



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317230-23

#### Development

Provision of a motorway service area and electric vehicle charging hub and all associated works. The proposed development includes 36 electric vehicle charging points, 8 general vehicle fuel pumps, 2 HGV fuel pumps together with underground fuel storage tanks and ancillary pipe works. Provision is also made for an ancillary amenity/service building including a retail convenience store with part off-licence, 2 food outlets and all associated and ancillary works. A Natura Impact Statement (NIS) was submitted with this application.

#### Location

Knocks, Dunshaughlin, Co. Meath

#### Planning Authority

Meath County Council

#### Planning Authority Reg. Ref.

221047

#### Applicant(s)

Petrogas Group Ltd.

#### Type of Application

Permission

#### Planning Authority Decision

Grant

<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Circle Energy Limited
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	6 <sup>th</sup> June 2024
<b>Inspector</b>	Ian Boyle

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## **1.0 Site Location and Description**

- 1.1. The appeal site comprises a greenfield at the corner of M3 Motorway and the R125 (Regional Route) in the townland of Knocks, County Meath. It lies approximately 1.3km west of Dunshaughlin town centre.
- 1.2. The M3 is immediately west of the site and generally runs in a north – south direction. The land is used for agricultural purposes and is bounded to the north by further agricultural lands, the east and south by the R125, and the west by a filter lane leading off Junction 6 of the M3 motorway interchange. Dense hedgerows and timber fencing are present around the periphery of the site.
- 1.3. The site is generally flat and sits below the level of the surrounding road network. An unnamed drainage channel (ditch) traverses the northern section of the site and flows across the land in an east to west direction. The ditch meets the River Skane via a culverted section of the M3 on the far side of the motorway. The Skane is a tributary of the River Boyne, which is roughly 11.5km to the northwest.
- 1.4. The character of the surrounding area is mainly agricultural fields and farming land. The closest houses are located approximately 400m east of the site. This comprises the Manor Court and Eden Court residential housing developments in Dunshaughlin.
- 1.5. The site has a stated area of roughly 3.4 hectares.

## **2.0 Proposed Development**

- 2.1. The proposed development is for a new motorway service area (MSA) and electric vehicle charging hub with associated works (an off-line motorway service station).
- 2.2. The main components include:
  - 36 electric vehicle charging points.
  - 8 general vehicle fuel pumps.
  - 2 HGV fuel pumps.
  - underground fuel storage tanks and ancillary pipe works.
  - An amenity/services building with a retail convenience store and part off-licence, two food outlets and all associated and ancillary works.

- 2.3. The Planning Authority requested further information on 3<sup>rd</sup> October 2022, including provision of a revised site layout plan (Item 1), a redesigned site access road (Item 2), construction details of the proposed embankment (Item 3), a revised site layout maintaining the current alignment of the watercourse flowing through the site or proposed details for its diversion (Items 4 and 5), provision of a Site Specific Flood Risk Assessment (Item 6), lighting details (Item 7), drainage runoff rates (Item 8), how the proposal addresses concerns raised in a third party submission (Item 9), and information confirming that upon receipt of further information the Planning Authority may potentially deem the submission as 'significant further information' (Item 10).
- 2.4. The Applicant provided further information on 23<sup>rd</sup> February 2023.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

- 3.1.1. The Planning Authority issued a Notification of Decision (NoD) to Grant Permission on 3<sup>rd</sup> May 2023.
- 3.1.2. Notable conditions include:
- |                      |  |
|----------------------|--|
| <u>Condition 2:</u>  | Maintain unobstructed sightlines   |
| <u>Condition 3:</u>  | Redesign of access junction to facilitate HGVs   |
| <u>Condition 8:</u>  | The retail floorspace shall be restricted to that shown as 'retail area' on the submitted plans. The use of the retail area shall be confined to the definition of a 'shop' as per the Planning Regulations. |
| <u>Condition 9:</u>  | The Applicant must consult with Inland Fisheries Ireland prior to inferring with any surface water and any instream works to comply with relevant guidelines.  |
| <u>Condition 11:</u> | The recommendations of the Ecological Impact Assessment (EclA) shall be implemented in full by the developer.  |
| <u>Condition 12:</u> | An Ecological Clerk of Works shall be appointed to advise on the preparation of an CEMP.   |

- Condition 13: All mitigation measures in the NIS shall be implemented.
- Condition 15: All mitigation measures in the Construction Environmental Monitoring Plan (CEMP) shall be implemented.
- Condition 16: A Waste Management Plan shall be prepared.
- Condition 20: Archaeological Assessment.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The main points raised are as follows:

- The site is zoned E2 as per Meath County Development Plan 2021-2027. Service Stations are 'open for consideration' under this zoning.
- The NRA Service Area Policy (2014) implements the national policy mandate to provide necessary motorway services to meet the needs of road users in accordance with EU Regulation and Directives. The policy documents prioritise locations for the delivery of motorway service areas, and states that a service area should be provided on the M3 between Junction 4 and 7 (Dublin and Kells). Some years ago, Transport Infrastructure Ireland (TII) commenced consultation in respect of an M3 service area but there has been no progress since August 2017. This has left the M3 without necessary services.
- This application is a revision of previously refused Application Reg. Ref. RA160148. The total area has been reduced from 1400sqm to 968sqm, the retail area remains at 100sqm, food offerings reduced from 5 no. to 2 no. food counters and 1 no. coffee area is located at ground floor as opposed to 1 no. at mezzanine level. The proposed development is considered acceptable in principle.
- A Retail Assessment was undertaken in May 2022 to identify the existing retailing and cafe/restaurant offering within the town centre. The results of this survey support the findings of the County Retail Strategy.
- At the time of the retail strategy, Dunshaughlin had 16,729sqm of retail floorspace comprised of 5,481sqm convenience, 2,419sqm of comparison, and

8,829 sqm of bulky goods floorspace. In comparison, the proposed development has a limited retail offering comprising a single convenience shop of 100 sqm.

- The nature of the proposal is to primarily serve the needs of road users with the provision of necessary rest areas and refuelling as opposed to a conventional retail function. The nature of the development is such that it will serve motorists using the road network and will not attract customers from the nearby town centre, which is 1km away.
- The overall design is considered acceptable and in line with similar service stations throughout the country.
- A Noise Impact Assessment has been prepared which concludes there would be no predicted negative impact to residents.
- The applicant submitted a revised site layout plan as part of further information indicating the new 3m shared pedestrian/cycle surface and 1m grass verge, an amended red line boundary, revised junction. Additional items were addressed in terms of the proposed access design, swept path analysis and embankment details. The Transportation Department had no objection subject to condition.
- The proposed realignment of the existing watercourse is acceptable. The Site-Specific Flood Risk Assessment shows the site is appropriate for the development. The Environment (Flooding) Department raised no objection post receipt of further information.
- The proposed public lighting system and drainage responses are acceptable.
- The Stage 2 AA mitigation measures are sufficient to protect the designated sites and will be required to be implemented if a grant of permission is recommended.
- The Planning Authority is satisfied that a sub-threshold EIAR is not required.

### 3.2.2. Other Technical Reports

<u>Water Services:</u>	Further information requested.
<u>Flooding:</u>	Further information requested.
<u>Fire Officer:</u>	No objection, fire cert required.
<u>Public Lighting:</u>	Further information requested.
<u>Transportation Department:</u>	Further information requested.
<u>Enivonrment Section:</u>	No objections, subject to conditions.

### 3.3. Prescribed Bodies

Transport Infrastructure Ireland: No objection, TII to rely on the Planning Authority's assessment of the proposed development on national roads, as per the Spatial Planning and National Roads - Guidelines for Planning Authorities (2012). The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations arising should be incorporated as conditions on the grant of permission, if issued.

Development Applications Unit (Archaeology): No objection, recommends pre-development testing be completed.

Irish Aviation Authority: No objection.

Inland Fisheries Ireland: No objection.

HSE: No objection.

### 3.4. Third Party Observations

The Planning Authority received one observation (Circle K Energy Ltd). The main concerns were as follows:

- The proposal is for a Motorway Service Area. It is contrary to the provisions of the Meath County Development Plan 2021-2027 and Spatial Planning and National Roads Guidelines for Planning Authorities, 2012.



- Due to its nature and scale of the development, the Motorway Service Area will become a destination in its own right and undermine the vibrancy and vitality of Dunshaughlin town centre.

## 4.0 Planning History

### Subject Site

ABP Ref. PL17.246554 (Reg. Ref. RA160148): In September 2016, the Board **refused permission** for the construction of a Motorway Service Area, including a new vehicular entrance from the R125; fuel pumps; forecourt; underground fuel storage tanks and ancillary pipe works; an amenity building (1,400 sqm GFA) with a mezzanine level, a convenience store with off-licence (total 100 sqm net sales area), four cafés/restaurants (including one drive-thru facility), parking for 158 number cars, 14 HGV's, and seven coaches; signage; culverting of c. 184 metres of a tributary of the Skane River; and all other ancillary site development.

The reasons for refusal are summarised as follows:

1. The site is in an unzoned, rural area adjoining the motorway network close to a major junction (Junction 6) of the M3 which is not identified in the County Development Plan (2013-2019) or NRA Service Area Policy (August 2014) as a suitable location for an off-line MSA. The NRA (now TII) has stated their preference for a MSA to serve the M3 at a location between Junction 4 and Junction 7. TRAN OBJ 20 as set out in the Meath County Development Plan 2013-2019 requires having regard to NRA (now TII) Policy Statements on service areas on motorways and high-quality dual carriageways in assessing such proposals.
2. The proposal is an off-line model on an unzoned site outside the settlement boundary of Dunshaughlin. It would have strong potential to divert trade away from the town due to the scale and level of services proposed on the site and the ease of accessibility to the site by car. This would be contrary to the 'Spatial Planning and National Roads Guidelines for Planning Authorities' issued by the Department of the Environment, Community and Local Government in January 2012, which seek to avoid the attraction of short, local trips or to permit a service area becoming a destination for local customers.

This would compromise the vitality and viability of established and future planned services on zoned lands within the Dunshaughlin Local Area Plan boundary and, therefore, lead to disorderly unplanned retail and services development with unsustainable travel modes.

The Planning Authority had granted permission for the proposed development, subject to 18 no. conditions (April 2016).

## **5.0 Policy Context**

### **5.1. Meath County Development Plan 2021-2027**

#### **5.1.1. Zoning**

##### Zoning

The appeal site is zoned 'E2 – General Enterprise and Employment' as per Meath County Development Plan 2021-2027 ('County Development Plan' / 'CPD'). The zoning objective for E2 lands 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'.*

##### Zoning Guidance

The Development Plan states that E2 zoned 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.

Service Stations are open for consideration under zoning E2.

##### Settlement Strategy

The site is within the settlement boundary for Dunshaughlin.

### 5.1.2. **Chapter 2: Core Strategy**

#### Section 2.14 Core Strategy

##### **CS OBJ 1**

*To secure the implementation of the Core Strategy and Settlement Strategy, in so far as practicable, by directing growth towards designated settlements, subject to the availability of infrastructure and services.*

### 5.1.3. **Chapter 4: Economy and Employment**

#### Section 4.7 Development Plan Economic and Employment Strategy

##### **ED POL 2**

*ED POL 2 To support and facilitate the economic development of the County in accordance with the Economic Strategy 2014-2022 or its replacement. There will be a general presumption against development that would prejudice the implementation of the Economic Strategy.*

##### **ED POL 5**

*ED POL 5 To co-operate with local and national development agencies and engage with existing and future employers in order to maximise job opportunities in the County.*

##### **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.*

### 5.1.4. **Chapter 5: Movement Strategy**

##### **MOV POL 34**

*To review, as part of the Local Area Plan process, land at strategic locations adjoining urban-related motorway junctions which has previously been identified for employment generating uses, subject to compliance with the Spatial Planning and National Roads – Guidelines for Planning Authorities. In this regard, the following junctions will be examined:*

- M3 Motorway Junction 6 (Dunshaughlin)

*The Planning Authority will continue to support development proposals in such circumstances where all of the criteria specified in Section 2.7 of the “Spatial Planning & National Roads Guidelines” are adhered to.*

#### **MOV OBJ 67**

*Where appropriate, to require the provision of HGV parking facilities at on-line and off-line motorway service areas, petrol filling stations and other appropriate locations within the County in accordance with relevant planning guidelines and government policy.*

### **5.1.5. Chapter 6: Infrastructure Strategy**

#### **Section 6.10 Surface Water and Flood Risk Management**

#### **INF POL 18**

*To implement the “Planning System and Flood Risk Management – Guidelines for Planning Authorities” (DoEHLG/OPW, 2009) through the use of the sequential approach and application of Justification Tests for Development Management and Development Plans, during the period of this Plan.*

#### **INF POL 20**

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

#### **INF OBJ 23**

*To protect and enhance the County’s floodplains, wetlands and coastal areas subject to flooding as “green infrastructure” which provide space for storage and conveyance of floodwater and ensure that development does not impact on important wetland sites within river/stream catchments.*

#### 5.1.6. **Chapter 11: Development Management Standards and Guidelines**

This Chapter sets out the development standards and land use zoning objectives to be applied in the assessment of planning applications. Section 11.6.5 is in relation to 'Service Stations' and states that their role has become more diverse with the expansion from merely selling fuel to also providing convenience services and goods including functioning as rest areas. Ancillary uses include tyre repair, collection points for online retail activity and self-service launderettes.

##### **DM POL 19**

*Proposals for petrol filling stations in close proximity to the National Road Network shall have regard to the "Spatial Planning and National Roads Guidelines for Planning Authorities", Department of Environment Community and Local Government, 2012, TII Policy on Service Areas (August, 2014) and the Dangerous Substances (Retail and Private Petroleum Stores) Regulations 1979 to 2010 (or any such other relevant standards and legislation that may be enacted).*

##### **DM POL 20**

*Proposals for new and extended service stations will be carefully considered and will not generally be encouraged within the core retail area of urban centres or in rural areas outside of villages and rural nodes and shall be located in all cases within the speed limit restriction zones.*

**DM OBJ 58** provides the criteria required for pre-application discussion and/or planning application documentation for a service station (see County Development Plan for full text).

#### 5.1.7. **Written Statement for Dunshaughlin (Volume 2 of the Development Plan)**

##### *Town Context / Character*

The Written Statement for Dunshaughlin states that Dunshaughlin is an important growth town in south Meath. Located off the M3 between Navan and Dunboyne, the settlement benefits from access to the national motorway network. The town enjoys a balance of employment opportunities and local service provision. As part of the construction of the M3 a by-pass was constructed around the town. This has reduced the volume of traffic movements and improved environmental quality. The

traditional setting of the town core around the historic spine of the main street underlines the potential of the town as a place to live and work.

### *Vision*

For Dunshaughlin to continue to develop on a sustainable platform that recognises the capacity of the settlement to accommodate both residential and economic growth due to its location along the M3 Motorway and the corridor of Phase II of the Navan Rail project. The principles of sustainable design and movement shall be embraced in order to ensure connectivity and permeability between various land uses and to support the creation of a sustainable community.

## **5.2. National Policy**

### **5.2.1. Service Area Policy – Motorway and Dual Carriageway Networks (2023)**

The Transport Infrastructure Ireland Service Area Policy (2023) was released in December 2023 (SAP 2023). It replaces the previous 2014 Service Area Policy document and reflects current transport policy direction and considerations in relation to road safety, refuelling and recharging requirements. The policy is informed by a review of the progress in service area provision since 2014; as well as a public consultation on service areas, undertaken in 2023. It should be noted, the current Service Area Policy update specifically relates to the current and planned Motorway and Type 1 Dual Carriageway networks. This policy does not apply to the single carriageway National Roads network. The document recommends a new desired maximum distance between service areas on the Network; and identifies areas where new service areas are most urgently required to ensure that a minimum required service area provision is met.

Section 4.4 of the SAP 2023 is in relation to 'Identified Need for New Service Areas and Provision'. It states taking into consideration the revised service area spacing policy, a needs assessment was undertaken to identify locations where service areas are required on the existing Network. The needs assessment has identified locations on the existing Network where this maximum distance is currently exceeded; and where additional service areas are necessary to ensure that the minimum required service area provision is met.

The following needs were identified:

- **M3 corridor** – The M3 does not form part of the TEN-T network. Nevertheless, there is a need for service area provision along this corridor. There is currently no service area in place along this route – **the obtainment of planning permission is progressing for an offline facility in the vicinity of M3 Junction 6** (emphasis added).

SAP 2023 goes on to state that TII had commenced with the planning of online facilities along the M3, M6 and M18 corridors in 2018/19. However, that planning activity/site selection was suspended in 2020 at all three locations, and will remain suspended, **to allow the private sector to obtain full planning consent for offline service areas to address these needs. It is noted that planning permission is being sought for offline service areas** at M18 Junction 12 **and along the M3 at Junction 6** (emphasis added).

It also states that in the event that the private sector fails to achieve planning consent and delivery of facilities along the M3 and M17/M18 corridors respectively by the end of 2028 (as per the revised maximum spacing set out above); TII will reactivate its planning process (subject to the business case for any service area being robust).

#### 5.2.2. **Spatial Planning and National Roads – Guidelines for Planning Authorities (January 2012)**

These guidelines set out planning policy considerations relating to development affecting national primary and secondary roads, including motorways and associated junctions, outside the 50-60 kmh speed limit zones for cities, towns and villages.

Section 2.8 is in relation to ‘Service Areas’, and states that the presence of long sections of motorways and high quality dual carriageways on the network of national roads and EU work time requirements under Directive 2002/15/EC and Regulation SI 561/2006, support the provision of service areas for road users who wish to rest during longer journeys and/or avail of fuel, toilet and food facilities.

These facilities include:

### Off-line Motorway Service Areas at National Road Junctions:

In the preparation of their plans, planning authorities may consider policies for the provision for off-line motorway service area facilities with reference to the requirements and advice included in the most up-to-date NRA guidance on the location and layout of the NRA's service areas and also similar type existing or planned privately promoted service facilities within existing towns/settlements and located in the general environs of the relevant road corridor. A proliferation of private off-line service area facilities at national road junctions should be avoided.

It is therefore important that a coordinated approach between planning authorities should be undertaken in consultation with the NRA as part of the drafting of development plans. In addition, facilities proposed for inclusion in service areas should be of a type that avoids the attraction of short, local trips, a class of traffic that is inconsistent with the primary intended role for motorways and other national roads and associated junctions in catering for strategic long-distance inter-urban and inter-regional traffic. Furthermore, to permit a service area to become a destination for local customers would be contrary to Government planning policy on retail and town centres as set out in Retail Planning Guidelines 2005. The consequence of this would be to threaten the viability of businesses in cities, towns or other local centres

#### **5.2.3. Retail Planning Guidelines (2012)**

The Retail Planning Guidelines impose a cap of 100sqm of retail floor space for petrol filling stations (Section 2.4.3 refers).

#### **5.3. Other National and Regional Policy Documents**

- *Design Manual for Urban Roads and Streets, 2019 ('DMURS')*
- *National Planning Framework: Ireland 2040 Our Plan, 2018 ('NPF')*
- *The Planning System and Flood Risk Management: Guidelines for Planning Authorities, 2009 ('Flood Risk Guidelines')*
- *Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 ('RSES')*



#### **5.4. Natural Heritage Designations**

No natural heritage designations apply to the subject site. There are also no European Sites in the immediate vicinity of the site.

The nearest European Site is the River Boyne and River Blackwater SAC (Site Code: 002299), which is roughly 11.8km to the northwest.

The River Boyne and River Blackwater SPA (Site Code: 004232) is roughly 12km to the northwest.

#### **5.5. EIA Screening**

The subject site has a stated area of 3.4ha, approximately. It comprises a greenfield at the corner of M3 Motorway and the R125 (Regional Route) in the townland of Knocks, County Meath. It is a greenfield and lies approximately 1.3km west of Dunshaughlin town centre. The land is currently used for agricultural purposes. The development does not exceed the thresholds for mandatory submission of an EIAR as set out in Schedule 5 of the Planning and Development Regulations, as amended.

Having regard to the limited nature and scale of the proposed development, which comprises a nursing home and ancillary site works, and the absence of any significant environmental sensitivity in the vicinity, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

See Appendix 1 of this report for further information (EIA Form 1: Pre-Screening and Form 2: EIA Preliminary Examination).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The main grounds of appeal are as follows:

#### Vibrancy and vitality of Dunshaughlin town centre

- The proposed development is for an off-line Motorway Service Area (MSA). Its proposed scale and location would result in the facility becoming a destination in its own right. This would undermine the vibrancy and vitality of Dunshaughlin town centre.
- The Applicant had sole access to the Council's Planner's Report (recommending Further Information) which afforded them an unfair and unjustifiable advantage, and which was used to support the development proposal.
- The current proposal is essentially the same as the one made previously on the site and which was refused permission by An Bord Pleanála (ABP Ref. PL17.246554).
- While not of the same scale as the previous refused proposal, the nature of the proposed MSA is such that it could have a significant impact on Dunshaughlin.
- In addition to being directly accessible from the motorway, it would also be accessible to those in the town and wider hinterland.
- An application for a retail development close to the site was refused permission by the Board as it would seriously impact on the vitality and vibrancy of the town centre (ABP Ref. PL.236886<sup>1</sup>). The proposal should be seen in the same light as it could potentially lead to a detrimental impact on businesses in Dunshaughlin town centre.

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<sup>1</sup> This planning application was for a new neighbourhood centre, comprising a supermarket, 6 retail units, café, 11 office units, medical centre, creche and ancillary and associated roadworks. The Board refused permission in December 2010.

### Site not designated to accommodate a Motorway Service Area

- The Applicant justifies the site being suitable for an MSA simply because it is now zoned 'E2 – General Enterprise and Employment', under which a service station is 'open for consideration', rather than being unzoned as per the previous application on the site.
- This zoning was advanced by Councillors on foot of a submission made by Applegreen during the preparation and adoption of the current CDP. This zoning was strongly opposed by the Chief Executive of Meath County Council (MCC), the Office of the Planning Regulator (OPR) and TII.
- While the site is now subject to a dubious employment zoning objective, under which a service area use can be potentially granted, it does not change or undermine the decision of the Board for the previous proposal on the site, i.e., that the site is unsuitable for an MSA.
- The Applicant tries to highlight the nature of the proposal as an electric vehicle charging hub. However, it is clearly an MSA, and effectively the same as that previously refused permission.
- The proposed development would be contrary to the CDP and the 'Spatial Planning and National Roads – Guidelines for Planning Authorities', which seek to avoid a proliferation of private off-line service area facilities at national road junctions and that the facilities proposed for inclusion in service areas should be of a type that avoids attracting of short, local trips, which are inconsistent with the intended role for motorways.

## **6.2. Applicant Response**

The main points raised in the Appeal Response are as follows:

- The appeal relies on the refusal reasons for a previous proposal for an offline service station on the site (ABP Ref. PL17.246554). However there have been material changes in the circumstances which now supports the proposed development, including:

- the site is now zoned for commercial development and employment generating uses (E2), including service areas, and forms part of a plan-led approach and sustainable development of Dunshaughlin.
  - In 2016, TI intended to provide an on-line MSA between Junctions 4 and 7 on the M3, as required by EU law. No progress has been made since. TII made an observation on the current application requesting only that the proposed MSA be undertaken in accordance with the recommendations of the Transport (Traffic Impact) Assessment.
  - The food outlets and convenience retail floorspace has been significantly reduced compared with the previous application. The Retail Impact Assessment supports the position that the nature and extent of ancillary services are appropriate and would not affect vitality and viability of Dunshaughlin.
  - The Board has permitted comparable developments on similar sites in the intervening period, including ABP Ref. 309207-21.<sup>2</sup>
- The Appeal references a separate and unrelated appeal for a nearby retail development (ABP Ref. PL17.236886), and Board's decision to refuse permission for a service area on the subject site (ABP Ref. PL17.246554). The Appellant states that both decisions refer to the potential to divert trade away from Dunshaughlin town centre. However, ABP Ref. PL17.236886 was for a neighbourhood centre, which is not comparable to the proposed development, and which contains a very limited retail offer in comparison (100sqm retail convenience shop).
  - This part of the M3 Motorway (i.e., between Junctions 4 and 7) is not served by an on-line or off-line MSA. The relevant NRA policy identifies the need for a Type 1 Service Area in this location and proposed service area and EV hub meets this need and is designed in accordance with TII standards.

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<sup>2</sup> The Board granted permission for a Type 1 off-line motorway service station (MSA) on a site with a previous, similar proposal refused under ABP Ref. PL03.24615.

- The appeal attempts to undermine the democratic plan making process of the County Development Plan regarding the zoning of land. The zoning was not the subject of a ministerial direction, or draft direction. and the fact is that the site is zoned objective 'E2 – General Enterprise and Employment' where a service station is 'open for consideration'.
- TII guidance suggests a retail area of between 150 – 200sqm. However, in deference to the Retail Planning Guidelines, the proposed retail floorspace is limited to 100sqm and does not require sequential testing for retail development. The proposed convenience retail floor space is inconsequential when compared to the retail draw of Dunshaughlin and it is highly unlikely the service outlet would draw any significant trade away from the town centre.
- Most trips to the MSA would be to use the toilet, or to take a break from driving / purchase small refreshments, and not to purchase food or drink for consumption at home.
- The proposed development is primarily a motor services facility to meet the safety and welfare needs of users of the M3. It complies with the objectives set out in EU and national policy. The nature and extent of the ancillary facilities is appropriate to the intended primary use and of a scale that would not compete with, or attract local trips away from, Dunshaughlin town centre.

### **6.3. Planning Authority Response**

- The Planning Authority notes the third-party appeal and issues raised.
- The Planning Authority is satisfied that all matters outlined above in the submission were considered in its assessment of the application, as detailed in the Planning Officer Reports, and respectfully requests the Board to uphold the decision to grant permission.

## 7.0 Assessment

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

- Impact on Dunshaughlin town centre
- Site Location and Setting
- Appropriate Assessment

### 7.1. Impact on Dunshaughlin town centre

7.1.1. The proposed development is for Motorway Service Area (MSA) and associated works. The MSA would be an off-line services area, meaning it would not be directly accessible from the M3. Unlike on-line MSAs, which are directly accessible via dedicated entry and exit ramps from the motorway, off-line MSAs require drivers to leave the motorway and travel a short distance along a local road or secondary highway to reach the service area. A new vehicular site entrance is proposed from the R145 along the southern boundary of the site. This is roughly 100m from the adjacent Junction 6 roundabout serving the M3 motorway.

7.1.2. The main proposed MSA components include:

- 36 electric vehicle charging points.
- 8 general vehicle fuel pumps.
- 2 HGV fuel pumps.
- underground fuel storage tanks and ancillary pipe works.
- An amenity/services building with a retail convenience store and part off-licence, two food outlets and all associated and ancillary works.

7.1.3. The proposed design and layout arrangement is typical of a standard service area / petrol station. The forecourt comprises eight fuel pumps with an overhead canopy which is c. 5.6 metres in height and covers an area of roughly 475sqm. There are HGV fuel pumps and a fuel delivery area in the western part of the site. This area is

separate from the general flow of vehicular traffic. The EV charging points are arranged in two rows near the centre of the site (highlight in green on the Proposed Site Layout Plan). The canopy has an overall height of 3.2m and covers an area of roughly 155sqm. The facility includes a single-storey amenity building (968sqm) which accommodates a small shop/retail area (100sqm), off-licence area (2.3sqm), two food offerings / cafés, coffee area (50sqm), and WC / toilets (89sqm). The proposed seating area has capacity for 166no. persons (226sqm). All seating is at the front of the building. There is a small external picnic area and play area on the southern side of the building.

- 7.1.4. I concur with the submission made by the Appellant where it is stated the proposed facility is clearly a Motorway Service Area, and not just an electric vehicle charging hub. I do not accept, however, that the facility is effectively the same as that which was previously refused permission and consider that the current planning context, including contemporary planning policy, has evolved since permission was refused for another MSA on the site some eight years ago (ABP Ref. PL17.246554).
- 7.1.5. Under the previous proposal, I note that the site was unzoned, lay outside settlement boundary for Dunshaughlin, and that no consultation or coordination with TII took place in relation to facilitating a potential MSA on the site. In this regard, I note the following comments made by the Planning Inspector presiding over that case and who stated in their report:

*'There are no stated policies for an off-line service area identified in the current Meath CDP. **The site is located on un-zoned rural lands, outside of the development envelope for Dunshaughlin.** I accept that zoning is not necessarily a pre-requisite for an on-line MSA which is guided by strategic policy requirements. However, the current proposal is an off-line MSA where **there is no forward planning** basis and there is clearly no co-ordination with TTI who have stated plans for an on-line MSA in the same general area between Junction 4 and 7 on the M3.'* [emphasis added.]

- 7.1.6. The Board subsequently decided to refuse permission, stating the proposed development was in an unzoned, rural area adjoining the national road network, and which was not identified in the Meath County Development Plan 2013-2019, or the NRA Service Area Policy (August 2014), as a suitable location for an off-line services

area. The Board Order also stated that national policy outlined in the 'Spatial Planning and National Roads Guidelines for Planning Authorities' (January 2012) advocates a plan-led approach for the provision of off-line motorway service areas, and the involvement of TII in the preparing of development plans to ensure a co-ordinated approach, and which I note was absent in the case of this earlier planning application (i.e., Reg. Ref. RA160148; ABP Ref. PL17.246554.)

7.1.7. Since that time, however, I consider the policy situation has changed; significantly so, and that a new assessment of the issues arising is warranted. The site is zoned E2 – General Enterprise and Employment as per Meath County Development Plan 2021-2027. The zoning objective is 'to provide for the creation of enterprise and to facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment/enterprise uses in a good quality physical environment'. Whilst I acknowledge the concerns raised by the third party regarding the plan making process, and submission made by the OPR regarding the application of the E2 zoning, the fact remains the site is zoned in the applicable statutory plan, and the zoning facilitates the proposed development as a use that is 'open for consideration'. Furthermore, the site is within the settlement boundary for Dunshaughlin. The development proposal has also been scaled back in terms of its size and scale. For example, the overall area of the facility has been reduced from roughly 1,400sqm to 970sqm. The overall number of food outlets has also been reduced (from 5 no. to 2 no. food counters) with one coffee area at groundfloor level, as opposed to at mezzanine level. I note that the retail area remains at 100sqm, which is in accordance with the Retail Planning Guidelines which has a cap of 100sqm of retail floorspace for petrol filling stations.

7.1.8. The proposal is also consistent with MOV POL 34 of the Development Plan, which is 'to review ... land at strategic locations adjoining urban-related motorway junctions which has previously been identified for employment generating uses, subject to compliance with the Spatial Planning and National Roads – Guidelines for Planning Authorities'. In this regard, I note that the CDP specifically references 'M3 Motorway Junction 6 (Dunshaughlin)' as a potential location for development where it meets the requirements of the 'Spatial Planning & National Roads Guidelines (2012)'. I also consider that that the proposal is consistent with MOV OBJ 67 of the CPD, which is to require the provision of HGV parking facilities at on-line and off-line motorway



service areas, petrol filling stations and other appropriate locations within the County in accordance with relevant planning guidelines and government policy.

- 7.1.9. In terms of national planning policy, I note that TII policy on Motorway Service Areas (MSAs) is set out in Section 2.8 of the Spatial Planning and National Roads – Guidelines for Planning Authorities (January 2012) (‘the SPNR Guidelines’). The guidelines recommend that a proliferation of private off-line MSAs at motorway junctions should be avoided and a co-ordinated approach between the TII and planning authorities should be followed. The guidelines also advise that facilities which could potentially generate short local trips should be avoided. This is to protect both the primary role of motorways in meeting the needs of long-distance traffic and the viability and vibrancy of town centres.
- 7.1.10. The Transport Infrastructure Ireland Service Area Policy (2023) is also relevant and was released in December 2023 (‘SAP 2023’). SAP 2023 replaces the previous 2014 Service Area Policy document. It reflects the current transport policy direction and considerations in relation to road safety, refuelling, and EV recharging requirements on the country’s national road network. SAP 2023 is informed by a review of the progress regrading service area provision (occurring since 2014), as well as a public consultation process on service areas which was undertaken in 2023.
- 7.1.11. Section 4.4 of SAP 2023 is in relation to ‘Identified Need for New Service Areas and Provision’. It states that taking into consideration the revised service area spacing policy, a needs assessment was undertaken to identify locations where service areas are required on the existing road network. I note that the needs assessment identifies locations on the existing network, where this maximum distance is currently exceeded, and where additional service areas are considered necessary to ensure that the minimum required service area provision is met. The absence of an appropriate MSA facilities can present certain safety implications for drivers and passengers, such as driver fatigue; short, involuntary episodes of sleep (i.e., microsleeps); and limited access to essential facilities, like toilets, first aid, and food and water.

7.1.12. Importantly, I note that SAP 2023 identifies the following need on the M3 Motorway:

- **‘M3 corridor** – The M3 does not form part of the TEN-T network. Nevertheless, there is a need for service area provision along this corridor. There is currently no service area in place along this route – **the obtainment of planning permission is progressing for an offline facility in the vicinity of M3 Junction 6** (emphasis added).’

7.1.13. SAP 2023 goes on to state that TII had previously commenced planning for online facilities along the M3, M6 and M18 corridors in 2018/19. However, this planning activity/site selection process was put on hold in 2020. SAPS 23 confirms that the process will remain suspended ‘to allow the private sector to obtain full planning consent for offline service areas to address these needs. It is noted that planning permission is being sought for offline service areas at M18 Junction 12 and along the M3 at Junction 6’ (emphasis added). The Policy adds that in the event the private sector fails to achieve planning consent, and the delivery of facilities along the M3 corridor does not occur by the end of 2028, TII will reactivate its planning process (subject to a robust business case).

7.1.14. Having regard to this, it is apparent that TII is supportive of an offline MSA facility in the vicinity of the M3, at Junction 6, and that TII anticipates that this will be provided by a private operator. I therefore consider that there is clear support in national policy for the proposed development in this location. The provision of the proposed MSA at the subject site would provide the necessary roadside services, which, at present, are absent along this part of the national network. This includes, for example, opportunities for refuelling, rest and recuperation, food and drink services, EV recharging, motorist information / navigation services, amongst other things, which would help to address the current gap in services provision along this part of the national road network.

7.1.15. A key concern raised by the Appellant is that given the scale and location of the proposed MSA it could compete with existing retail trade in Dunshaughlin and draw custom out of the town centre. It is therefore asserted the proposed MSA could have a ‘significant impact on Dunshaughlin’, as a consequence. In this regard, I would re-emphasise the scaled back version of the current proposal compared with the previous, refused application made on the site (ABP Ref. PL17.246554) and that the

site is now appropriately zoned to accommodate a land use of this type. Moreover, the proposed quantum of retail floorspace is modest and equates to only 100sqm. This is fraction of a small size newsagents or grocery store, and it is genuinely difficult to see how such a small size unit could attract a significant amount of trade away from Dunshaughlin; notwithstanding the proximity of the site to the town centre (1.3km away). I do not consider a smaller unit, or full removal of the unit, a necessary alternative, and consider that a convenience store of this size (100sqm), together with the other ancillary services (i.e., a part off-licence and two food outlets), constitutes an appropriate level of retail services provision that is consistent with relevant policy.

- 7.1.16. I conclude that the proposed development is in accordance with the provisions of the Meath County Development Plan 2021-2027, including Policy DM POL 19, and that there is an identified need for an off-line motorway service area at Junction 6 of the M3 according to national policy. I do not consider given the scale, size and nature of the MSA that it would directly compete for local business, become a significant attraction for short, local trips, or that it would draw a significant amount of trade away from Dunshaughlin town centre.

## **7.2. Site Location and Setting**

- 7.2.1. The Appellant states that the appeal site has not been specifically designated for the construction of a motorway service area and is contrary to the Meath County Development Plan (2021-2027) and Spatial Planning and National Roads – Guidelines for Planning Authorities (2012). They also submit that although the site is now zoned, where a service station is open for consideration, the zoning was advanced by the Council's elected members on foot of a submission made during the preparation and adoption of the current Plan. The appeal adds that the zoning was opposed by the Chief Executive of Meath County Council (MCC), the Office of the Planning Regulator (OPR) and TII, and that the previous decision made by the Board to refuse permission for an MSA on the site should, therefore, be followed and the current proposal be also refused.
- 7.2.2. Having regard to the information contained in the third party appeal, I acknowledge that the application of the zoning to the appeal site appears to have been the subject

of some scrutiny during the early preparation stages of the County Development Plan. This is indicated in the appeal submission through various citations lifted from submissions received by MCC during the initial consultation stages (Page 9 of the appeal refers). However, I do not consider that it is the role of the Board to assess or adjudicate upon the merits, or otherwise, of how a Planning Authority has applied a particular zoning to a site, or how the plan-making process has been carried out or implemented.

- 7.2.3. What is important is whether the site is zoned, or not, and in this case the subject lands have the benefit of a land use zoning which facilitates the proposed motorway service area. I also note that the OPR did not insist on the omission of the zoning in any Ministerial Direction, or Draft Direction, and that the zoning clearly applies to the site. [I note that whilst Variation Nos. 1 and 2 to the CDP were adopted on 13<sup>th</sup> May 2024, respectively, neither of these relate to the appeal site.]. Moreover, the submission on file from TII does not raise any objection and states that TII will rely on the Planning Authority's assessment in relation to the development complying with the Spatial Planning and National Roads Guidelines for Planning Authorities (2012).
- 7.2.4. It is therefore my opinion that the proposed development ought to be assessed on the basis the site is zoned ('E2 – General Enterprise and Employment') and that a motorway service area / service station is open for consideration. I note that the Council Planner's Report reached the same conclusion, stating that the proposed development would be acceptable in principle at this location and in accordance with local planning policy.
- 7.2.5. The Appellant references another, previous application for a retail development near the site, roughly 1km west of Dunshaughlin town centre at Readsland (ABP Ref. PL17.236886). The proposal was for a new neighbourhood centre, comprising a supermarket, retail units, office units, medical centre, café, creche and ancillary roadworks. The Board refused permission, in December 2010, for reasons in relation to potential impact on the vitality and vibrancy of Dunshaughlin town centre and the quantum of retail and commercial uses proposed. Having referred to the appeal documentation accompanying ABP Ref. PL17.236886, I do not consider the proposal an equivalent example for the purposes of assessing the proposed development. The subject application includes a far more limited retail offer by

comparison; and I am satisfied that its overriding purpose is to function as a refueling and rest area for motorists using the M3 – which is a fundamentally different type of development compared to the largescale mixed use neighbourhood centre sought under ABP Ref. PL17.236886.

- 7.2.6. In summary, it is my opinion that the appeal site is an appropriate location and setting for which to operate a motor services area / service station and that it would meet the safety and welfare needs of motorists and passengers using the M3. I consider that the nature and extent of services and facilities proposed are appropriate and that the proposed development would primarily serve inter-urban motorists using the motorway rather than draw custom away from Dunshaughlin town centre.
- 7.2.7. In reaching this conclusion, I have had regard to the previous decision made by the Board whereby permission was refused for an MSA on the site. I consider that there are fundamental differences between the two development proposals, including that the site is now zoned for employment use and within the settlement boundary for Dunshaughlin. I note also that the most recent version of TII's Service Area Policy (2023) identifies a specific need for a new MSA, alongside the M3, to ensure that the minimum required service area provision can be met and that the expectation of TII is that this need will be met by off-line facility conducted by a private operator.
- 7.2.8. I conclude that the proposed proposed development is in accordance with local and national policy, including Spatial Planning and National Roads – Guidelines for Planning Authorities (2012), which seeks to avoid a proliferation of private off-line service area facilities at national road junctions.

### **7.3. Appropriate Assessment**

#### **Compliance with Article 6(3) of the Habitats Directive**

- 7.3.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered in this section.
- 7.3.2. The Applicant's AA Report (NIS) reviews the potential impacts on the subject site and its surrounding area; and suggests mitigation measures, assesses in-combination effects with other plans and projects, and identifies any residual effects

on the European sites and their conservation objectives. The report was prepared in line with current best practice guidance, provides a description of the proposed development and identifies European Sites within the possible zone of influence of the proposed development. It is accompanied by several other supporting reports and assessments which form part of the overall planning application.

- 7.3.3. The NIS examines the potential for significant effects by the proposed development on European Sites in the context of the specific qualifying features and conservation objectives pertaining to such sites. It also assesses the potential for in-combination effects with other plans and projects.
- 7.3.4. Having reviewed the NIS and the supporting documentation, including appendices, I am satisfied that it provides adequate information in respect of baseline conditions, clearly identifies potential impacts, and uses best scientific information and knowledge. I am also satisfied that the information is sufficient to allow for appropriate assessment of the proposed development.

#### Background

- 7.3.5. The application is accompanied by a Natura Impact Statement Report (NIS) completed by MKO Planning and Environmental Consultants (dated 05.08.2022).

#### **Brief Description of the Proposal**

##### Proposed Development

- 7.3.6. The proposed development is described in Section 2.0 of my report above. Further details and specifications are provided in the AA Screening Report and other documentation forming part of the overall planning application. However, the proposal can be summarised as an off-line motorway service area and electric vehicle charging hub with associated site works. It also includes an amenity/services building with a retail convenience store and part off-licence, two food outlets.
- 7.3.7. No conservation concerns were raised in the planning appeal; and no relevant issues were raised by prescribed bodies in the context of AA.

##### Site Description

- 7.3.8. The appeal site is situated next to Junction 6 of the M3 Motorway and comprises a greenfield currently used for agriculture purposes. The main land use in the area

surrounding the site is also agriculture. The dominant habitats associated here include improved agricultural grasslands and tillage lands.

- 7.3.9. A drainage ditch traverses the northern section of the site and flows across the land in an east – west direction. The ditch meets the River Skane via a culverted section of the M3 on the far side of the motorway. The Skane is a tributary of the River Boyne, which is roughly 11.5km to the northwest, and is therefore a potential hydrological pathway linking the site with European Sites; namely the River Boyne and River Blackwater SAC (Site Code: 002299) and the River Boyne and River Blackwater SPA (Site Code: 004232).

### **Stage 1 (Screening)**

- 7.3.10. There are also no European Sites applying to the site or in its immediate vicinity.
- 7.3.11. The NIS identifies two European Sites within the Zone of Influence of the proposed development. The sites are identified on Table 7.1 of the NIS. The nearest is the River Boyne and River Blackwater SAC (Site Code: 002299), which is roughly 11.8km to the northwest; whilst the River Boyne and River Blackwater SPA (Site Code: 004232) is roughly 12km to the northwest. Both European Sites are roughly 18.5km downstream of the site.
- 7.3.12. There is no potential for direct effects as the proposed development footprint is located entirely outside the boundaries of the SAC and SPA. However, taking a precautionary approach, and in the absence of mitigation measures, there is potential for indirect effects due on the Qualifying Interests (QIs) of both Sites. This is mainly due to a potential deterioration of water quality, and/or pollution of surface water and groundwater.

Table 7.1: AA Screening Summary Matrix

Site Code	European Site	Approx. Distance / Source-Pathway Receptor	Summary of possible effects alone	In-combination effects	Screening Conclusion
<b>SAC Site(s)</b>					
002299	River Boyne and River Blackwater	11.8km to the northwest	Having regards to the proximity of the site to the SAC, potential impacts are likely and will be assessed further. Effects could include habitat loss and fragmentation.	No possibility of in-combination effects.	Possible significant effects cannot be ruled out without further analysis and assessment, including the application of mitigation measures. <b>Appropriate Assessment required.</b>
<b>SPA Site(s)</b>					
004232	The River Boyne and River Blackwater	12km to the northwest	Having regards to the proximity of the site to the SAC, potential impacts are likely and will be assessed further. Effects could include habitat loss and fragmentation.	No possibility of in-combination effects.	Possible significant effects cannot be ruled out without further analysis and assessment, including the application of mitigation measures. <b>Appropriate Assessment required.</b>



## **Stage 2 (Natura Impact Statement)**

### Introduction

7.3.13. As noted above, the River Boyne and River Blackwater SAC (Site Code: 002299) and River Boyne and River Blackwater SPA (Site Code: 004232) are roughly 11.8km and 12km to the northwest, respectively. The Qualifying Interests for each site are set out under Table 7.3 below.

### Test of Likely Effects and Mitigation Measures

7.3.14. Taking account of the characteristics of the proposed development, including its location and proposed scale of works, the following issues are considered relevant in terms of assessing the likely significant impacts on the identified European sites:

1. Deterioration of water quality in designated areas arising from pollution from surface water run-off and excavation / earth moving works during site preparation and construction.
2. Deterioration in water quality in designated areas arising from pollution during the operation of the proposed development.
3. Cumulative impacts with other proposed/existing developments.

[I have also considered the detailed description of the above potential direct and indirect impacts as set out under Section 5.0 of the NIS.]

7.3.15. The NIS includes measures to mitigate potential negative impacts on the European Sites. These are set out under Section 5 of the NIS (Pages 35 to 37) and are extensive. They include measures to ensure that proposed works would not adversely affect the integrity of the European Sites in relation to:

- Culverting / diverting of the onsite watercourse and drain.
- Site setup works.
- Pollution prevention.
- Earthworks.
- Waste management.
- Wastewater disposal.

7.3.16. Section 6 provides an assessment of the residual adverse affects in relation to the relevant QI's and Special Conservation Interests (SCIs) in light of their site-specific targets and attributes. I have reviewed Tables 6.1 – 6.5 which list each attribute, environmental target, and provides an assessment of same. This section of the NIS concludes that in view of best scientific knowledge, and on the basis of objective information, the proposed development will not adversely impact on the QIs/SCIs of the River Boyne and River Blackwater SAC or the River Boyne and River Blackwater SPA. There is no potential for adverse effect on the identified QIs/SCIs and their associated targets and attributes, or on any European Site via the identified pathway given the proposed best practice/mitigation measures to avoid impacts and project design.

#### In-Combination Effects

7.3.17. The NIS (Page 47) addresses the potential for 'in combination impacts / cumulative effects'. It takes into account the Meath County Development Plan 2021-2027 and the National Biodiversity Action Plan 2017-2021.

7.3.18. Any plan or existing/proposed project that could potentially affect the Natura 2000 sites in-combination with the proposed development must adhere to the overarching environmental protective policies and objectives of the County Development Plan. The NIS references several policies and objectives taken from the Meath County Development Plan 2021-2027 and I note that these are summarised under Table 7.1 (of the NIS).

#### Conclusion of NIS

7.3.19. The conclusion of the NIS is that there would be no significant effects on the integrity of the designated sites. It states that the mitigation measures outlined in the report, if fully implemented, would be sufficient to prevent any impacts on the qualifying interests of the identified European Site. It is considered that there would be no adverse effects on the integrity of the Natura 2000 network as a result of the proposed development for this reason.

7.3.20. Having reviewed the NIS and supporting documentation, I am satisfied that the information allows for a complete assessment of any adverse effects of the proposed development on the conservation objectives of the above-referenced European sites alone, or in combination with other plans or projects.

## **AA Screening Determination**

- 7.3.21. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, I conclude that the proposed development is likely to have a significant effect on the qualifying features of the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA alone in respect of indirect effects associated with a potential deterioration in water quality.
- 7.3.22. It is therefore determined that Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 is required on the basis of the effects of the project alone.

## **Appropriate Assessment of implications of the proposed development**

- 7.3.23. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European Sites referenced above using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are examined. I have considered and assessed the mitigation measures designed to avoid or reduce any significant adverse effects.

### Potential Impact on identified European Site(s) at risk of effects

- 7.3.24. The River Boyne and River Blackwater SAC (Site Code: 002299) and River Boyne and River Blackwater SPA (Site Code: 004232) are subject to Appropriate Assessment and referenced in Table 7.3 below. A description of each site and its Qualifying Interests (QI's) is also provided.
- 7.3.25. I have examined the relevant Natura 2000 data forms and Conservation Objectives for these sites, which are available on the NPWS website. The relevant NPWS Site Documents have also been reviewed as part of my analysis.
- 7.3.26. The conservation objectives for each European Site for the purposes of Appropriate Assessment (i.e., Stage 2) can be summarised as follows:

*Table 7.2: Qualifying Interests of European Site considered for Stage 2  
Appropriate Assessment (NIS)*

Could the project undermine the conservation objectives 'alone'				
European Site and qualifying feature	Conservation objective (summary) [provide link/ refer back to AA Screening Report]	Could the conservation objectives be undermined (Y/N)?		
		Construction pollutants	siltation / Sedimentation via surface water runoff	Disturbance
River Boyne and River Blackwater SAC	<a href="#">CO002299.pdf (npws.ie)</a>	/	/	/
River Boyne and River Blackwater SPA	<a href="#">CO004232.pdf (npws.ie)</a>	/	/	/
Alkaline fens	<i>Maintain the favourable conservation condition (FCC):</i> Habitat area, habitat distribution, ecosystem function, vegetation composition, vegetation structure, physical structure, indicators of local distinctiveness, and transitional areas between fen and adjacent habitats.	Y	Y	N
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i>	<i>Restore the FCC:</i> Habitat area, habitat distribution, woodland size, woodland structure, hydrological regime, and vegetation composition.	Y	Y	N
River Lamprey	<i>Restore the FCC:</i> Distribution, distribution of larvae, Population structure of larvae, Larval lamprey density in fine sediment, and extent and distribution of spawning nursery habitat.	Y	Y	N
Salmon	<i>Restore the FCC:</i> Distribute extent of anadromy, adult spawning fish, salmon fry abundance, out-migrating smolt abundance, number and distribution of redds, and water quality	Y	Y	N
Otter	<i>Maintain the FCC:</i> Distribution, extent of terrestrial habitat, extent of freshwater (river) habitat, extent of freshwater (lake) habitat, couching sites and holts, fish biomass available, and barriers to connectivity.	Y	Y	N
Kingfisher	<i>Maintain or restore the FCC.</i>	Y	Y	N

- 7.3.27. I note that a series of extensive mitigation measures are set out as part of the NIS to avoid any reduction in water quality in the area with a view to protecting certain designated sites and species. This includes *inter alia* protecting against the accidental release of construction-related pollutants or hydrocarbons (construction phase), the deterioration of water quality due to siltation or sedimentation via surface water runoff (construction and operational phases), and disturbance and displacement of species by other means.
- 7.3.28. The specific measures are set out under Section 5 of the NIS (Pages 35 to 37) and would avoid any significant effects on water quality through culverting / diverting the onsite (unnamed) watercourse and drain, site setup works, general sources of pollution, earthworks, waste management and wastewater disposal. I also note that full details of the construction measures to be used to prevent effects resulting from any runoff of pollutants from the site to surface or groundwater are provided in the CMP submitted with the planning application.
- 7.3.29. Having regard to the information contained in the NIS in relation to mitigation, I consider the NIS contains complete, precise and definitive findings. My conclusion is that no reasonable scientific doubt remains as to the absence of any potential detrimental effects on the designated sites having regard to their conservation objectives.

#### In-combination Effects

- 7.3.30. I am satisfied that the proposed development, either alone or in-combination with other plans or projects, would not adversely affect the integrity of the screened-in European Site given the:
- extent and localised nature of the proposed works, which is for the construction of an MSA on a greenfield site.
  - distance separating the subject lands from the screened-in European Sites, which are roughly 18.5km downstream.
  - dilution factor between the Site and European Sites and the settling out over distance,
  - mitigation measures that will be put in place,

- adherence to best practice guidelines and construction practice, which will be implemented during both the construction and operational phases of the project.

7.3.31. With the inclusion of the proposed mitigation measures, I consider that the proposed development would not result in negative impacts on any of the features of interest for any European Site.

7.3.32. In summary, I also do not consider that there are any specific in-combination effects that would likely arise from the proposed development in conjunction with other plans or projects.

*Table 7.3: Qualifying Interests of European Site considered for Stage 2  
Appropriate Assessment (NIS)*

Site Name / Site Code	Qualifying Interests
River Boyne and River Blackwater SAC (Site Code: 002299) <a href="#">CO002299.pdf (npws.ie)</a>	Alkaline fens [7230] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnus incanae</i> , <i>Salix albae</i> ) [91E0] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355]
The River Boyne and River Blackwater (Site Code: 004232) <a href="#">CO004232.pdf (npws.ie)</a>	Kingfisher ( <i>Alcedo atthis</i> ) [A229]

## Stage 2 (NIS) Conclusion

7.3.33. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act, 2000, as amended.

7.3.34. Having carried out screening for Appropriate Assessment of the proposed development, I have concluded that having regard to best scientific evidence, it could

potentially have a significant effect on the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA. This is notwithstanding the distance between the subject lands and each Natura 2000 site (c 12km). Consequently, an Appropriate Assessment was required of the potential implications of the project on the qualifying interests/special conservation interests of these sites in light of their conservation objectives.

7.3.35. Following a Stage 2 Appropriate Assessment, I have ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of this European Site, or any other European site, in view of the Conservation Objectives. My conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

7.3.36. I consider that potential impacts can be successfully mitigated against by the successful implementation of the mitigation measures set out in the NIS prepared by the Applicant and that there would be no deterioration in water quality or impacts upon any designated habitat or any species dependent on these designated habitats.

7.3.37. In summary, this conclusion is based on:

- a full and detailed assessment of all aspects of the proposed project, including proposed mitigation measures and environmental monitoring in relation to the Conservation Objectives of the European Sites referenced above,
- an assessment of in-combination effects with other plans and projects including historical projects, current proposals and future plans, and
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of these European sites.

## **8.0 Recommendation**

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

## 9.0 Reasons and Considerations

Having regard to:

- the zoning objective for the subject site (E2 – General Enterprise and Employment) and other relevant provisions of the Meath County Development Plan 2021-2027,
- national and regional planning policy, including the Transport Infrastructure Ireland Service Area Policy (2023) and Spatial Planning and National Roads - Guidelines for Planning Authorities (2012),
- the strategic location of the site at Junction 6 of the M3 Motorway,
- the planning history of the site, and the surrounding area, and
- the nature, size and scale of the proposed facility, including a retail shop not exceeding 100sqm in net floor area, and
- the established character and pattern of development in the vicinity,

it is considered that, subject to compliance with the conditions set out below, the proposed development would meet the need for a motorway service area at this strategic location alongside Junction 6 of the M3 Motorway, would not give rise to an over-proliferation of private off-line service area facilities, would not negatively impact on the level of service and carrying capacity of the national road network, would not result in the creation of a retail destination that would adversely impact upon the vibrancy and vitality of Dunshaughlin town centre or attract a significant number of short, local trips, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on 23 <sup>rd</sup> February 2023 and 10 <sup>th</sup> March 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be
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	<p>agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>a) The retail area of the proposed development shall contain a convenience shop with a net floor area not exceeding 100sqm and be in accordance with the definition of a shop as indicated in the Planning and Development Regulations 2001 (as amended).</p> <p>b) The retail floor area shall not be extended by means of incorporating ancillary areas such as back of house, store areas, seating areas, etc.</p> <p><b>Reason:</b> In the interest of the orderly development and to protect the viability of shops in nearby village settlements.</p>
3.	<p>a) The proposals, mitigation measures and commitments set out in the Natura Impact Statement (NIS) and Ecological Impact Assessment (EclA) shall be implemented in full as part of the proposed development.</p> <p>b) An Ecological Clerk of Works (ECoW) with suitable experience shall be appointed to ensure all mitigation measures outlined in the NIS and EclA shall be carried out. The ECoW shall submit report(s) to the planning authority demonstrating compliance with mitigation measures and ecological considerations during the full extent of the construction phase.</p> <p>c) Should any such issues arise, the Ecological Clerk of Works shall be responsible for the supervision of implementing protection measures, immediately notifying the NPWS, and preparing any necessary documentation.</p> <p><b>Reason:</b> In the interest of clarity and the protection of the environment during the construction and operational phases of the development.</p>

4.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority:</p> <ul style="list-style-type: none"> <li>a) Details showing unobstructed sightlines of 120m in both directions at the proposed entrance from a setback of 3m. The entire nearside edge of the road shall be visible over the entire sightline.</li> <li>b) A drawing showing the redesign of the access junction to facilitate HGV's turning right off the R125.</li> <li>c) Details of how the vehicle restraint system shown on the drawings provided complies with TII standards.</li> </ul> <p><b>Reason:</b> In the interest of traffic safety.</p>
6.	<ul style="list-style-type: none"> <li>a) Prior to commencement the applicant shall submit for written agreement the provision of cycle parking spaces at the rate of 1 cycle space per 10 car spaces as outlined in Table 11.4 of the Meath County Development Plan 2021-2027.</li> <li>b) All bicycle parking spaces shall be designed in accordance with the requirements of the National Cycle Manual, NTA (2011).</li> </ul>
7.	<p>Prior to the commencement of any works associated with the development hereby permitted, the Applicant shall submit a detailed Construction and Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following:</p> <ul style="list-style-type: none"> <li>a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,</li> <li>b) Location of areas for construction site offices and staff facilities,</li> <li>c) Details of site security fencing and hoardings,</li> </ul>

	<ul style="list-style-type: none"> <li>d) Details of on-site car parking facilities for site workers during the course of construction,</li> <li>e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,</li> <li>f) Measures to obviate queuing of construction traffic on the adjoining road network,</li> <li>g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,</li> <li>h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,</li> <li>i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,</li> <li>j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,</li> <li>k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,</li> <li>l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water bodies, sewers or drains,</li> <li>m) collection and disposal of construction waste,</li> <li>n) onsite road construction, and</li> <li>o) the location of any archaeological or cultural heritage constraints,</li> </ul> <p>A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.</p>
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	<p>The Plan shall include all necessary requirements by the Planning Authority with regard to the provision of an environmental audit and any such reports necessary to ensure no environmental degradation of the site or surrounding area.</p> <p><b>Reason:</b> In the interest of public safety and ecological protection.</p>
8.	<p>Prior to the commencement of development, the Applicant shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p><b>Reason:</b> In the interest of proper planning and sustainable development.</p>
9.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
10.	<p>a) A Road Safety Audit (Stages 1 and 2) shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development, in order to demonstrate that appropriate consideration has been giving to all relevant aspects of the development including in</p>

	<p>accordance with the road design standards of Transport Infrastructure Ireland.</p> <p>b) The measures recommended by the Auditor shall be undertaken, unless the Planning Authority approves any departure in writing. A detailed drawing(s) showing all accepted proposals and a feedback report should also be submitted.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
11.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
12.	<p>Drainage arrangements, including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and protecting the environment.</p>
13.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:</p> <ul style="list-style-type: none"> <li>a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development.</li> <li>b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings.</li> <li>c) details of proposed street furniture, including bollards, lighting fixtures and seating.</li> <li>d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.</li> </ul> <p>The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>

14.	<p>a) Prior to commencement, the applicant/developer shall consult with Inland Fisheries Ireland prior to interference with any surface water.</p> <p>b) Any in-stream works will be carried out as per Guidelines on Protection of Fisheries During Construction Works in and adjacent to Water, 2016.</p> <p><b>Reason:</b> In the interest of clarity and the protection of the environment.</p>
15.	<p>The developer shall ensure that the proposed finished floor levels of all buildings shall be a minimum of 500mm above the 1% AEP + CC flood level unless otherwise agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interest of flood risk prevention and protection of the environment.</p>
16.	<p>No signage, advertisement, or advertisement structure (with the exception of that which is exempted development under the Planning and Development Regulations, 2001 (as amended)), and other than those shown on the drawings submitted with the application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the visual amenities of the area.</p>
17.	<p>The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/ site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy.</p> <p>Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No</p>

	<p>site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority.</p> <p>The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.</p> <p><b>Reason:</b> To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.</p>
18.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.</p> <p><b>Reason:</b> In the interest of public health.</p>
19.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the [residential] amenities of property in the vicinity.</p>
20.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and</p>

	<p>the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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.

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Ian Boyle

Senior Planning Inspector

13<sup>th</sup> June 2024



## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP-317230-23		
<b>Proposed Development Summary</b>	<p>The proposed development is for a new motorway service area and electric vehicle charging hub with associated works (an off-line motorway service station).</p> <p>The main components include:</p> <ul style="list-style-type: none"> <li>• 36 electric vehicle charging points.</li> <li>• 8 general vehicle fuel pumps.</li> <li>• 2 HGV fuel pumps.</li> <li>• underground fuel storage tanks and ancillary pipe works.</li> </ul> <p>An amenity/services building with a retail convenience store and part off-licence, two food outlets and associated site works.</p>		
<b>Development Address</b>	The appeal site comprises a greenfield at the corner of M3 Motorway and the R125 (Regional Route) in the townland of Knocks, County Meath. It is a greenfield and lies approximately 1.3km west of Dunshaughlin town centre.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓	Schedule 5, Part 1 (Class 21)	Proceed to Q.3

		<p><i>Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 200,000 tonnes or more.</i></p> <p>The proposed development would have a capacity of 300 tonnes (or 300,000 litres), which is below the threshold specified above.</p>	
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>			No EIAR or Preliminary Examination required
<b>Yes</b>	✓	<p><i>Chemical Industry Class 6(c): Storage facilities for petroleum, where the storage capacity would exceed 50,000 tonnes.</i></p>	<p>The proposed development would have a capacity of 300 tonnes (or 300,000 litres), which is below the threshold specified above</p>

<b>4. Has Schedule 7A information been submitted?</b>		
<b>No</b>	✓	<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: Ian Boyle

Date: 13<sup>th</sup> June 2024

## Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-317230-23	
Proposed Development Summary	<p>The proposed development is for a new motorway service area and electric vehicle charging hub with associated works (an off-line motorway service station).</p> <p>The main components include:</p> <ul style="list-style-type: none"> <li>• 36 electric vehicle charging points.</li> <li>• 8 general vehicle fuel pumps.</li> <li>• 2 HGV fuel pumps.</li> <li>• underground fuel storage tanks and ancillary pipe works.</li> </ul> <p>An amenity/services building with a retail convenience store and part off-licence, two food outlets and associated site works.</p>	
Development Address	The appeal site comprises a greenfield at the corner of M3 Motorway and the R125 (Regional Route) in the townland of Knocks, County Meath. It is a greenfield and lies approximately 1.3km west of Dunshaughlin town centre.	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development  Is the nature of the proposed development	The nature of the proposed development is not exceptional in the context of the existing environment.	No.

<p>exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The appeal site is for a new motorway service area and electric vehicle charging hub with associated works. It is an off-line motorway service station next to the Junction 6 of the M3 motorway interchange.</p> <p>The immediate surrounding area is characterised mainly by agricultural fields and the national roads network.</p> <p>Given the moderate size of the proposed development, it is not considered that construction and demolition waste arising would be significant in a local, regional or national context.</p> <p>No significant waste, emissions or pollutants would arise during the operational phase due to the nature of the proposal.</p>	<p>No.</p>
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>The size of the proposed development is not exceptional in the context of its existing environment.</p> <p>Given the location and setting of the site next to a motorway, and character of the surrounding area, which is mainly farming land, it is considered that there is no / limited potential for significant cumulative impacts.</p>	<p>No.</p> <p>No.</p>

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>No natural heritage designations apply to the subject site. There are also no European Sites in the immediate vicinity of the site.</p> <p>The nearest European Site is the River Boyne and River Blackwater SAC (Site Code: 002299), which is roughly 11.8km to the northwest. The River Boyne and River Blackwater SPA (Site Code: 004232) is roughly 12km to the northwest.</p> <p>There is a potential hydrological connection between the appeal site and the above-referenced European Sites via the River Skane. However, subject to mitigation measures, including SuDS features, it is not considered that the proposed development would have the potential to significantly impact any ecologically sensitive sites or locations.</p> <p>Therefore, having regard to the above, there is no potential for significant ecological impacts as a result of the proposed development.</p>	<p>No.</p> <p>No.</p>
Conclusion		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required. ✓</p>	<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p>	<p><b>There is a real likelihood of significant effects on the environment.</b></p>

**Inspector: Ian Boyle**

**Date: 13<sup>th</sup> June 2024**

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)