



An
Bord
Pleanála

Inspector's Report

ABP-318533-23

Development

Phase 1 construction of 3 commercial high-bay warehouse units. Road and pedestrian access extending north from the LDR 6 distributor road, totem sign, illuminating sign and site development works. Relocation of overhead ESB power lines. A Natura Impact Statement will be submitted with the application. Significant further information/revised plans submitted.

Location

Ferganstown & Ballymacon & Athlumney, Navan, Co. Meath.

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

221703

Applicant(s)

Albert Developments Limited.

Type of Application

Planning Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party

Appellant(s)

Barry O'Brien

	Michael Flanagan
	Stephen Flanagan
Observer(s)	No Observers.
Date of Site Inspection	28 th November 2024.
Inspector	Elaine Sullivan

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1.0 Site Location and Description

- 1.1. The subject is located within the townland of Ferganstown & Ballymacon & Athlumley, which is within the settlement boundary of Navan, Co. Meath. It has a stated area of 3.95ha and is approximately 2.5km to the east of Navan town centre. The site is within an area that is undergoing extensive development and is on the northern side of the LDR 6, a partially completed local distributor road. It is a greenfield site with an undulating topography and is intersected by mature hedgerows and trees.
- 1.2. To the north and east, the site is surrounded by agricultural land. Directly to the south of the site and on the opposite side of the LDR 6, construction works are underway for a housing development of 98 houses, (permitted under ABP-312756-22). Access to the LDR 6 is from the R153 – Kentstown Road to the south of the site. Housing developments are under construction along the western side of the LDR 6 and to the north of its junction with the R153.
- 1.3. At a further remove from the site, the river Boyne, the Boyne Road and the former railway line, are all located to the north-west of the site at distances of c. 600m, 500m and 300m respectively.

2.0 Proposed Development

Planning permission is sought for the following development which represents Phase 1A of the Boyne Village Enterprise Park,

- The construction of three commercial, high-bay warehouse units with a height of c. 15.81m with ancillary office accommodation. (Units A2 and A4 would have a gross floor area (GFA) of 2,570sq. m. respectively and Unit A3 would have a GFA of 2,058 sq. m.)
- A new road and pedestrian access would be provided from the LDR 6 distributor road along with surface car parking for 73 cars and 84 bicycles.
- A totem sign at the south-east corner of the site, approximately 12.5m tall.

- The relocation of existing overhead ESB power lines at the LDR 6 to new underground ducts and the provision of a new ESB substation and switch room accessed from the new road.
- Infrastructure works to the north-east side of the LDR 6 to include a new cycle lane, footpath, bus stop and lay-by.
- New boundary treatments and landscaping, waste storage units, drainage works, infrastructure (including temporary foul pumping station) and all other associated works.
- The development represents Phase 1A of the Boyne Village Enterprise Park. The wider Phase 3 lands extend to approximately 24.9ha.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority (PA) granted planning permission for the development subject to 19 planning conditions which were mainly standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The decision of the PA was informed by two reports from the Planning Officer (PO). The first report dated the 22nd of February 2022 recommended that further information (FI) was requested. The second report dated the 27th of October 2023 assessed the applicant's response to further information (RFI) and recommended that planning permission was granted.

The report dated the 22nd of February 2022 includes the following,

- The site is located within the Masterplan 12 (MP 12) lands as defined in the Navan Written Statement in the Development Plan. The site is zoned E1/E3 Strategic Employment Zones (High Technology Uses)/Warehousing & Distribution.

- It has not been identified as a flood risk in the OPW PFRA Mapping/Strategic Flood Risk Assessment (SFRA) for County Meath which was carried out for the Development Plan, and it is not within a designated flood zone.
- The development is Phase 1 of the Boyne Village Enterprise Park, and the principle of the development is acceptable within the zoning objective for the site.
- The proposal is broadly consistent with the Masterplan layout and general principles of the adopted Masterplan, MP12. The general design, siting and layout of the development is acceptable.
- An Ecological Impact Assessment Report (EclA) was submitted with the application. The PO considered that the applicant had suitably appraised and addressed the potential ecological impacts at the site.
- The Transportation and Water Services Departments recommend that further information is requested.
- It is recommended that the applicant provide further information with regard to the following,
 - Compliance with Development Management Objective 61 (DM OBJ 51) with respect to, the proposed operating hours, proposed areas for storage and disposal of waste, and proposals for the provision of public art. (I note to the Board that the PA refers to DM OBJ 51, however, DM OBJ 61 appears to be the relevant objective listed in the Meath County Development Plan 2021-2027 (MCDP)).
 - A revised site layout to accurately boundaries on land transfer maps.
 - The provision of sufficient charging points for electric vehicles (EVs).
 - Revised boundary treatment along the street frontage.
 - Details regarding roads to be taken in charge and details regarding public lighting.
 - Clarifications on the proposed surface water treatment and disposal for the site.

The second report of the PO noted that reports received from the Transportation Department, Environment Section (Flooding) and Public Lighting had no objection to the further information submitted. The PO was satisfied that the design and appearance of the development was acceptable and recommended that permission was granted.

3.2.2. Other Technical Reports

- **Transportation** – Further information requested regarding the red and blue line boundaries, charging points for EVs and revised boundary treatments. No objection to the RFI subject to planning conditions.
- **Public Lighting** – Further information requested regarding areas to be taken in charge and overall lighting design. No objection to the RFI lodged by the applicant subject to conditions.
- **Environment Department (Flooding)** – No objection. The development is classified as a ‘less vulnerable development’ and is in Flood Zone C for fluvial flooding.
- **Water Services Department** – Further information requested regarding the measures proposed for surface water management.
- **Broadband Officer** – No objection. The developer should ensure that there is adequate underground connection to existing telecoms network providers.
- **Fire Officer** – No objection.

3.3. Prescribed Bodies

- **Department of Housing Local Government and Heritage** – The development is in an area of high archaeological potential. Therefore, it is recommended that a planning condition relating to pre-development testing is attached to a grant of permission.
- **Uisce Éireann** – No objection.

3.4. Third Party Observations

One third party submission was received by the PA during the public consultation phase. The issues raised in the submission related to,

- Impacts on the Mill Stream waterway from the development of the Boyne Village land bank.
- Additional silt from construction activity could result in flooding.
- Cumulative environmental impact of the development.

4.0 Planning History

On the subject site -

212386 – Planning permission granted by the PA on the 14th of February 2022 for the erection of 2 no. temporary signage structures extending to c. 4.3m in height and providing a total of c. 29.28 sqm of signage (c.14.64 sqm per structure).

On sites within the MP 12 lands and by the same applicant

***24/60415** – A decision is pending on an application for a Large-Scale Residential Development (LRD), Phase 1B, to comprise 322 residential units (212 no. houses, 84 apartments and 26 duplex units), community centre, neighbourhood centre, district park and associated works on lands to the south of the subject site and on the opposite side of the road. This application was lodged with the PA on the 7th of June 2024 and the time of writing, was subject to a request for further information. An EIAR was submitted with the application.

***ABP-312746-22 (PA Ref 211046)** – Planning permission granted in September 2023 for the construction of 98 houses on a site of 3.07ha to the south of the subject site and on the opposite side of the local distributor road. A temporary pumping station was also permitted under this application.

***ABP-311673-21 (PA Ref - 2121)** – Planning permission granted for the construction of 93 residential units, (62 no. houses and 31 no. duplex units), with associated development on a site of 2.72ha.

On sites nearby and within the MP12 lands –

ABP-309332-21 – Planning permission was granted in July 2021 for Local Authority development under Section 177AE of the Planning and Development Act 2000 (as amended) 84 residential units in 2 no. 4-storey apartment blocks, 8 no. 3-storey duplex units and 10 no. 2-storey semi-detached units on a site of 1.7ha.

ABP-306687-20 – Consultation for Strategic Housing Development for 446 residential units (253 houses and 193 apartments). The Board determined that the proposal required further consideration and/or possible amendment.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative Development Plan for the site is the Meath County Development Plan 2021-2027, (MCDP).
- 5.1.2. The subject site is located within the settlement boundary of Navan, which is the county town for Meath and is designated as a Key Town in the county settlement strategy.
- 5.1.3. The site is within an area identified as Navan - Masterplan Plan Area 12 - Athlumney, Alexander Reid, Bailis, Ferganstown and Ballymacon, between Kentstown Road and Navan - Drogheda Rail line. A Masterplan was prepared for this area and was agreed with the PA in 2020.
 - **Zoning** - The site is zoned E1/E3 – Strategic Employment Zones (High Technology Uses) / Warehousing & Distribution.
 - The E1 zoning objective, (Strategic Employment Zones (High Technology Uses)) is *‘To facilitate opportunities for high end technology/manufacturing and major campus style office-based employment within high quality and accessible locations’*.

- The E3 zoning objective, (Warehousing and Distribution), is *'To facilitate logistics, warehousing, distribution and supply chain management inclusive of related industry facilities which require good access to the major road network'*.
- **Landscape Character** – The site is in the Central Lowlands Landscape Character Area, which is an area of 'high landscape character value' and 'moderate landscape sensitivity'.
- **Protected views** – There are no protected views on or across the site.
- **Protected Structures** – There are no protected structures on the site.
- **National Monuments** - There are no national monuments on the site.

5.1.4. Chapter 4 – Economy & Employment –

- **ED OBJ 24** - To promote the Key Town of Navan as a primary centre of employment in the County so that its significant residential population will have employment opportunities within easy distance of their homes, thereby reducing outbound commuting.
- **ED OBJ 32** - To promote the development of the Strategic Employment lands at Farganstown for high technology general enterprise and employment uses (E1/E2 zoning).
- **ED POL 15** - To seek to support and facilitate both existing and new businesses who seek to maximise the re-use and recycling of resources, create new business models and promote innovation and efficiency*.
- **ED OBJ 69** - To work in partnership with relevant stakeholders to ensure that a sustainable approach is taken to enterprise development and employment creation across all sectors of the Meath economy in accordance with the Green Economy national frameworks relevant to each sector*.
- (Note - *These policies and objectives were referenced in the grounds of appeal).

Chapter 6 – Infrastructure Strategy

- **INF POL 37** - To seek to improve the energy efficiency of the County's existing building stock in line with good architectural conservation practice and

to promote energy efficiency and conservation in the design and development of all new buildings in the County, in accordance with the Building Regulations Part L (Conservation of Fuel and Energy) *.

- **INF POL 38** - To encourage that new development proposals maximise energy efficiency through siting, layout, design and incorporate best practice in energy technologies, conservation and smart technology*.
- **INF POL 39** - To encourage the attainment of high standards of energy efficiency and environmental sustainability in development and to support the development of sustainable buildings that achieve certification under the Home Performance Index.
- **INF POL 40** - To support and encourage pilot schemes which promote innovative ways to incorporate energy efficiency*.
- **INF OBJ 39** - To support Ireland's renewable energy commitments outlined in national policy by facilitating the development and exploitation of renewable energy sources such as solar, wind, geothermal, hydro and bio-energy at suitable locations within the County where such development does not have a negative impact on the surrounding environment (including water quality), landscape, biodiversity or local amenities so as to provide for further residential and enterprise development within the county*.
- **INF OBJ 43** - To require, where feasible and practicable, the provision of Photovoltaic solar panels in new residential developments, commercial developments, and public buildings for electricity generation/storage and/or water heating purposes so as to minimise carbon emissions and reduce dependence on imported fossil fuels and reduce energy costs*.
- **INF OBJ 49** - To support the use of heat pumps as an alternative to gas boilers, where appropriate, for domestic and commercial development*.

(**Note** - *These policies and objectives were referenced in the grounds of appeal).

Chapter 11 – Development Management Standards

11.6.7 – Industrial, Office, Warehousing and Business Park development -

- **DM OBJ 61** – Sets out the development assessment criteria for any application for industrial, office, warehousing and Business Park Development.

11.9.1 – Parking Standards – Table 11.2 sets out the car parking standards for various land uses.

- **DM OBJ 94** - All car parks shall include the provision of necessary wiring and ducting to be capable of accommodating future Electric Vehicle charging points, at a rate of 20% of total space numbers.
- **DM OBJ 95** - In any car park in excess of 20 spaces where public access is available, four fully functional charging points for Electric Vehicles shall be provided in accordance with IEC 61851 Standard for Electric Vehicle Conductive Charging Systems.

5.1.5. The Written Statement for Navan includes the following –

Section 5.1 – Settlement and Housing - The development of the remaining residential lands in the town is closely linked to the delivery of distributor roads. As part of the growth strategy for the town some of these lands have been phased based on a residential evaluation and prioritisation of lands. This includes the following lands at:

- Farganstown – LIHAF funding has been approved for a section of the Distributor Road (LDR 6) would link the Boyne Road with the Kentstown Road. The construction of this section of road would facilitate the delivery of c.1,600 residential units. Taking account of the lead in time associated with the delivery of this Distributor Road it is unlikely that all of these units would be delivered during the life of this Plan. It is therefore proposed to phase the release of these lands.

6.0 – Master Plans - There are 13 Master Plan areas identified in Navan. The subject site is within Master Plan Area 12.

Master Plan 12 relates to lands zoned for residential, mixed-use, employment, community, and open space/recreational uses in the Athlumney/Farganstown area. A Master Plan shall be prepared for these lands that will ensure the delivery of a high quality, appropriately phased development including a suitable mix of house type,

community, and employment uses. (This section of the Development Plan also states that a Master Plan has been agreed since 2020). The development of these lands shall provide for phased and integrated development including the delivery of the distributor road and local services and community facilities in tandem with residential development.

Strategic Flood Risk Assessment – Manage flood risk and development in line with approved policies and objectives as set out in Vol. 1 Chapter 5: Infrastructure.

Objectives -

- **NAV OBJ 5** - To operate an Order of Priority for the release and development of residential lands with any lands identified as being ‘Post 2027’ not available for development until after 2027.
- **NAV OBJ 9** - To support the delivery of a ‘live work’ community at Farganstown and Nevinstown as recommended in the Meath Economic Development Strategy 2014-22.

Volume 4 – Environmental Assessments

Strategic Flood Risk Assessment –

- 5.1.6. Table 3.3 of the SFRA notes that CFRAM mapping was verified on site by the consultants for the SFRA. Significant flood history in Navan from Swan River & Rivers Boyne/Blackwater is also noted. Significant events in 2013, 2009, 2008, 2002, 2000. The source of the flooding was fluvial.

National Policy

Climate Act

Climate Action and Low Carbon Development (Amendment) Act 2021 The Act commits Ireland to the objective of becoming a carbon-neutral economy by 2050, reducing emissions by 51% by the end of the decade.

Climate Action Plan 2024 (CAP 2024)

CAP 2024 (December 2023) sets out a roadmap to deliver on Ireland's climate ambition, of 51% reduction in GHG emissions from 2021-2030 and net-zero emissions by 2050. The plan aligns with the legally binding economy-wide carbon budgets and sectoral ceilings that were agreed by Government in July 2022.

Water Framework Directive

The Water Framework Directive (Directive 2000/60/EC) is EU legislation which sets out a framework for the protection and improvement of water quality across various water bodies, including rivers, lakes, groundwater, and transitional coastal waters.

National Biodiversity Action Plan 2023-2030

Ireland's 4th NBAP sets the biodiversity agenda for the period 2023 – 2030. The NBAP has a list of Objectives which promotes biodiversity as follows,

- Objective 1 Adopt a whole of government, whole of society approach to biodiversity; Objective 2 Meet urgent conservation and restoration needs;
- Objective 3 Secure nature's contribution to people;
- Objective 4 Enhance the evidence base for action on biodiversity;
- Objective 5 Strengthen Ireland's contribution to international biodiversity initiatives

5.2. Natural Heritage Designations

No designations apply to the subject site.

The closest European sites are –

- The River Boyne and River Blackwater SAC – c. 0.6km to the north-west of the site.
- The River Boyne and River Blackwater SPA – c. 0.6km to the north-west of the site.

There are no Natural Heritage Areas (NHAs) in proximity to the site. The closest proposed NHAs (pNHAs) is the,

- Boyne Woods pNHA – c. 2.35km

5.3. EIA Screening

- 5.3.1. An Environmental Impact Assessment Screening Report and a Statement in accordance with Article 103(1A) of the Planning and Development Regulations 2001 (as amended), were submitted with the application. The applicant determined that the project was sub-threshold for the purposes of EIA and the development was assessed against the criteria set out in Schedule 7 and Schedule 7A.
- 5.3.2. Under Part 2, Schedule 5 of the Planning and Development Regulations, the development is classed as Class 10 (a) – *‘Industrial estate development projects where the area exceeds 15 hectares’*. The proposed development has a stated area of 3.95 hectares and is sub-threshold for mandatory EIA. This was acknowledged in the application. The Screening Report submitted by the applicant examined the potential impacts of the development under the requirements of Schedule 7 and Schedule 7A. I have carried out an EIA screening determination on the project which is set out in Appendix 2 of this report.
- 5.3.3. The grounds of appeal raised a concern regarding the scale of the combined development permitted and planned for the Master Plan lands. It was submitted in the appeal that the cumulative impact of the overall development had not been considered. I note that the Master Plan lands are zoned for development under the Meath County Development Plan 2021-2027. As such the overall nature and scale of future development on the lands was considered as part of the Strategic Environmental Assessment (SEA) of the Development Plan. SEA is the appropriate mechanism for assessing the environmental effects of plans, programmes and strategies of a public nature and considers the impact of future development on a strategic basis. On this basis, I am satisfied that the overall development of the Master Plan lands has been considered and assessed through the correct process.

- 5.3.4. The grounds of appeal also raise the issue of project splitting and the cumulative impact of the proposed development with development already permitted in the Master Plan area. This issue is addressed in full in Section 7.5 of this report.
- 5.3.5. I consider that the location and scale of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 and 7A, to the proposed sub-threshold development, demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's report.
- 5.3.6. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal include the following,

- The appellants believe that the large-scale development and urbanisation of the lands surrounding their property will increase the flood risk to their property.
- The use of Sustainable Urban Drainage Systems (SuDS) has a limited capacity to deal with rainfall events and cannot restrict surface water runoff to greenfield rates.
- The appellants are joint owners of the Boyne Factory Village, which is in the Masterplan 12 lands and to the north-east of the subject site. A portion of the

Factory Village site is zoned F1 - Open Space and the remainder is zoned A2 – New Residential, with land not available for development until post 2027.

- The appellants are of the opinion that the F1 and A2 zoning fails to consider the guidance issued in relation to Urban Waterways by Inland Fisheries Ireland (IFI), 'Guidance for Urban Waterways'.
- It is put forward that the applicant is lodging applications for development in a piecemeal manner which represents project splitting for the purposes of Environmental Impact Assessment (EIA). If the applications were to be lodged together, they would trigger a mandatory EIA. The proposed development should be subject to screening for EIA as sub-threshold development under Schedule 7 of the Planning and Development Act 2000 (as amended). The Board's obligations under Section 172(1A)(b) of the Act is also referenced.
- The appellants state that the residential use of the derelict buildings on their site has not been extinguished or abandoned and it is their intention to refurbish and reuse the buildings. They wish to continue to run their manufacturing business from the Boyne Factory Village and are concerned about the devaluation of their property due to increased flood risk.
- It is submitted that the application fails to mention previous developments on the land which relate to drainage works and the rerouting of a stream to power a mill.
- The Office of Public Works (OPW) Catchment Flood Risk Assessment and Management (CFRAM) maps for the area are incomplete and fail to predict flood levels for the 0.1% Annual Exceedance Probability (AEP), which would relate to the 1 in 1000-year flood event.
- Reference is made to caselaw in CJEU *Leth v Republik Österreich, Land Niederösterreich* [C-420/11], *Balz v An Bord Pleanála* [2018] IEHC 309 with regard to environmental assessment.
- The Boyne Stream runs along the eastern boundary of the appellants land and fails to meet 'Good' status under the Water Framework Directive.

- The appellants reference the proximity of Tara Mines, the potential for leachate from the mines to enter the watercourses and the impact this would have on human health.
- The proximity of the Boyne Valley SAC is noted in the appeal. The appellants submit that the Appropriate Assessment prepared for the development has extensive limitations and cannot draw scientifically based conclusions. Reference is made to caselaw in *Kelly v An Bord Pleanála* [2014] IEHC 400.
- It is argued that the application does not state how it is in accordance with Development Plan policy on climate change. Sections 10.5.1, 10.5.2 of the Development Plan are referenced in this case, as are policy MOV POL 1, Objectives INF OBJ 43, ED POL 15, INF POL 37, INF POL 38, INF POL 39, INF POL 40, ED POL 68, ED OBJ 69, INF OBJ 43, INF OBJ 49 and INF OBJ 39.
- The appellants submit that the Engineering Report for the development is incomplete as no information is provided on the location of BRE tests or on seasonal variation of the water table.
- It is also the view of the appellants that drawings showing attenuation details are incomplete as they do not include levels and final design details. Case law in *Sweetman v An Bord Pleanála* [2021] IEHC 662 and *Sweetman v An Bord Pleanála* [2021] IEHC 622 are referenced in this instance.

6.2. Applicant Response

A response to the appeal was received from the applicant on the 3rd of January 2024. The response included technical reports from consultants who carried out the Appropriate Assessment, designed the surface water management system for the development, carried out the ground investigations and prepared the Flood Risk Assessment. In the interest of brevity, I have compiled and grouped the responses under the relevant headings for the Boards information.

- **Appellants Property and Perceived Devaluation** – Issues raised regarding the zoning of the appellants property are not matters to be dealt with in this

appeal. The applicant disputes that the proposed development will result in a devaluation of the appellants land and puts forward that the land will benefit from the development. Within the Masterplan lands, the appellants land retains potential for residential development should they so wish and the implementation of the LDR 6 road may serve the appellants land in the future.

- **Flood Risk** – Claims that the existing stream is experiencing increased turbidity and silt deposition from ongoing development are unsubstantiated and relates to a separate development outside of the applicant's control. The applicant investigated this claim when it was made to the PA and found that the contractor in question was not discharging water into the stream and that some changes in water could have been related to works being carried out by the OPW at the Mill Race and its tributaries. The applicant also corresponded directly with the appellants to set out the proposed surface water and drainage management for the site during the construction and operational stages. All proposals for surface water management are set out in the outline Construction Environmental Management Plan, the Engineering Services Report, the response to FI and the technical report appended to the appeal response. In response to the assertion that the development will increase flood risk to other lands, the applicant refers to the findings of the Site Specific Flood Risk Assessment (SSFRA) which concludes that the development will not have any impacts on the fluvial flood risk to the surrounding area.
- **Project Splitting** – An EIA Screening Report was prepared for the development and concluded that the proposed development would not have significant effects on the environment during the construction or operational phase. The proposed development is sub-threshold under Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended), which requires mandatory EIA for more than 500 dwellings or urban development of 2ha in the case of a business district, 10ha in the case of another built-up area and 20ha elsewhere. From a cumulative perspective, planning applications lodged by the applicant to date would extend to an area of c. 7ha, which is below the 10ha threshold. Potential cumulative impacts were addressed by the applicant in the relevant consultant inputs to the application.

- The applicant submits that for project splitting to occur, it requires a series of sub-threshold applications to be lodged concurrently. This did not occur as both applications lodged by the applicant relate to different development types, one for residential and the subject for a commercial warehouse development. The applicant states that the development is a stand-alone project in line with established EIA practice and guidance. The EIA Screening Report considered the entirety of the project under the EIA requirements and the Planning and Development Regulations which fulfils the requirements of the EIA Directive. Reference is made to recent appeal decision **ABP-312746-22 (PA Ref. 211046)** for the development of 98 houses on the applicants' land to the south of the subject site. The issue of project splitting was also raised in this appeal and the report of the Inspector concluded that the development in that instance was sub-threshold and did not require EIA.
- **Energy Efficiency & Climate Change** – The applicant has submitted a technical document prepared by their consulting engineers that sets out how the development would comply with the relevant policies and objectives of the Development Plan. The response notes that the planning authority did not question any part of the scheme relating to climate change or energy efficiency.
- **Appropriate Assessment and Natura Impact Statement** – The applicant refutes the appellants assertion that the NIS 'has extensive limitations and refers to assumptions, uncertainties'. The technical response to the appeal notes that the standard limitations/assumptions applied to the preparation of the AA and NIS. Assumptions are made that all development will be carried out in accordance with relevant legislation and that the site will be used for the stated purpose. Limitations relate to the information contained in national datasets and documentation from established government bodies, the National Parks and Wildlife Service (NPWS), Geological Survey Ireland (GSI), etc. The limitations do not inhibit the screening exercise carried out which was based on the best scientific knowledge available. The NIS concluded beyond reasonable scientific doubt that the development would have no adverse impacts on the European sites.

- **Ground Conditions and Sections** – The applicant submitted a technical document prepared by their consultants that sets out the results the 5 separate site investigations, carried out between August 2005 and March 2023, informed the drainage strategy for the development. The drainage strategy proposed was designed in accordance with the Greater Dublin Regional Code of Practice for Drainage Works using the principles of Sustainable Drainage Design (SuDS). The SuDS design for the development mimics the natural environment with the allowable discharge from each site being limited to the pre-development Greenfield runoff rate. The applicant submits that the details provided with the application and further information stage sufficiently describes the works proposed and are therefore in accordance with Section 22(4)(a) of the Planning and Development Regulations 2001. The technical document appended to the submission also sets out the requirements for the depth of granular fill and the removal of soil which the appellant said was lacking.
- **Traffic & Transport** – In response to the issues raised regarding traffic and transport the applicant notes that the development of the lands is sequential to the granted residential development to the south and the residential neighbourhood beyond. The proposed development is in accordance with the masterplan for the MP 12 lands. The LDR 6 road provides connectivity to the application site and will be enhanced by the construction of a large section of footpath along the eastern section of the road with a continuous footway along the northern section of the road. The development would also include a direct connection to bus stops to the front of the site and a bus lay-by. The development is in accordance with Development Plan policy MOV POL 1 which supports the development of sustainable communities through the creation of live-work communities at the masterplan lands.
- **Landscape & Visual Impact** - The planning authority did not request a Landscape Assessment for the development during pre-application consultations or through further information. There is no requirement in the Development Plan to submit or carry out a landscape or visual impact assessment for commercial / logistics warehousing proposals. Notwithstanding this, the applicant submits that the development has been

sensitively designed having regard to the residential development to the south of the site. Appropriate separation distances have been provided and a landscaping plan has been prepared. All these measures will reduce the visual impact of the development.

6.3. Planning Authority Response

- A response was received from the PA on the 1st of February 2024. The PA state that all matters raised in the appeal were previously addressed in the reports of the Planning Officers and have no further comments to make.

6.4. Observations

- No observations were received.

6.5. Further Responses

- A further response was submitted by the appellant on the 2nd of February 2024. No new issues were raised.
- The appellants reiterate their grounds of appeal in relation to EIA, project splitting, flood risk assessment, connectivity and energy efficiency.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all 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 in this appeal are as follows:

- Principle of Development
- Procedural Issues / Scope of the appeal
- Flood Risk & Drainage
- Project Splitting
- Other issues

7.2. Principle of Development

- 7.2.1. The subject site is on zoned lands within the settlement boundary of Navan. It is located in a Masterplan area, MP 12, where a masterplan for its development has been agreed with the PA since 2020 and forms part of the Development Plan. The site is zoned objective E1/E3 – Strategic Employment Zones (High Technology Uses) / Warehousing & Distribution. The proposed warehouse development is listed as ‘open for consideration’ within the E1 zoning objective. Objective E3 relates to Warehousing and Distribution and the development is listed as a ‘permitted use’ under this zoning.
- 7.2.2. A section of the development extends southwards into the ‘A2 – New Residential’ and the ‘F1 – Open Space’ zoning objectives. ‘Utilities’ are listed as ‘permitted uses’ under both zoning objectives. This portion of the site has been included to provide a temporary pumping station to facilitate the delivery of the initial phases of the Masterplan lands. The application states that the station will be in place until a new permanent structure is constructed in later phases. A pumping station at the same location has already been granted permission under ABP- 312746 (PA Ref. 211046).
- 7.2.3. I am satisfied that the principle of the development is acceptable in based on the nature of the development and the zoning objectives for the site.

7.3. Procedural Issues / Scope of the appeal

- 7.3.1. The appellants refer to the zoning of their lands within the Masterplan area and raise concerns regarding the future development of the land adjoining their site. The appellants are also concerned that the development of the Masterplan lands would result in devaluation of their property. Whilst the appellants may have concerns regarding the future development of their land, issues such as the zoning objective of the appellants site and the future provision of open space and riparian corridor on their site fall outside the scope of this appeal. Planning issues of concern to the Board relate to the potential impacts of the development on the amenity of the appellants land and the wider area. Within this context, I will restrict the scope of the appeal to the planning issues addressed in the headings below.

- 7.3.2. The appellants also raise concerns regarding the impact of ongoing development on the water quality of the Millrace Stream, also referred to as the Ferganstown & Ballymacon Stream. Reference is made to developments underway in the area which the appellants believe are impacting on the watercourse adjacent to their land. The developments referred to have been granted permission through a separate process and are subject to planning conditions regarding their construction and operation. Enforcement of planning conditions is a matter for the PA and is not within the remit of the Board. Therefore, they will not form part of the consideration of this appeal.
- 7.3.3. Reference is also made to the potential impact of the nearby Tara Mines on the quality of the water in the area and the appellants note that a separate appeal for development at the mines was before the Board at the time of writing. I note that the Tara Mines facility is approximately 4km to the west of the subject site on the opposite side of the town. This application is outside the scope of this appeal and all potential cumulative impacts of that development will be dealt with through its own separate appeal process.
- 7.3.4. It was submitted in the appeal that the plans and particulars of the proposed attenuation and infiltration infrastructure submitted to the PA in response to FI contained insufficient detail. The drawings submitted are labelled as 'Typical' sections and details with site specific information on the drawings and in the accompanying reports, including the Engineering Services Report, which contains levels and sizes of attenuation measures proposed. I note that the drawings were submitted in response to a specific FI request from the PA. The PA were satisfied that the details submitted addressed the issues raised and issued a decision to grant permission. I have reviewed the drawings, and details submitted by the applicant and I am satisfied that the details submitted allow for an informed decision on the appeal.

7.4. Flood Risk and Drainage

- 7.4.1. The appellants argue that the proposed development, and the wider development of the Masterplan lands will have an impact on the flood risk to their property which is approximately 500m to the south-west of the subject site. They submit that their site

is at a lower level than the subject site and because of the urbanisation of the greenfield land, the flood risk from run off will be increased. Concerns were also raised regarding silt deposition from development raising the level of the Millrace stream which flows through the Masterplan lands.

- 7.4.2. The subject site and surrounding lands are currently drained by ditches and channels across the lands which drain to the Millrace Stream and on to the River Boyne. The stream is approximately 500m to the southwest of the development site and flows along the eastern boundary of the appellant's land. This stream is an OPW Arterial Drainage Channel (Section C1/6) which has been rerouted and which has been included in the CFRAM mapping study.
- 7.4.3. Figure 5.2 of the Engineering Services Report submitted with the application shows the direction of flow for surface water from the subject site. The map indicates that surface water flows south and then either north or southwest to the Millrace Stream. The topography of the area is undulating with levels on the subject site falling from east to north-west. The appellant's site is approximately 500m to the southwest of the development site and has a level of approximately 49.0m (per OPW maps). Application details state that the lowest level on the subject site is 46.30m. Given the distance and the difference in level it is unlikely that overground water flows from the subject site could impact on the appellants land.
- 7.4.4. The Strategic Flood Risk Assessment (SFRA) for the Development Plan notes that there is significant fluvial (exceedance of river or watercourse channel) flood history in Navan from the Swan River and the Rivers Boyne and Blackwater. The Office of Public Works (OPW) National Catchment-based Flood Risk Assessment and Management (CFRAM) maps show the subject site in an area that is not at risk from flooding. This is reflected in maps produced for the SFRA which show that the subject site is not within Flood Zone A or Flood Zone B for fluvial flooding.
- 7.4.5. CFRAM maps show a high probability that the stream along the eastern boundary of the appellants lands has a high probability of flooding. It is projected that fluvial flooding would encroach on the appellants lands in a 10% Annual Exceedance Probability (AEP) flood event. This represents a flood event that has a 1 in 10 chance of occurring in any given year and places the appellant's site in Flood Zone A or Flood Zone B.

- 7.4.6. A Site Specific Flood Risk Assessment (SSFRA) was carried out for the development. It concluded that, *'If the proposed development is carried out in accordance with the Greater Dublin Strategic Drainage Study', the flood risk, if any, which the development poses to the site or to other properties will not be significant'*. The appellants believed the SSFRA was inadequate as it did not consider drainage works that had been carried out on the lands and that the assessment did not consider the 0.1% AEP event for the area. I note to the Board that a 0.1% AEP event (1 in 1000 probability in any given year) represents a low probability of flood risk, and a 1% AEP event (1 in 100 probability in any given year) would represent a medium risk of flooding). This is expanded on in the paragraphs below. I have reviewed the SSFRA and am satisfied that it has been carried out in accordance with the relevant guidance and that its methodology and conclusions are robust with all existing drainage for the lands having been considered.
- 7.4.7. Section 5 of the SSFRA addresses the risk of flooding elsewhere in the catchment. This section considers whether the proposed development would result in a significant increase in surface water runoff from the area into the surrounding watercourses. To ensure this does not happen the surface water drainage system has been designed to contain all rainwater within the site boundary. Geotechnical investigations and soakaway tests confirmed the presence of sand and gravel on the site which yield high infiltration rates. The strategy proposed would involve each building being drained individually, with rainwater from each roof to be collected in a rainwater harvesting tank. The water would then be discharged to a car park constructed with permeable paving at the front of the site or to a large soakaway to the rear of the site. An overflow would be provided to allow excess water associated with extreme storm events to be directed to long-term storage or ditches / drains within the site. The capacity of the infiltration storage was calculated using the 1 in 100-year event (1% AEP) with a 20% allowance for climate change. I note that this capacity was requested by the PA during pre-application discussions. The SSFRA concluded that, *'When these proposals are implemented the risk of flooding to adjoining areas of the catchment will not be significant'*.
- 7.4.8. The Environmental Services Report notes that in accordance with the requirements of the Local Authority all new developments are to limit their storm water discharge to 2 l/s/ha or to Q_{bar} (Greenfield run-off rate) whichever is greater. Section 5.3 of the

report sets out the methodology and calculations for determining the level of storage required through infiltration. The results show that 'adequate storage has been provided to limit the discharge to the greenfield run-off rate for the 1 in 100-year event. In situations where flood exceedance may occur, an ACO drain would be installed at each site entrance to ensure that water does not flow off site.

- 7.4.9. The existing drainage channel along the eastern boundary of the site would be provided with a 10m riparian strip. It is contended by the appellant that the development does not provide a riparian corridor in accordance with the guidance issued by Inland Fisheries Ireland in their publication 'Planning for Watercourses in the Urban Environment'. This guidance document is a non-statutory publication which states that sufficient space should be set aside for the protection of watercourses, and this should be done through statutory Development Plans and Local Area Plans. Development Plan Objective INF OBJ 38 requires a 10-metre-wide riparian buffer strip measured from the top of the bank either side of all watercourses in urban areas. A buffer strip of 10m on either side of the watercourse is clearly marked on the application drawings and I am satisfied that the development complies with the requirement of the Development Plan in relation to a riparian buffer strip.
- 7.4.10. I have reviewed the information submitted with the appeal and the application and I am satisfied that the implementation of the surface water management system proposed would not increase the flood risk to the adjoining lands. I note that the PA had no objection to the drainage system proposed which was designed in consultation with the PA and subject to their requirements.

7.5. Project Splitting

- 7.5.1. The grounds of appeal put forward that the quantum of development involved in developing the entirety of the Masterplan lands would exceed the threshold for a mandatory EIA. The appellants argue that lodging separate applications for different sites amounts to 'project splitting' to avoid EIA. It is also argued that the EIA Screening Report submitted with the application failed to consider the cumulative impact of the development of the wider Masterplan lands. As noted in Section 5.3 of this report the Master Plan lands are zoned for development. The nature and scale

of their future development was considered during the SEA which was carried out for the Development Plan. The potential impacts of the future development of the lands were addressed under the SEA and any mitigation measures required would form part of the policies and objectives of the Development Plan. Proposals for individual developments within the Master Plan area are subject to assessment under the EIA Directive and the Planning and Development Act 2000 (as amended).

7.5.2. For the purposes of Part 10 of the Planning Act - Environmental Impact Assessment, the proposed development falls under Class 10(a) - *'Industrial estate development projects, where the area would exceed 15 hectares'*. In the Screening Report accompanying the application the applicant also considered the development to be sub-threshold under Class 10(b)(ii) – *'Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development'* and Class 10(b)(iv) – *'Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere'*.

7.5.3. The cumulative area of the proposed development (3.95ha) and development permitted to date in the Master Plan area is approximately 11.46 hectares based on the following permissions which are also listed in Section 4.0 of this report -

- ABP-312746-22 (PA Ref. 211046) – 98 houses on 3.07ha
- ABP-309332-21 – PA development for 84 residential unit on 1.7ha
- ABP-311673-21- 93 residential units on 2.74ha

7.5.4. As the Master Plan lands are within the settlement boundary of Navan town, the relevant threshold for 'urban development' in Class 10(b)(iv) would be 10 hectares. However, based on the nature and scale of the proposed development, which is for commercial warehouse development on its own site, I am satisfied that it can be considered as a stand-alone project within a wider development area, which represents sub-threshold development under Class 10(a). Extant permissions on adjoining lands relate to residential development and are acknowledged. To date each application has represented sub-threshold development for their specific development class, (Class 10(b)(ii)) and was subject to EIA assessment as such. I note to the Board that an application for 322 residential units (PA Ref. 24/60415) within the Master Plan lands is currently with the PA and a decision is pending. This

application is accompanied with an EIAR. As noted above the overall development zoning objectives for the Master Plan lands, were assessed in the SEA for the Development Plan.

- 7.5.5. Although a number of applications have been lodged by the same applicant, it is not unusual for large-scale development to be applied for in phases. This approach is acceptable and has been tested in the courts. Reference is made to project splitting in Section 3 of the EPA 'Guidelines on the information to be contained in Environmental Impact Assessment Reports (2019)'. The guidelines note that case law in *Fitzpatrick & Daly v An Bord Pleanála & Others [2019 IESC 23]* established the principle that project splitting does not arise where a development is delivered in phases, where each phase is subject to the requirements of the EIA Directive with all phases considered in sequence and cumulatively. The court found that, when and if, an application for planning permission is made for further phases of a masterplan, a full EIA will be required which in turn will both assess cumulative impacts with all existing and approved developments and look forward by taking account as far as practically possible of remaining future phases of the masterplan.
- 7.5.6. An Environmental Impact Assessment Screening Report was submitted with the application and concluded that, *'by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. Therefore, a mandatory environmental impact assessment report (EIAR) is not required for the proposed development'*. Section 3.9 of the Screening Report assesses the cumulative impact of the development with planning applications in the area which were granted or pending decision in the last five years. A list of the applications considered is contained in the report. The report concluded that that cumulative impacts were most likely to arise during the construction phase, which would be managed efficiently through the implementation of construction management plans and good construction practices. Therefore, the combined impact will not be significant and an EIAR was not necessary.
- 7.5.7. As part of my assessment, I carried out a screening exercise for EIA against the requirements of Schedule 7 (sub-threshold development) and Schedule 7A of the Planning and Development Act 2000 (as amended). My conclusion concurred with that of the applicants. My screening determinations is set out in Appendix 2 of this report and finds that the development would not be likely to have significant effects

on the environment and that an EIAR is not required. The screening exercise also considered the potential for cumulative impacts.

- 7.5.8. I am satisfied that the sub-threshold development would not result in significant effects on the environment. I am also satisfied that the cumulative impacts of the development, with development permitted in the Masterplan lands, has been adequately considered and that no significant effects on the environment would arise.

7.6. Other Issues

Climate change

- 7.6.1. The appellants contend that the applicant has not demonstrated how the proposed development is consistent with Development Plan objectives in relation to climate change. The application was accompanied with a Statement / Sustainability Report and a detailed technical response to the appeal was also submitted by the applicant's consulting engineers. The response outlined how the development complies with the relevant climate change policies and objectives in the Development Plan and commented on the proposed energy efficiency of the buildings. I note to the Board that the energy requirements of the buildings and their construction are dealt with through the Building Regulations, which is a separate legislative code. The development is located on lands where a Masterplan has been prepared and where objective NAV OBJ 9 of the Development Plan seeks to *'support the delivery of a 'live work' community at Farganstown and Nevinstown as recommended in the Meath Economic Development Strategy 2014-22'*. On this basis I am satisfied that the development complies with the overarching principles of sustainable development which seek to provide communities which can accommodate a range of activities and services. I also note that a SSFRA was carried out for the development in accordance with the requirements of the SFRA for the Development Plan and the OPW guidelines and found that, subject to the development being carried out in accordance with the plans and particulars, that the flood risk to the site and to other properties would not be significant.

Transport

- 7.6.2. The LDR 6 will provide access to the Masterplan lands and is substantially completed. A future connection to the Boyne Road to the north is indicated in the Development Plan and the Masterplan prepared for the area. However, the Traffic Report for the application notes that there is no information on the full completion of the crossing of the railway line to provide a connection with the Boyne Road.
- 7.6.3. The appellants question the functionality of the existing road layout in the absence of a connection to Boyne Road. It is put forward that a connection to the Boyne Road would have better served the development instead of connecting with the R153 / Kentstown Road to the south. The future extension of the LDR 6 is outside the scope of the application and the appeal. Access to the development is facilitated by the LDR 6 which is substantially completed, and which is included in the Development Plan and the Masterplan. The applicant submits that the proposed development will provide pedestrian, cycle and public transport facilities along the northern side of the LDR 6 to the front of the development. I am satisfied that the access and transport facilities proposed are in accordance with Development Plan policy and do not require an additional connection at this point in the development of the Master Plan lands due to the level of proposed development.

Visual Impact

- 7.6.4. There is no requirement in the Development Plan to prepare a Visual Impact Assessment for the development and this was not requested by the PA. The Landscape Character of the area is categorised as an area of 'high landscape character value' and 'moderate landscape sensitivity'. The site comprises open agricultural land which is not subject to any special designations for protection of the landscape. It does not contain any protected structure or national monuments and is not designated for any special protections. I am satisfied that based on the nature and location of the development, within an area zoned for development and in a Masterplan area that a visual impact assessment is not required. I consider that the drawings submitted with the application sufficiently demonstrate what the development will look like and that the landscaping plan will effectively mitigate any significant visual impact from the proposed housing to the south of the site.

8.0 AA Screening

- 8.1. An Appropriate Assessment Screening Report and a Natura Impact Statement was submitted with the application. The Screening Report concluded that,

‘... upon examination of the relevant information including in particular the nature of the Proposed Development and the likelihood of significant effects on European sites, the possibility may not be excluded that the proposed development could have a significant effect on any of the European sites listed...’

- 8.2. I note to the Board that the grounds of appeal put forward that the information contained in the Appropriate Assessment (AA) was insufficient due to the Report Limitations listed in the Screening Report and the NIS. This section of the report represents a standard methodology applied to any scientific report. It sets out the sources of third-party information that the consultants relied upon to inform their assessments at the given time. Assumptions are generally made that the sources of information are robust and can be relied upon. For the purposes of AA, it is generally accepted that third party information is gathered from national bodies such as the National Parks and Wildlife Service (NPWS), Geological Survey Ireland (GSI) and the OPW, among others. In their response to the appeal, the applicant notes that the limitations listed do not inhibit the screening exercise carried out or the conclusion of the NIS. Having reviewed the documents, submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. I have carried out a full Screening Determination for the development and it is attached to this report in Appendix 3.
- 8.3. 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 would have a likely significant effect ‘alone’ on the Special Conservation Interests of the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA from effects associated with the uncontrolled discharge of pollutants in surface waters. An Appropriate Assessment Stage 2 is required on the basis of the effects of the project ‘alone’.

Stage 2 – Appropriate Assessment

- 8.4. The following is an objective assessment of the implications of the proposal on the relevant Conservation Objectives (CO's) of River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA based on the scientific information provided by the applicant and taking into account expert opinion and submissions on nature conservation. It is based on an examination of all relevant documentation and submissions, analysis and evaluation of potential impacts, findings conclusions. A final determination will be made by the Board.
- 8.5. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness. Possible in-combination effects were also considered. A full description of the proposed development is set out in Section 3 of the NIS. The potential impacts from the construction and operational phases are set out on Section 6 of the NIS. A full list of the Attributes, Measures and Targets for each of the SCI's in both sites are also listed in Table 2 of the NIS.

Relevant European Sites –

- 8.6. In the absence of mitigation, the potential for significant effects could not be excluded for:
- River Boyne and River Blackwater SAC (Site code 002299)
 - River Boyne and River Blackwater SPA (Site code 004232)

A description of the sites and their Conservation Objectives and Qualifying Interests/Special Conservation Interests, including relevant attributes and targets for these sites, are set out in the NIS. I have also reviewed the Conservation Objectives listed for each of the sites on the National Parks and Wildlife Service (NPWS) website (www.npws.ie). Table 8.1 below summarises the information considered for the Appropriate Assessment and the site integrity test. This information has been compiled from the information contained in the NIS as well as information from the NPWS.

Table 8.1 – AA summary matrix for River Boyne and River Blackwater SAC and SPA:

River Boyne and River Blackwater SAC (Site code 002299)			
		Summary of Appropriate Assessment	
Special Conservation Interest (SCI)	Conservation Objectives	Potential Adverse Effects	Mitigation Measures
<p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p>	<p>To restore the favourable conservation conditions of the SCI –</p> <p>To restore the favourable conservation conditions of the SCI –</p> <p>To maintain the favourable conservation condition of the SCI –</p>	<p>Deterioration of water quality from pollution of surface and/or ground water during the construction and operational phases.</p> <p>Pollution from concrete or oil/fuels could result in changes to water quality and vegetation.</p>	<p>Mitigation measures are listed in Section 8 of the NIS and in the Outline Construction & Environment Management Plan which accompanied the application.</p> <p>The measures are designed to protect water quality during the construction and operational phases. They include standard measures such as good construction practice in accordance with relevant guidelines and site-specific measures such as the installation of silt traps, stockpiling materials away from drains and appropriate storage of chemicals.</p> <p>Post construction measures require the treatment of surface waters with sediment and oil interceptor</p>

			traps prior to discharge. Mitigation measures to treat wastewater from the site during the operational stage relate to the onsite surface water treatment system which includes SuDS measures, infiltration, attenuation and restricted flow rates.
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Overall Conclusion – Integrity Test

The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site. In-combination effects were considered in the AA screening report by reviewing recent planning applications in the area. The developments listed were within a 600m radius and it was determined that, *'There would be no means by which there would be significant in-combination effects on European sites involving the Proposed Development'*.

I have reviewed the mitigation measures proposed for the subject development and I am satisfied that impacts from the development in terms of pollution from surface water runoff containing silt, sediment, hydrocarbons or other pollutants would be unlikely following the implementation of the mitigation measures proposed.

River Boyne and River Blackwater SPA (Site code 004232)

Special Conservation Interest (SCI)	Conservation Objectives	Potential Adverse Effects	Mitigation Measures
Kingfisher (Alcedo atthis) [A229]	To maintain or restore the favourable conservation condition of the Special Conservation Interest for the SPA.	Pollution from concrete and oil/fuels could result in changes to water quality and vegetation which could impact on foraging opportunities for the SCI.	Mitigation measures are listed in Section 8 of the NIS and in the Outline Construction & Environmental Management Plan which accompanied the application.

		<p>Pollution from untreated wastewater could impact on fish populations with a resulting impact on feeding opportunities for the SCI.</p>	<p>The measures are designed to protect water quality during the construction and operational phases. They include standard measures such as good construction practice in accordance with relevant guidelines and site-specific measures such as the installation of silt traps, stockpiling materials away from drains and appropriate storage of chemicals.</p> <p>Mitigation measures to treat wastewater from the site during the operational stage relate to the onsite surface water treatment system which includes SuDS measures, infiltration, attenuation and restricted flow rates.</p>
<p>Overall Conclusion – Integrity Test</p> <p>The applicant determined that following the implementation of mitigation measures the construction and operation of this proposed development alone or in combination with other plans and projects will not adversely affect the integrity of this European site.</p> <p>I have reviewed the mitigation measures proposed for the subject development and I am satisfied that impacts from the development in terms of pollution from surface water runoff containing silt, sediment, hydrocarbons or other pollutants, which could impact on the foraging potential for the SCI would be unlikely following the implementation of the mitigation measures proposed.</p>			

Appropriate Assessment Conclusion

- 8.7. In screening the need for Appropriate Assessment, it was determined that the proposal for an apartment development had the potential to result in significant effects on the River Boyne and River Blackwater SAC and on the River Boyne and River Blackwater SPA and that Appropriate Assessment was required in view of the conservation objectives of those sites.
- 8.8. Following a detailed examination and evaluation of the NIS, all associated material submitted with the planning appeal as relevant to the Appropriate Assessment process, and taking into account submissions of third parties, I am satisfied that the design of the proposed development, combined with the proposed mitigation measures to address impacts from surface water runoff pollution during the construction and operational phase would prevent adverse effects on the integrity of River Boyne and River Blackwater SAC and on the River Boyne and River Blackwater SPA. This conclusion is based on,
- A full assessment of the wastewater treatment system proposed and the characteristics of the site.
 - Detailed assessment of all aspects of the proposed development that could result in significant effects or adverse effects on European Sites within a zone of influence of the development site.
 - Consideration of the conservation objectives and conservation status of qualifying interest species and habitats.
 - A full assessment of risks to special conservation interest bird species and qualifying interest habitats and species.
 - Application of mitigation measures designed to avoid adverse effects on site integrity and likely effectiveness of same.
 - Consideration and assessment of in-combination effects with other plans and projects.

9.0 Recommendation

9.1. I recommend that planning permission is granted for the development for the following reasons and considerations.

10.0 Reasons and Considerations

10.1. Having regard to

- a) the nature of the proposed development for 3 no. commercial warehouse buildings with all associated works, which is compatible with the *E1/E3 - Strategic Employment Zones (High Technology Uses) / Warehousing & Distribution* zoning objective for the site,
- b) the location of the subject site within the settlement boundary of Navan, which is designated as a Key Town within the settlement strategy for the county, and on lands which have been designated as a Masterplan area, (MP 12), which seeks to create a mixed-use neighbourhood,

10.2. It is considered that the development proposed would be in accordance with the policies and objectives of the Meath County Development Plan 2021-2027 (as amended) and subject to the conditions outlined below, would not have unacceptable impacts on ecology, water quality, flood risk or the landscape, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not conflict with the provisions of the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and as amended by the further plans and particulars submitted on the 18 th of August 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the
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	<p>planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.</p> <p>Reason: To protect the integrity of European Sites.</p>
3.	<p>Prior to the commencement of development, the developer shall submit the following details for written agreement with the Planning Authority,</p> <ul style="list-style-type: none"> a) The location and extent of EV charging facilities in compliance with the standards set out in the Meath County Development Plan 2021-2027. b) Details of the site boundary to the street. <p>Reason: To ensure a satisfactory standard of development and in the interest of road safety and the convenience of road users.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development and any signs shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Details of the public art installation shall be submitted for written agreement with the Planning Authority.</p> <p>Reason: In the interests of visual amenity.</p>
6.	<p>The use of the proposed units hereby permitted shall be restricted to uses for 'light industrial', (Class 4) and/or 'warehouse' (Class 5) purposes only as defined in the Planning & Development Regulations 2001 (as amended) and for no other classes of use specified in Part 4 of Schedule 2 of the</p>

	<p>Regulations, unless authorised by a further grant of permission. The office use shall be ancillary to the permitted use.</p> <p>Reason: In the interests of clarity and orderly development.</p>
7.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
8.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p>Reason: In the interest of public health.</p>
9.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network. OPTIONAL (b) Include any specific requirements if appropriate.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
10.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site</p>

	<p>clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interests of sustainable waste management.</p>
11.	<p>Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and monitoring of such measures. 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> <p>Reason: In the interest of public health and safety and environmental protection.</p>
12.	<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>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
13.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining</p>

	<p>public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
14.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
15.	<p>A bat survey shall be carried out on the site prior to the commencement of development and the results of the survey shall be submitted in writing to the Planning Authority. Should the presence of bats or bat roosts be found on the site, detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.</p> <p>Reason: In the interest of nature conservation and wildlife protection.</p>
16.	<p>The landscaping scheme shown on drawing number 22342-2-101, as submitted to the planning authority on the 18th day of August, 2023 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>

17.	<p>The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.</p> <p>Reason: To ensure full and verifiable implementation of the approved landscape design.</p>
18.	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees. Such lighting shall be provided prior to the making available for occupation of any unit.</p> <p>Reason: In the interest of amenity and public safety.</p>
19.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p>

	<p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</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 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>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

Elaine Sullivan
Senior Planning Inspector

12th December 2024

Appendix 1

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-318533-23		
Proposed Development Summary	The construction of 3 no. commercial warehouse units, surface car parking for 73 cars & 84 bicycles, new access road, works to the existing LDR6 road, signage, relocation of overhead power cables, temporary foul pumping station, drainage, landscaping and ancillary works.		
Development Address	Ferganstown & Ballymacon & Athlumney, Navan, Co. Meath.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	Class 10 (a) – Industrial estate development projects where the area would exceed 15 hectares. Class 10(iv) – Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			

Yes			EIA Mandatory EIAR required
No	X	Class 10 (a) – Industrial estate development projects where the area exceeds 15 hectares. Class 10(iv) – Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X		Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		Screening determination remains as above (Q1 to Q4)
Yes	X	Screening Determination required

Inspector: _____ Date: _____

Appendix 2

Form 3 - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-318533-23	
Development Summary	The construction of 3 no. commercial warehouse units, surface car parking for 73 cars & 84 bicycles, new access road, works to the existing LDR6 road, signage, relocation of overhead power cables, temporary foul pumping station, drainage, landscaping and ancillary works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	The PA determined that the development was sub-threshold under Class 10(A)(iv) of Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended).
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Screening Report and Natura Impact Statement were submitted with the application. An Ecological Impact Assessment was also submitted.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	

5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA		SEA and AA were undertaken in respect of the Meath County Development Plan 2021-2027. A Flood Risk Assessment was carried out for the development and submitted with the application.	
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	The proposed development would be located on a greenfield site in an agricultural setting but within the settlement boundary of Navan. The subject site and the wider lands form part of a masterplan area that is yet to be developed.	No - The landscape will be permanently altered by the development. However, the site has no specific designations to preserve it and it is zoned for development in the Development Plan.

<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The appearance of the greenfield site would be permanently altered by the development and the land use would change from agricultural to commercial.</p>	<p>No – The site is not within a visually sensitive area and has no protected views, prospects or features of interest. Standard measures to address potential impacts on surface water and ground water in the locality are outlined in the Outline Construction and Environmental Management Plan (CEMP) and the Surface Water Management system would prevent impacts on existing watercourses.</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>No</p>	<p>Construction materials will be typical for an urban development of this nature and scale. The loss of natural resources because of the development are not regarded as significant in nature. The OCEMP states that materials will be re-used where possible.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard</p>	<p>No</p>

		construction practice measures outlined in the OCEMP and the Outline Construction and Demolition Waste Management Plan (OCDWMP) would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the OCEMP and the OCDWMP, the project would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Foul water will discharge to the public network. Other operational impacts in this regard are not anticipated to be significant.	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	Operation of the standard measures listed in the OCMP will satisfactorily mitigate emissions from spillages during construction and operation. The operational development will connect to mains services and discharge surface waters only after passing through fuel interceptors and SUDS. Surface water drainage will be separate to foul services within the site. A Natura Impact Statement was prepared for the application and contains mitigation measures to prevent the release of pollutants into surface waters from the site.	No

1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the OCEMP. No operational impacts in this regard are anticipated.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Construction activity is likely to give rise to dust emissions and surface water runoff. Any potential impacts would be localised and temporary in nature. Measures to manage dust levels are set out in the OCEMP and a dust control strategy and Dust Management Plan will be put in place to prevent nuisance to sensitive receptors.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk is predicted having regard to the nature and scale of the development. All standard health and safety procedures will be implemented during construction and operation. The site is not at risk from flooding Any risk arising from demolition and construction will be localised and temporary in nature. There are no Seveso/COMAH sites in the vicinity.	No
1.10 Will the project affect the social environment (population, employment)	Yes	The proposed development would have an economic benefit to the local population and would generate employment opportunities during the construction and operational phases.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	Yes	Whilst the development is located in a Masterplan area which is undergoing development, it is a stand-alone project and has been designed to be self-contained.	No. The development is a stand-alone development within an area designated as a Masterplan area

			within the MCDP, which was subject to SEA. The cumulative impacts of the development are considered in the relevant section below.
2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	Yes	<p>The nearest European sites are the River Boyne and River Blackwater SAC and SPA, which are approximately 0.6km to the west of the site. The Conservation Objectives for these sites relate to freshwater habitats and species and the Kingfisher.</p> <p>A ground/surface water pathway has been identified from the site to the SAC and the SPA via drainage ditches on the site that discharge to the Ferganstown and Ballymacon Stream and on to the River Boyne. The NIS concluded that the proposed development will not adversely affect the integrity of these European sites. The potential for significant effects on Natura 2000 sites has been screened out. Refer to Section 8.0 of the Inspector's Report.</p>	No
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	No	<p>Surveys carried out for the Ecological Impact Assessment Report (EclA) found evidence of bat roosts and foraging and commuting routes on the site. A bird survey observed 3 species on the Red list and 3 species on the Amber list. Evidence of badgers was also found on the site. The EclA contained a full set of mitigation measures to</p>	No

		prevent significant impacts on protected, important or sensitive species.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	The subject site has no designations that relate to landscape, culture or archaeology. A submission from the Department of Housing Local Government and Heritage notes that the site is in an area of 'high archaeological potential' and requests that investigations are carried out prior to the commencement of development.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	The site is a greenfield agricultural site, which is surrounded by agricultural land. The River Boyne and River Blackwater SAC and SPA are approximately 0.6km to the north-west of the site. The potential impact of the development on the designated sites and the River Boyne is examined in Section 8.0 of this report. Mitigation measures to prevent impacts are set out in the NIS accompanying the application the OCEMP and the surface water management plan for the development.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	A Site-Specific Flood Risk Assessment (SSFRA) was varied out for the development. The site is not located in Flood Zone A or B. The site is not located within a flood plain and as such would not displace flood waters from rivers or watercourses. The surface water management plan for the site would attenuate and discharge water within the site and would not result in additional flood risk to nearby watercourses.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No		No
2.7 Are there any key transport routes(eg National primary Roads) on or around the	No		No

location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?			
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No		No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	Yes	The subject site forms part of a wider Masterplan development area. Planning permission has been granted for housing developments on three sites within the Masterplan area, (ABP-306687-20, ABP-309332-21 and 311676-21) with all three sites under construction. Outside of the Masterplan area, and to the north of the former railway line, planning permission was granted for a housing development of 91 houses. Cumulative impacts are most likely to arise due to potential pollution and nuisance during the construction phase. The construction practices outlined in the OCEMP will mitigate against potential cumulative impacts with adjoining development.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No		No
3.3 Are there any other relevant considerations?	No		
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	
Real likelihood of significant effects on the environment.		EIAR Required	

D. MAIN REASONS AND CONSIDERATIONS

ElAR not Required

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed commercial development, in an area zoned for development and in an emerging mixed-use masterplan area which is served by a new road network,
 - (b) the absence of any significant environmental sensitivity in the vicinity, and the location of the proposed development outside of the designated archaeological protection zone
 - (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant, (Appropriate Assessment Screening Report, Natura Impact Assessment and Ecological Impact Assessment).
3. the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the Outline Construction Management Plan, the Waste Management Plan, the Engineering Services Report and the Natura Impact Statement.

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3

AA Screening Determination

Screening for Appropriate Assessment Screening Determination

Step 1: Description of the project

A full description of the development is set out in Section 3.2, Page 7 of the Screening Report submitted by the applicant. The development involves the construction of a 3 no. commercial high-bay warehouses with car and bicycle parking, access roads, drainage, landscaping and all associated works. The subject site is a greenfield site on the outskirts of Navan. It is within a Masterplan area (MP 12) with some ongoing residential development on sites to the south of the subject site. The development would be served by the public mains and wastewater system.

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is not located within, or directly adjacent to, any Natura 2000 sites. The closest European sites to the development are the,

- River Boyne and River Blackwater SAC (Site Code 002299) at a distance of c. 0.6km to the west of the site, and the,
- River Boyne and River Blackwater SPA (Site Code 004232) approximately 0.6km to the west of the site.

Step 2: Potential impact mechanisms from the project

The applicant has applied the source-pathway-receptor model in determining possible impacts and effects of the apartment development. The proposed development will not result in any direct effects on any European Site.

There is a potential for indirect impacts during the construction and operational phase through uncontrolled surface water runoff discharging to existing surface

water drainage network which flows to the Ferganstown & Ballymacon Stream and on to the River Boyne.

During the construction and operational phase potential impacts would be limited to pollution entering the watercourse on the site and travelling downstream to the river Boyne. This could occur from,

- Surface water runoff which has been contaminated with dust, silt, cement or other contaminants entering the watercourse / stream and travelling downstream to the river Boyne.
- Spills from plant or machinery and/or from the storage of construction materials, oils fuels and chemicals entering the stream on the site.
- Runoff from topsoil stored on the site could enter the stream and cause pollution.

Where an ecological / hydrological pathway exists, indirect impacts could negatively affect qualifying interests, species and habitats, that rely on high water quality.

Step 3: European Sites at risk

Using the source-pathway-receptor model, an indirect hydrological pathway exists between the subject site and the River Boyne and River Blackwater SAC and SPA via the Ferganstown & Ballymacon Stream which drains the surrounding field network and flows to the river Boyne.

The potential for significant impacts from the development on the Boyne Estuary SPA and the Boyne Coast and Estuary SAC has been excluded on the basis of the relatively small scale of the project and the hydrological distance between the subject sites and the European sites.

Table 1 European Sites at risk from impacts of the proposed project [example]

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Deterioration of water quality through contaminated	Ferganstown & Ballymacon Stream	River Boyne and River Blackwater SAC	Alkaline fens [7230]

<p>surface water runoff from silt, hydrocarbons and/or oil during the construction and operational stage.</p> <p>Deterioration of water quality through the discharge of contaminated surface water during the operational stage.</p>			<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>
Deterioration of water quality in the SPA from uncontrolled polluted surface water runoff.	Ferganstown & Ballymacon Stream	River Boyne and River Blackwater SPA	Kingfisher (<i>Alcedo atthis</i>) [A229]

The River Boyne and River Blackwater SPA (004232) is a long, linear site that comprises stretches of the river Boyne and several of its tributaries. Most of the site is in Co. Meath, but it extends also into Co's Cavan, Louth and Westmeath. The site is a Special Protection Area (SPA) under the E.U. Birds Directive of special conservation interest for the Kingfisher. A survey in 2010 recorded 19 pairs of Kingfisher (based on 15 probable and 4 possible territories) in the River Boyne and River Blackwater SPA.

The River Boyne and River Blackwater SAC (002299) comprises the freshwater element of the river Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramor and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers. The main areas of alkaline fen in this site are concentrated in the vicinity of Lough Shesk, Freehan Lough and Newtown Lough, (to the east of Navan). Wet woodland fringes many stretches of the Boye with notable occurrences on a chain of small islands c. 2.5km to the west of Drogheda. The dominant habitat along the edges of the river is freshwater marsh with a secondary habitat of wet grassland. Along much of the Boyne and along tributary stretches are found areas of mature deciduous woodland on the steeper slopes above the floodplain marsh or wet woodland vegetation. Many of these are planted in origin. Other habitats present along the Boyne and Blackwater include lowland dry

grassland, improved grassland, reedswamp, weedy waste ground, scrub, hedge, drainage ditch and canal.

Atlantic Salmon use the tributaries and headwaters of the Boyne as spawning grounds. Salmon stocks in the Blackwater River suffered from an arterial drainage scheme in the 1970's and are still recovering. River Lamprey are present in the lower reaches of the Boyne and Otter can be found throughout the site.

Step 4: Likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'					
River Boyne and River Blackwater SAC	To maintain or restore the favourable conservation condition of the Qualifying Interests	Could the conservation objectives be undermined (Y/N)?			
		Deterioration of water quality through pollution	Effect B	Effect C	Effect D
Alkaline fens [7230]	Maintain	N			
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0]	Restore	N			
<i>Lampetra fluviatilis</i> (River Lamprey) [1099]	Restore	Y			
<i>Salmo salar</i> (Salmon) [1106]	Restore	Y			
<i>Lutra lutra</i> (Otter) [1355]	Maintain	Y			
River Boyne and River Blackwater SPA					
Kingfisher (<i>Alcedo atthis</i>) [A229]	Maintain or Restore	Y			

River Boyne and River Blackwater SPA

The Kingfisher is listed as the only Special Conservation Interest (SCI) for the River Boyne and River Blackwater SPA. Specific conservation objectives for the SPA are not listed. The Screening report states that the subject site is not an important foraging or nesting habitat for Kingfisher. However, as the Kingfisher is a piscivorous bird species, there is a potential for significant impacts on foraging activity via contaminated surface water drainage. Silt laden or contaminated surface water from the site has the potential to negatively impact the fish populations of downstream watercourses and therefore to impact the feeding opportunities for Kingfisher. In the absence of mitigation measures, significant effects on the SCI for this SPA are likely.

River Boyne and River Blackwater SAC

There is an indirect hydrological pathway from the subject site to the SAC via the Ferganstown & Ballymacon Stream. This stream is located approximately 500m from the site and flows to the river Boyne. Given the nature and scale of the development, the presence of a pathway and the proximity of the SAC, there is a potential for significant effects on the following qualifying interests of the SAC.

- River Lamprey (*Lampetra fluviatilis* [1099])
- Salmon (*Salmo salar* [1106])
- Otter (*Lutra lutra* (Otter) [1355])

The potential for significant effects on the following qualifying interests has been excluded due to the distance between the sites,

- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* ((Alno-Padion, Alnion incanae, Salicion albae) [91E0]) and,
- Alkaline fens [7230]

The Alkaline fen habitat has not been mapped in detail for the SAC. However, the main areas of the terrestrial habitat occur in the vicinity of Lough Shesk, Freekan Lough and Newtown Lough, approximately 25km west (as the crow flies) of the

subject site. By reason of the separation distance between the sites there is no potential for significant effects on this habitat from the proposed development.

The closest Alluvial forest habitat is located 17.3km (as the crow flies) from the subject site and is currently recorded to cover 16.7ha. By reason of the separation distance between the sites there is no potential for significant effects on this habitat from the proposed development.

In the absence of mitigation measures significant effects are likely via dust silt and contaminated surface water runoff. Mitigation measures are required to ensure that all surface water discharged to the stream is clean and uncontaminated.

I conclude that the proposed development would have a likely significant effect 'alone' on the Special Conservation Interests of the River Lamprey (*Lampetra fluviatilis* [1099]), Salmon (*Salmo salar* [1106]) and Otter (*Lutra lutra* (Otter) [1355]) of the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA from effects associated with the uncontrolled discharge of pollutants in surface waters. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.

Overall Conclusion- Screening Determination

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 would have a likely significant effect 'alone' on the Special Conservation Interests of the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA from effects associated with the uncontrolled discharge of pollutants in surface waters. 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'.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

