditches and the River Blackwater, which could result in impacts on water quality within these European Sites.</p> <p>The Applicant's screening report indicates that the site will be served by an on-Site Wastewater Treatment Plant, specifically the Conder Submerged Aerated Filter (CSAF), which will be installed, commissioned and operated in full compliance with the EPA Code of Practice for Domestic Wastewater Treatment Systems (2021). As such, 'storm water drains, water mains, service pipes, surface water soakaways, access roads, driveways, paved areas and land drains should not be located within or around the infiltration/treatment area. A buffer strip of 1m around the infiltration/treatment area should be observed at all times'. It is stated that there is no potential for significant impacts to the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA via foul water during the Operational Phase of the Proposed Development. Notwithstanding this, there is an absence of documentary evidence regarding the adequacy of the proposed wastewater treatment plant and the suitability of the site to cater to a development of this scale. This is particularly relevant when considering the high and extreme groundwater vulnerability that applies to the appeal site and the location of the proposed treatment plant and percolation area, relative to the existing drainage ditch to the north-west and the hydrological link that exists between the site and the SAC and SPA associated with the River Blackwater, c. 230m to the north.</p> <p>In terms of Disturbance and / or Displacement of Species, the hydrological link exists has the potential to cause disturbance and/or displacement to the bird and aquatic species associated with the above European Sites due to effects on the water quality and resource indicator during both the Construction and Operational Phases.</p> <p>Therefore, the possibility may not be</p>
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			excluded that the Proposed Development could have a significant effect on the SAC.
River Boyne and River Blackwater SPA (004232)	A229 Kingfisher Alcedo atthis	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.	<p>There is the potential for hydrological connectivity between the proposed site and this SAC during the construction and operational phase of the proposed development.</p> <p>Surface water drainage from the proposed site is directed towards the attenuation pond and subsequently onwards towards the drainage ditch that has hydrological connectivity to the River Blackwater.</p> <p>Construction Phase</p> <ul style="list-style-type: none"> - Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks. - Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies. - Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater. - Waste generation during the Construction Phase comprising soils, construction and demolition wastes. - Increased noise, dust and/or vibrations as a result of construction activity. - Increased dust and air emissions from construction traffic. - Increased lighting in the vicinity as a result of construction activity. <p>Operational Phase</p> <ul style="list-style-type: none"> - Surface water drainage from the Site of the Proposed Development. - Increased lighting in the vicinity emitted from the Proposed Development; and - Increased human presence in the vicinity as a result of the Proposed Development. <p>In the absence of appropriate mitigation measures, there is potential for sediments/pollutants from the Site to enter the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA via drainage ditches and the River Blackwater, which could result in impacts on water quality</p>

			<p>within these European Sites.</p> <p>The Applicant's screening report indicates that the site will be served by an on-Site Wastewater Treatment Plant, specifically the Conder Submerged Aerated Filter (CSAF), which will be installed, commissioned and operated in full compliance with the EPA Code of Practice for Domestic Wastewater Treatment Systems (2021). As such, 'storm water drains, water mains, service pipes, surface water soakaways, access roads, driveways, paved areas and land drains should not be located within or around the infiltration/treatment area. A buffer strip of 1m around the infiltration/treatment area should be observed at all times'. It is stated that there is no potential for significant impacts to the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA via foul water during the Operational Phase of the Proposed Development.</p> <p>Notwithstanding this, there is an absence of documentary evidence regarding the adequacy of the proposed wastewater treatment plant and the suitability of the site to cater to a development of this scale. This is particularly relevant when considering the high and extreme groundwater vulnerability that applies to the appeal site and the location of the proposed treatment plant and percolation area, relative to the existing drainage ditch to the north-west and the hydrological link that exists between the site and the SAC and SPA associated with the River Blackwater, c. 230m to the north.</p> <p>In terms of Disturbance and / or Displacement of Species, the hydrological link exists has the potential to cause disturbance and/or displacement to the bird and aquatic species associated with the above European Sites due to effects on the water quality and resource indicator during both the Construction and Operational Phases.</p> <p>Therefore, the possibility may not be excluded that the Proposed Development could have a significant effect on the SPA.</p>
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Step 5: Where relevant, likely significant effects on the European site(s) 'in-combination with other plans and projects'

The proposed warehousing development is catered for through land use planning, including the Meath County Development Plan, 2021-2027, covering the location of the application site. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas.

Section 3.5.2.6 of the Applicant's Screening Report considered 'Potential for In-Combination Effects' and permissions referenced include:

- NA200241 – Navan Ford Centre: Permission granted for development consisting of 55m² extension to parts area, changes in glazing and cladding to front and side facades, changes in entrance door detail, locations of signage, internal layouts and site boundaries.
- NA190468 – Xtratherm Ltd, Liscartan: Permission granted for 1) An extension to existing warehouse with an area of 1785m², 2) A two storey prefabricated Canteen building with an area of 120m², 3) Covered yard area for material storage, 4) Relocation of HGV parking area with additional hardstanding and all associated earthworks and site works.
- NA201526 – Xtratherm Ltd, Liscartan: Permission granted for the installation of 3500 Solar PV panels on the roof of existing industrial buildings and all ancillary site works and services.

Whilst the Screening Report has failed to mention a number of permitted development within the site surrounds, these mainly relate to other industrial/commercial developments within the existing industrial estate to the north-west and would be subject to the similar construction management and drainage arrangements as the subject proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites). Therefore, I conclude that the proposed development would have no likely significant effect in combination with other plans and projects on the qualifying features of any European site(s). No further assessment is required for the project.

Overall Conclusion - Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in-combination with other plans or projects could have a significant effect on European Sites (the River Boyne and River Blackwater SAC (0002299) and the River Boyne and River Blackwater SPA (0004232)) in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Girley (Drewstown) Bog SAC (Site Code: 002203) in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not, therefore, required.

Appendix 2 - EIA Screening Determination:

A. CASE DETAILS		
An Bord Pleanála Case Reference	317154-23	
Development Summary	The development of 8 no. warehouse units with ancillary office & staff facilities.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	The Planning Authority conclude that 'Based on information provided and having considered the nature, size and location of the development, there is no real likelihood of significant effects on the environment and as such as EIAR is not required.'
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening Report and an NIS have been submitted.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the	No	

EPA? If YES has the EPA commented on the need for an EIAR?		
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	An EclA has been submitted.
B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts (ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale	Whilst the appeal site is located within a rural area, the lands are zoned 'E2 General Enterprise and Employment' and the development is of a scale and form which is in keeping with	No.

to the existing surrounding or environment?	existing developments within the wider Liscartan Industrial Estate.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	The proposed development will result in an existing agricultural site been developed for commercial use in accordance with the E2 zoning that applies to these lands.	<p>No – the site is not visually sensitive and mitigation measures are outlined to protect watercourses during the construction and operational phases as out in the submitted EclA and the application documents.</p> <p>I note that there is a lack of information regarding the adequacy of the proposed wastewater treatment plant and concerns have been raised given its location relative to the watercourse on site where a hydrological connection exists the 2 no. European Sites. Whilst I accept that significant effects to the Natura 2000 Sites cannot be ruled out, I note that the lands in question demonstrate good drainage characteristics which would typically be suitable for a private wastewater treatment plant.</p>
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-	Yes. The character of the land will be permanently altered from agricultural to a warehousing development. Water supply to the Proposed Development at the Site will be provided via a new 150m watermain connection to the existing IW mains supply located to the north of the Site along the R147 subject to agreement with IW (Drainage Design Report, KBCE, 2022).	No.

renewable or in short supply?	<p>Electricity to the Site will be provided via the national grid. The Proposed Development will also include the construction of ESB substations. The EIA Screening notes that the Proposed Development will require such quantities of these material assets which are not sufficient to result in significant impacts on the surrounding environment.</p> <p>The site will be served by an on-Site Wastewater Treatment Plant, specifically the Conder Submerged Aerated Filter (CSAF), which will be installed, commissioned and operated in full compliance with the EPA Code of Practise for Domestic Wastewater Treatment Systems (2021).</p>	
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Construction activities will require the use of potentially harmful materials, such as fuels, hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. A warehousing development is proposal and no operational impacts in this regard are anticipated.	No.
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. In the event of a grant of permission it is	No.

	recommended that Waste Management Plan be submitted to manage operational waste. Significant operational impacts are not anticipated.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	<p>No significant risk identified subject to the implementation of appropriate mitigation measures. Compliance with a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated given the nature of the proposed development.</p> <p>I note that there is a lack of information regarding the adequacy of the proposed wastewater treatment plant and concerns have been raised given its location relative to the watercourse on site where a hydrological connection exists the 2 no. European Sites. Whilst I accept that significant effects to the Natura 2000 Sites cannot be ruled out, I note that the lands in question demonstrate good drainage characteristics which would typically be suitable for a private wastewater treatment plant and in normal circumstances (i.e. absence of a link to a Natura 2000 site), I am satisfied that this issue could be addressed through adherence with best practice guidance and construction techniques (for e.g. compliance with the relevant EPA Code of Practice).</p>	No.
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated through compliance with a Construction Management Plan and Construction Environmental Management Plan.	No.

<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan and Construction Environmental Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated as outlined in the assessment of the application.</p> <p>I note that there is a lack of information regarding the adequacy of the proposed wastewater treatment plant and concerns have been raised given its location relative to the watercourse on site where a hydrological connection exists the 2 no. European Sites. Whilst I accept that significant effects to the Natura 2000 Sites cannot be ruled out, I note that the lands in question demonstrate good drainage characteristics which would typically be suitable for a private wastewater treatment plant and in normal circumstances (i.e. absence of a link to a Natura 2000 site), I am satisfied that this issue could be addressed through adherence with best practice guidance and construction techniques (for e.g. compliance with the relevant EPA Code of Practice).</p>	<p>No.</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No significant risk identified having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature</p> <p>The appeal site is located within the 1000m consultation radius of a Lower Tier Seveso Site (i.e. Xtratherm Limited) (Table 11.5: List of Seveso Sites in County Meath or Sites</p>	<p>No.</p>

	where Consultation Distances extend into the County, these are illustrated on Map 11.1.) which is located within the Liscarton Industrial Estate. A report has been received from the Health & Safety Authority who have indicated that they do not advise against granting planning permission.	
1.10 Will the project affect the social environment (population, employment)	The development of this site as proposed will result in a change of use, with additional jobs generated during the construction and operational phase of the development. Whilst the land use will change from the agricultural grazing lands to a commercial use, the site is zoned GE under the current Plan and there is policy support within the current Plan for the expansion of the Liscarton Industrial Estate (ED OBJ 36).	No.
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	The appeal site is zoned GE under the current Plan and there is policy support within the current Plan for the expansion of the Liscarton Industrial Estate (ED OBJ 36). Cumulative impacts have been considered in the Applicant's EIA Screening Report. The report notes that cumulative impacts are most likely to arise due to potential pollution and nuisance during the Construction Phase. Good construction management practices will minimise the risk of pollution and nuisances from construction activities at the Proposed Development Site. The appointed contractor will be responsible for the full implementation of management and mitigation measures.	No
2. Location of proposed development		
2.1 Is the proposed development located on, in, adjoining or have the	The nearest designated sites are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special	No.

<p>potential to impact on any of the following:</p> <ul style="list-style-type: none"> a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>Protection Area (SPA) (Site Code: 004232) which are located c. 230m to the north of the appeal site. The assessment of this application highlights that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site. Therefore, the requirement for a Stage 2 Appropriate Assessment is not deemed necessary in this instance.</p> <p>I note that there is a lack of information regarding the adequacy of the proposed wastewater treatment plant and concerns have been raised given its location relative to the watercourse on site where a hydrological connection exists the 2 no. European Sites. Whilst I accept that significant effects to the Natura 2000 Sites cannot be ruled out, I note that the lands in question demonstrate good drainage characteristics which would typically be suitable for a private wastewater treatment plant and in normal circumstances (i.e. absence of a link to a Natura 2000 site), I am satisfied that this issue could be addressed through adherence with best practice guidance and construction techniques (for e.g. compliance with the relevant EPA Code of Practice).</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for</p>	<p>In terms of Bats, Section 5.4.3 of the EclA notes that there are no buildings on the site. However, the treeline habitat bounding the site, particularly the mature trees with high Ivy cover, offers suitable roosting, foraging and commuting habitat for local bats, with the open grassland also providing a foraging and commuting habitat. As part of the appellant's peer review, a bat survey of the site's general vicinity was undertaken in May 2023 which states that the results of these bat surveys indicate that the areas immediately adjacent to</p>	<p>No.</p>

<p>example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>the proposed development site are utilised by numerous species as foraging, commuting and roosting habitat. The Applicant's response confirms the hedgerow and treeline habitat which offers commuting and foraging habitat will be retained. In terms of grassland habitat, it is stated that the loss across the site to facilitate the development is not considered significant due to the abundance of this habitat within the surrounding landscape. In the event of a grant of permission, suitable conditions should be attached to ensure the hedgerow and treeline habitats abutting the site remain unlit so that a dark ecological corridor for nocturnal wildlife is maintained.</p> <p>For birds, the assessment indicates that several bird species were observed on the site on the 7th of March, 2nd of June, and 14th of June 2022. It is stated that these species were primarily recorded within the hedgerow and treeline habitat bounding the site, with several nests observed within the larger Oak and Ash trees. Birds were also observed foraging within the grassland habitat. The species observed on the various field surveys are identified in Table 4, 5 & 6 of the EclA. In terms of wintering birds, the ecologist notes that seasonal constraints prevented comprehensive winter bird surveys prior to lodgement. However, noting the size of the site, the tall treelines which reduce visibility for wading birds, and the R147 road which separates the site from the River Blackwater, it is their view that the site does not offer significant ex situ habitat for wintering bird species, such as whooper swan and golden plover. In addition, no ex-situ species (or evidence of) was recorded during the March 2022 survey which is within the winter period. Whilst I acknowledge the commentary of the appellant's Ecologist regarding the lack of wintering bird surveys, I would concur with the</p>	
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	<p>Applicant that the site would not offer a significant ex situ habitat for wintering birds given the reasons outlined above. I am therefore satisfied that the information presented by the Applicant is sufficient to allow for a thorough assessment of the development proposal.</p> <p>The potential impacts of the proposed development, the proposed mitigation measures and the residual impact are summarised in Table 7.1. See Section 7.5 of this report for further analysis.</p>	
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>As part of the testing carried out by IACs Archaeological Assessment on behalf of the Applicant, two areas of archaeological potential were identified within the Proposed Development area. The largest area of activity is located within AA1, which consists of a probable rectilinear enclosure measuring 25m x 20m along with an internal circular feature of c.7m diameter. The screening report indicates that following the completion of mitigation measures, there will be a slight negative impact upon the archaeological resource. As such there will be no significant, negative impact as a result of the Proposed Development. 2 no. reports from the Dept. of Housing, Local Government and Heritage have recommended with respect to Archaeological Excavation and Monitoring.</p>	No.
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the</p>	<p>There are no such features that arise in this location.</p>	No.

project, for example: forestry, agriculture, water/coastal, fisheries, minerals?		
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	<p>The development is not located within a flood zone and therefore the development would not increase the flood risk to other properties. A site-specific flood risk assessment was prepared, and no issues of concern were identified.</p> <p>The development will implement SUDS measures including attenuation of surface water, to control run-off.</p>	No.
2.6 Is the location susceptible to subsidence, landslides or erosion?	No such impacts are foreseen.	No.
2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which	In terms of site access, a new vehicular entrance is proposed off the R147 which is to be centrally located within the roadside boundary. The Applicant's Traffic Impact Assessment indicated that the access junction with right turn lane has been designed in accordance with the requirements for the 80kph speed limit and in accordance with the current TII standard DN-GEO-03060. It is also noted that the access will be controlled by a stop line and sign and sightlines of	No.

cause environmental problems, which could be affected by the project?	160m with a 3m setback are available in each direction from the proposed entrance. It has been demonstrated that the proposed development will not result in a traffic hazard. As per Section 7.3 of this report, it has also been demonstrated within the Applicant's Traffic Impact Assessment, that there is sufficient capacity in the existing road network to cater to a development of this scale. No issues of road capacity have been identified by the Planning Authority.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	There are no sensitive land uses adjacent to the subject site.	No.
3. Any other factors that should be considered which could lead to environmental impacts		
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/operation phase?	As noted, cumulative impacts have been considered in the Applicant's EIA Screening Report. The report notes that cumulative impacts are most likely to arise due to potential pollution and nuisance during the Construction Phase. Good construction management practices will minimise the risk of pollution and nuisances from construction activities at the Proposed Development Site. It is stated that the appointed contractor will be responsible for the full implementation of management and mitigation measures. In the event of a grant of permission, it is recommended that a Construction Environmental Management Plan be submitted for the written	No.

	consent of the Planning Authority.	
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No trans-boundary effects arise as a result of the proposed development.	No.
3.3 Are there any other relevant considerations?	No.	No.
C. CONCLUSION		
No real likelihood of significant effects on the environment.	<input checked="checked" type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required
D. MAIN REASONS AND CONSIDERATIONS		
<p>Having regard to: -</p> <p>a. the nature and scale of the proposed development, which is below the threshold in respect of,</p> <p> i. Class 10(a) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,</p> <p> ii. Class 10(b)(ii) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, and,</p> <p> iii. Class 10(a)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.</p> <p>b. the location of the site on lands governed by zoning objective 'E2 General Enterprise and Employment' in the Meath County Development Plan 2021 – 2027,</p> <p>c. The pattern of development in surrounding area,</p>		

- d. The planning history relating to the site,
- e. The availability of mains water to serve the proposed development,
- f. The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- g. The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- h. The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment,

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

Inspector _____

Date 31st July 2024