Inspector's Report

ABP-322429-25

Development	Destruction of structures, upgrades to roundabout, construction of roads and services infrastructure with all associated site works.
Location	Rowans Big, Rowans Little and Courtlough, Lusk and Balbriggan, Co. Dublin
Planning Authority	Fingal County Council
Planning Authority Reg. Ref.	F24A/0362E
Applicant(s)	Vida M1 Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Transport Infrastructure Ireland
Observer(s)	None

Date of Site Inspection	03rd July 2025
Inspector	Colin McBride

Contents

Appendix 3: Water Framework Directive

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of c.34 hectares, is located adjacent junction 5 of the M1 motorway and in the townlands of Rowans Big, Rowans Little and Courtlough. The main parts of the appeal site consist of lands to the north and south of Bhailsigh Road (L1140) on the western side of the M1. The appeal site also includes a section of the public road that runs between the northern and southern sections of the site (existing roundabout) and part of the R132 as far as the roundabout on the eastern side of the M1 adjacent the Applegreen service station. This includes the two roundabouts that service the slip roads of junction 5 of the M1. The northern portion of the site is labelled Zone A and includes a number of agricultural fields and is bounded by a lower category public road to the west (cul-de-sac). There is an existing vacant single-storey dwelling and water storage reservoir with associated pump station on the western side of the lands labelled zoned A. The southern portion of the site is labelled Zone F and consists of a number of agricultural fields. There is also two existing vacant dwellings and associated farm outbuildings. Both the northern and southern portions have existing entrances off the roundabout that are *in-situ* but blocked with concrete blocks.

2.0 Proposed Development

2.1. Permission is sought for:

(a) The demolition of an existing vacant dwelling and water storage reservoir with associated pump station located along the western boundary of Zone A.

(b) Demolition of two existing vacant dwellings and all associated outbuildings within Zone F.

(c) Provision of roads and services infrastructure (surface water, foul water and water supply) to facilitate the future development of the lands including public lighting, utility connections (power, telecommunications and gas) and SuDs drainage.

(d) Provision of new access roads from ‘Bhailsigh Road’ (L1140) to Zone A and Zone F and a new cycle and pedestrian route over the M1 motorway towards the R132 via the ‘Bhailsigh Road’ (L1140).

(d) Upgrade and modifications to the existing roundabout along the ‘Bhailsigh Road’ (L1140).

(e) All ancillary landscaping, tree/hedgerow removal, road works, boundary treatments, signage and site development works to support the development.

An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS) have been submitted.

In response to the further information request the proposal was revised in layout as follows:

(a) retention of 3 vernacular structures (buildings 2, 3 and 4) located in Zone F, realignment of Zone F internal access road to accommodate retention of structures and relocation of associated infrastructure (pedestrian, cycle paths, crossing and SuDs features).

(b) Alterations to the public road include pedestrian crossings moved 10m away from the circular carriageway on the M1 junction no. 5 roundabouts meaning amendment to the redline boundary and removal of southern shared path along the R132

(c) Boundary widened along the R132 to include relocation works of existing public lighting.

(d) Access road in Zone A shortened by 5-metres to accommodate 10m perimeter landscaping.

(e) Minor amendments made to Bhailsigh Road (L1140) roundabout to comply with TII design standards including reduction of circular carriageway width to 6m, alterations to islands and realignment of Zone F entrance to accommodate HGV swept path requirements.

(f) Changes to public lighting layout.

(g) Landscaping amendments including locations of trees moved to comply with 7m buffer zone between lighting and tree/hedgerow locations.

(h)Inclusion of Flood Compensatory Storage Swale to improve flood management in relation to the M1.

3.0 Planning Authority Decision

3.1. Decision

A grant of permission was recommended based on 13 conditions. Of note are the following conditions.

Condition no. 2: Ten-year permission.

Condition no. 5: Developer to liaise with the TII to ensure works are in accordance with TII publications, a Design Report to be submitted, final construction of details of public and private road network to be agreed with the Planning Authority, a detailed Construction Management Plan to be submitted and agreed, a Road Safety Audit to be submitted and agreed.

Condition no. 7: Detailed phasing proposals to be submitted and agreed.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (11/06/25): Further information required including proposal; to address TII concerns regarding policy in relation to development along national road, concerns regarding extra traffic in terms of traffic safety/hazard, failure to provide sufficient documentation to address capacity and safety concerns regarding the M1, failure to address issue of flooding on site in terms of the indicative masterplan. The applicant was also requested to the submit a revised landscape plan, an archaeological geophysical survey, pre-development test trenching, provision of a public lighting design, more details regarding appraisal of existing historic buildings on site and the impact of the development on such, provision of a phasing plan. Clarification of the likely significant effects on the environment of the proposed demolition works.

Planning Report (03rd April 2005): It was considered that the proposal is consistent with land use zoning and would be acceptable in regard to traffic impact. The issues raised by the TII in response to the further information submitted can be dealt with by way of condition. The revised landscaping proposals were deemed to be satisfactory. The applicants have addressed the issue of architectural heritage and archaeology to the satisfaction of the Planning Authority. The applicant has provided updated EIAR (Volume 1 and Volume 3 Appendices) and NIS, both of which are considered satisfactory. A grant of permission was recommended subject to the conditions outlined above.

3.2.2. Other Technical Reports

Water Services: No objection subject to conditions.

Transportation Planning: Further information required regrading TII concern in relation to traffic safety.

Parks & Green Infrastructure: Further information including revised landscaping plans.

Public Lighting: No objection.

Heritage Officer: Further information.

Ecologist: No objection subject to conditions.

Conservation Officer: Further information regarding architectural heritage status of existing structure.

Archaeologist: Further information including geophysical survey and archaeological test trenching.

Water Services: No objection.

Transportation Planning: No objection subject to conditions.

Parks & Green Infrastructure: No objection subject to conditions.

Public Lighting: Details submitted not in compliance with requirements.

Heritage Office/Archaeologist: No objection subject to conditions.

Ecologist: No objection subject to conditions.

Conservation Officer: Further consideration required.

Archaeologist: Further information including geophysical survey and archaeological test trenching.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (24/05/24): The proposal is at variance with official policy in relation to control of development on/affecting national roads as set out under the DoECLG Spatial Planning and National Roads Guidelines. Concerns raised regarding additional traffic and traffic hazard, failure to provide appropriate assessment and reports in accordance with TII publications, concerns regarding potential for flood risk to the M1 and provision of a developer led masterplan with lack of consultation with the TII noted.

Department of Housing, Local Government and Heritage (23/05/24): Archaeological Impact Assessment to be carried out.

Transport Infrastructure Ireland (06/03/25): The TII still have concerns regarding traffic safety in the context of additional traffic generated, potential for queuing on the interchange ramps, lack of consideration of development served by the infrastructure in terms of the Mobility Management Plan submitted. The TI raise concerns regarding the accuracy of the assessment of the existing road network and assessment of the proposal, application of standards not appropriate for a road network of this status. It is considered that the proposal is premature pending preparation of an appropriate road layout.

NTA (25/05/25): Proposed active travel infrastructure considered acceptable. Recommended a condition to allow further consideration to the provision of additional active travel crossing points on the internal road network.

Department of Housing, Local Government and Heritage (17/02/25): Condition recommended for archaeological excavation and monitoring.

3.4. Third Party Observations

None.

4.0 **Planning History**

Subject site:

PL06F.307527 (F20A/0107): Permission refused for retention of freestanding advertisement sign. Refused for failure to comply with National guidelines and material contravention of zoning (October 2020).

F05A/1375: Permission granted to demolish existing dwelling on Site A and replace with a two-storey dwelling and associated site works.

F05A/0510: Permission granted for 2 no. non-illuminated signs (April 2005)

F03A/0281: Permission granted for 5 no. non-illuminated signs.

PL06F.129151 (F01A/0177A): Split decision with a grant of permission for 4 no. warehouse units and refusal fruit and wholesale market and light industrial development.

F95B/0257: permission granted for detached double garage.

PL06F.129151: Split decision with a grant of permission for the construction of a light industrial/warehouse development of land parcel identified as Site E containing 4 warehouses and associated site works. Refusal for the demolition of 2 no. dwellings and construction of a light industrial /warehousing development on two parcels of land identified as D and F. Refused on the basis of prematurity in terms of deficiency of existing road network, traffic hazard, adverse impact on a national route and failure to comply with Courtlough Action Plan in terms of landscape reservation. (February 2001).

Adjacent the site:

F18A/0593: Permission granted for a production and distribution warehouse building and associated site works to the southeast of the site (August 2019).

F01A/0575: Permission granted for the construction of a warehouse and distribution development comprising 9 no. buildings and associated site works to the northeast of the site (April 2002).

5.0 **Policy Context**

5.1. National Policy

National Planning Framework (First revision April 2025)

5.2 Regional Policy

5.2.1 Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES-EMR).

The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten-year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

5.3 Guidelines

Section 28 Ministerial Guidelines

5.3.1 Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities.

Section 2.7 Development at National Road Interchanges or Junctions

However, in certain circumstances, additional junctions, or enhancements to existing junctions on national roads, may become necessary to service development needs of national and strategic importance or in cases where a proposed development is demonstrated by the planning authority to be more appropriately located proximate to such junctions. In such circumstances, the NRA will support such capacity enhancements and development proposals where all of the following criteria are met:
• Demonstration of the need for additional connectivity by reference to policy considerations such as the National Spatial Strategy, Regional Planning Guidelines and in the Greater Dublin Area, the National Transport Authority's transport strategy.

• Consistency between the relevant development plan and the relevant plans and strategies mentioned above;

• Early identification, through the plan-making process, of appropriate strategic land uses, which will benefit from high quality access, such as nationally or regionally important employment clusters or intermodal transfer facilities (but excluding retail and residential development);

• Demonstration that all other options for servicing the development needs and, in particular, the regional and local roads network and the use of public transport solutions, have been examined and exploited to the fullest extent practicable;

• Demonstration that the additional traffic loading can be satisfactorily accommodated at the junction concerned and on the national road network;

• Ensuring that the proposed development will not give rise to an undesirable precedent for further traffic generating development at or in the vicinity of the proposed development;

• Demonstration that design complies with NRA Design Manual for Roads and Bridges (DMRB) standards;

• Satisfactory details of the proposed demand management measures; and

• Acceptable funding and delivery proposals for any required improvements.

5.4 Other

Climate Action Plan 2025: Climate Action Plan 2025 builds upon last years plan (Climate Action Plan 2024) by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024.

National Biodiversity Action Plan 2023-2030.

5.5 Development Plan

The relevant development plan is the Fingal County Development Plan 2023-2029. The appeal site is zoned ‘GE-General Employment’ with a state objective to ‘provide opportunities for general enterprise and employment’.

Policy CMP33 – Protection of TEN-T Network Support the protection and enhancement of the EU TEN-T network including the strategic function of the Dublin to Belfast Road network which provides a critical transport connection within the Dublin-Belfast Economic Corridor.

Objective CMO35 – Management of Road Network Work with the TII and other relevant national transport agencies, to protect and enhance the capacity of national routes, to minimise the impacts on the management of the broader network and to support the economic competitiveness of the County.

Objective CMO36 – Strategic Roads Network Maintain and protect the safety, capacity and efficiency of National roads and associated junctions in accordance with the Spatial Planning and National Roads Guidelines for Planning Authorities 2012, the Trans-European Networks (TEN-T) Regulations and with regard to other relevant national and regional policy documents, as required.

Objective CMO37 – National Transport Agencies Work with the TII and NTA and other relevant national transport agencies to protect capacity and deliver improvements of the strategic road network and junction upgrades where necessary in line with National and Regional policy objectives.

Objective DMSO114 – National Road Access Restrict development requiring new or intensified access onto a national road and seek to reserve the capacity, efficiency and safety of National Road infrastructure including junctions in accordance with the provisions of the Spatial Planning and National Roads Guidelines for Planning Authorities DoECLG, 2012.

Policy CMP7 – Pedestrian and Cycling Network Secure the development of a high-quality, connected and inclusive pedestrian and cycling network and provision of supporting facilities / infrastructure across the County, including the upgrade of the existing network and support the integration of walking, cycling and physical activity with placemaking including public realm improvements, in collaboration with the NTA, other relevant stakeholders, local communities and adjoining Local Authorities in the context of the impact of development schemes with cross boundary impacts and opportunities where appropriate. Routes within the network shall have regard to NTA and TII national standards and policies.

Policy CMP9 – Prioritisation of Pedestrians and Cyclists Support the prioritisation of pedestrians and cyclists and the provision of improved public realm to make walking and cycling safer, healthier, quicker, more direct and more attractive.

Objective CMO6 – Improvements to the Pedestrian and Cyclist Environment Maintain and improve the pedestrian and cyclist environment and promote the development of a network of pedestrian/cycle routes which link residential areas with schools, employment, recreational destinations and public transport stops to create a pedestrian/cyclist environment that is safe, accessible to all in accordance with best accessibility practice.

Policy SPQHP59 – Vernacular Buildings Promote the sensitive restoration and re-use of historic vernacular dwellings and outbuildings within Fingal.

Objective SPQHO103 – Retention of Vernacular Buildings Retain, appreciate and revitalise appropriately the vernacular buildings of Fingal by deterring the replacement of good quality vernacular buildings with modern structures and by protecting and promoting the sympathetic maintenance, adaptation and re-use of vernacular buildings where they contribute to the character of the rural area.

Objective SPQHO104 – Protection of Vernacular Buildings Discourage the demolition or replacement of vernacular rural buildings and encourage their sensitive restoration and/or conversion where they contribute to the character of the area.

14.19.1.2 Existing Buildings/Structures:

Where structures exist on a site their embodied carbon needs to form part of the considerations for any redevelopment to ensure the proposal adheres to sustainable development goals. Adaptive re-use and transformation of existing buildings should be the first consideration before demolition and replacement. The architectural or vernacular quality, style and materials of the buildings on the site should also form part of the evaluation as the Development Plan contains objectives to retain and re-use the historic building stock, vernacular structures and 20th century architecture of merit. An analysis of historic maps should be carried out where older buildings exist on a site to inform the assessment process (there are a number of online map viewers that have digital historic map layers).

5.6 **Natural Heritage Designations**

North-West Irish Sea SPA (site code 004236) is 4.5km to the west of the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1 A third party appeal has been lodged by Transportation Infrastructure Ireland. The grounds of appeal can be summarised as follows.

- The proposal entails significant and material change to Junction 5 of the M1 and require considerable change to address concerns regarding impact on a national route and should not be resolved by way of condition as proposed.
- The proposal has been assessed as an urban junction by the Council and the applicant whereas such is not an urban junction but a motorway interchange.

- The TII identify a number of Development Plan policies (Policy CMP33, Objective CMO35, Objective CMO36, Objective CMO37, Objective DMSO114, Objective CMO6, Policy CMP7 and Policy CMP 9) relating to protection of national road infrastructure and consider the proposal premature pending the development of an appropriate junction and public road layout at this location to serve the proposal development while ensuring the safety and operation and technical requirements of the existing motorway junction and would be contrary Development policies in this regard.
- The proposal in its current form would endanger public safety by reason of a traffic hazard and obstruction of other road users due an inappropriate design and application of inappropriate standards. Concerns are raised regarding additional traffic and potential queuing during peak hours that could result in mainline tailbacks.
- Insufficient data has been submitted to demonstrate that the proposal would not have a detrimental impact on the capacity, safety and operational efficiency of the national road network.
- The appellants question the baseline data in particular the motorway lighting footprint and the accuracy of proposal presented in the drawings.
- The proposal requires a Design Report submitted via the Departure Portal in accordance with TII publication, Design Phase Procedure for Road Safety Improvement Schemes, Urban Renewal Schemes and Local Improvement Schemes – DN-GEO-)3030.
- The proposal entails signalised pedestrian crossing and other infrastructure within the national road motorway network designation with specific legal, procedural and technical requirements applicable that have not been addressed.
- The application indicates inappropriate standards which are not in accordance with those set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (Jan 2021) and TII publications.
- The proposal would set an undesirable precedent for development that would adversely affect the operation and safety of the national road network.

6.2. **Applicant Response**

6.2.1 A response has been received from John Spain Associates on behalf of the applicant Vida M1 Limited.

- The applicants highlight the fact the site is zoned for development under the CDP and the planning history of the site.
- The applicant refers to condition no. 6 applied to the grant of permission and how such will ensure that the development will not have an adverse impact on the function of the motorway or road safety with a requirement to liaise with the TII and submit a Design Report. I would note that the response erroneously refers to condition no. 6 rather than condition no. 5, which is the relevant condition.
- In relation policy context the applicant noted that the Planning Report and Engineering report submitted with the application included justification and a Response Report to TII Comments submitted to deal with the FI request addresses the TII issues in relation to Spatial Planning and National Road, Guidelines for Planning Authorities
- In response to concerns regarding piecemeal development of lands a masterplan document has been prepared to show indicatively how land will be developed and an EIAR has been submitted to assess the construction and operational impact of the masterplan development.
- In relation traffic impact the applicant has submitted a comprehensive range of documents. It is noted that the development is accessed from a purpose built roundabout on the L1140 and will not be directly accessed from the motorway. The applicant has indicated a willingness to engage with the TII, however is satisfied that condition no. 6 is adequate to deal with any outstanding concerns (condition no. 5 is the actual condition referred to).
- A Flood Risk Assessment has been submitted in support of the proposed development.
- The proposal includes Flood Compensatory Storage, which will reduce potential for flood risk to the M1.

- A technical response by Clifton Scannell Emerson Associates is included with the appeal response. The response indicates that the consideration was given the TII publications, DMURS and the NTA Cycle Design Manual. The response indicates that the DRMB guidelines have been formally withdrawn, and the applicant has relied on the most current and applicable guidelines including TII publications (National Roads-Active Travel Planning, Rural Cycleway Design, Rural Road Link Design and Geometric Design of Junctions). The applicants note that attempts to engage with the TII during the application and FI request were not facilitated.
- A Table is included in the Appendix of the CESA technical response comparing the proposal to the relevant TII publications, DMURS and NTA Cycle Design Manual (Appendix B).
- The proposal should be granted permission.

6.3. **Planning Authority Response**

6.3.1 Response by Fingal County Council

- The Council highlight that the existing road network at this location has a 60kph speed limit, there is existing public lighting at Junction 5 and at the existing site access roundabout, there are existing footpaths on the overbridge on the M1 on both sides and the existing site access roundabout has footpaths, a pedestrian crossing and street lighting.
- The application of DMURS and the Cycle Design Manual is considered appropriate given site context and acceptable to the Councils Transportation Section. The proposal will improved active travels links between the site and the existing M1 Business Park and bus stops to the east of the M1.
- A Stage 1 Road Safety Audit and a Traffic & Transportation report was submitted with demonstration of appropriate sightlines and demonstration that all junctions are operating within capacity with sufficient capacity for the proposal.
- The Planning Authority facilitated discussions between the applicant TII and additional information was sought and received. Having regard to the TII

submission conditions were attached to ensure the development could be completed in an appropriate manner.

- The site is zoned for General Employment' and the proposal is acceptable in terms of traffic safety subject to compliance with conditions attached.

6.4. **Observations**

None.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are in relation to the following:

Principle of the proposed development

Compliance with relevant guidelines/TII publications

Traffic impact/Safety

Flooding

Other Issues

Conclusion

7.2 **Principle of the proposed development**:

7.2.1 The proposed development entails demolition of existing structures (12 structures including 3 no. vacant dwellings, outbuildings/farm buildings, water storage reservoir and pump) on site and provision of roads and services infrastructure (surface water, foul water and water supply) to facilitate the future development of the lands including public lighting, utility connections (power, telecommunications and gas) and SuDs drainage. The proposal also includes some alterations to the public road

including provision of shared pedestrian/cycle paths and uncontrolled pedestrian crossings at the existing roundabout providing access to the site and the two roundabouts serving the junction 5 motorway interchange and the roundabout on the R132 to the east of the M1 serving the existing M1 Business Park and Applegreen Service Station. It is also proposed to link the two roundabouts on the eastern side and two roundabouts on the western sides with 3m wide shared pedestrian/cycle paths on each side of the carriageway.

7.2.2 Revisions were made to the proposal in response to further information. These changes include retention of 3 vernacular structures on the plot marked Zone F (building no. 2, 3 and 4) with 9 structures to be demolished (2 existing vacant dwellings, outbuildings/farm buildings, water reservoir and pump), amendments to the internal road layout to facilitate such, amendments to the layout of the public road with alterations to the access roundabout , relocation of pedestrian crossings on the roundabouts either side of junction no. 5, removal of crossing and shared foot/cycle path on the southern side of the public road (R132), revisions to public lighting, shortening of service road in Zone A to provide additional planted buffer, relocation of planting to buffer it from proposed lighting. The permitted development is as per the revised plans submitted by way of further information.

7.2.3 As noted above under Planning policy section, the site is zoned ‘GE-General Employment’ with a stated objective to ‘provide opportunities for general enterprise and employment’. This entails provision of service road infrastructure and drainage infrastructure for a future development of the lands to the north and south of Bhailsigh Road (L1140) to the west of the M1. The proposal also includes alterations to the road network to facilitate pedestrian and cycle connection between the site and the M1 Business Park, bus stop and existing Applegreen service station to the east of the motorway.

7.2.4 For the purpose of clarity, the applicant has submitted a masterplan in response to FI. The application site is part of a landholding that includes lands to the east of the motorway (Zone C and E), which include the existing M1 Business Park and

Applegreen service station with the proposal being an extension of the existing M1 Business Park albeit on the opposite side of the M1 and junction 5. Zone C is occupied by the existing warehouse/light industrial units and the Applegreen service station, whereas Zone E (west of existing Ffyes property) is currently undeveloped. In addition, an indicative masterplan for Zone A and F on the application site was also submitted in response to further information showing a potential layout of future warehousing units that are to be served by the infrastructure proposed in this application. It is clear that if the proposal if granted there will be future applications for the buildings to be served by the infrastructure proposed in this case.

7.2.5 In terms of land use zoning policy the proposal would be in accordance with the zoning objective. The main issue of the appeal concerns the traffic impact of the proposal, the level of alterations to a motorway interchange and to the need for compliance with relevant guidelines concerning such and adequate levels of consultation and agreement with the TII regarding such changes prior to granting of permission. The principle of the proposed development is acceptable in terms of land use zoning; however the other issue will be dealt with in the following sections of this report.

7.2.6 In relation to the appellants' claims that the proposal is piecemeal development, I would note that the applicant has provided for a masterplan for the site and the Zone A and F lands that make up the site are the full extent of lands zoned for development (GE, General Employment) adjacent junction 5 on its western side. I am satisfied that the proposal is a comprehensive proposal in relation to the zoned lands and provides for active travel infrastructure that will link the zoned lands on the western side of the M1 to the eastern side. In this regard I am satisfied the proposal would not constitute piecemeal development of the lands in question.

7.3 **Compliance with relevant guidelines/TII publications:**

7.3.1 One of the mains issues raised in the appeal is the failure to have regard to the relevant guidelines and publications in designing and evaluating the proposal,

particularly in relation to the alterations proposed along the public road and roundabouts that form part of the Junction 5 motorway interchange. The appellants note that the standards used are the Design Manual for Urban Roads and Streets and the NTA Cycle Design Manual. The appellant states that official policy in relation development involving access to national road and development along such roads is set out under DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and such highlights the necessity of compliance with TII publications Design Manual for Road and Bridges (DRMB).

7.3.2 The site and development is to be accessed of the Bhailsigh Road (L1140) to the west of the M1 with an existing roundabout providing an existing gated access to the north and south of such (blocked off with concrete barriers). The proposal entails alterations on the public road, which initially included the provision of 3m wide shared foot/cycle paths linking the existing access roundabout to the roundabout serving the Junction 5 motorway interchange and provision of uncontrolled pedestrian crossing on the roundabout at the motorway interchange. Similar alterations were also proposed to the roundabout serving the interchange to the east of the motorway as well as providing foot/cycle path links to the existing roundabout serving the M1 Business Prak on the R132. There are existing footpath on each side of the motorway bridge with the proposal designed to facilitate pedestrian cycling access from the existing bus stop and development (M1 Business Park and Applegreen Service Station) to the east of the motorway to the proposed development, which will facilitate future employment uses.

7.3.3 As noted above, the PA requested further information, which resulted in amendments to the proposal including the layout of alterations to the public road with provision of a 3m shared foot/cycle path along the northern side roundabouts serving the slipways to the M1 at junction 5 and along the northern side of the overbridge as well as the provision of controlled pedestrian crossing on the northern side of the slipway roundabouts.

7.3.4 The appellants are critical that the standards used are (DMURs and NTA Design manual) are not applicable and the public road at this location is not an urban road but part of the National Road Network. In this case the site is located on the local road network in close proximity to the junction. As noted earlier the lands are zoned for 'General Employment' use with the proposal for the services and infrastructure for a light industrial estate. The land at this location have been zoned under the current County Development Plan (2023-2029) and under previous Development Plan and Local Area Plans. There has been development (employment/light industrial) constructed on the eastern side of the M1 and permitted on the lands zoned arounds junction 5 of the M1. In this case the lands zoned around junction 5 are serviced by the local road network, which include the Bhailsigh Road (L1140) to the west of the M1 and R132 to the east of the M1. The local road network leads to Junction 5, which is a motorway interchange facilitating on and off ramps to the local road network and features slipways and a roundabout to the east and west of the motorway and an overbridge. In this case I would consider a balance needs to be struck between the protection of the status of the motorway junction and its function and provision of appropriate alterations to the local road network to facilitate active travel measures. In this case I do not consider that the assessment of the proposal should be based on one set of standards above others and that the proposal must be assessed on the merits of what is proposed/permitted in this case.

7.3.5 In terms of the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities, Section 2.7 relate to 'Development at National Road Interchanges or Junctions'. It is stated under this section that "in certain circumstances, additional junctions, or enhancements to existing junctions on national roads, may become necessary to service development needs of national and strategic importance or in cases where a proposed development is demonstrated by the planning authority to be more appropriately located proximate to such junctions. In such circumstances, the NRA (TII) will support such capacity enhancements and development proposals" where certain criteria are met.

7.3.6 The criteria are listed above under the Planning Policy section. I would be of the view the proposal is compliant with these criteria in the context that the site is zoned for employment uses that benefit from proximity to the national road network, Dublin Airport and the Dublin-Belfast transport corridor. I would be of the view that the location of the proposed development is strategic and consistent with Development Plan policy and the National Planning Framework. I would acknowledge that the criteria under section 2.7 also include demonstration that additional traffic loading can be accommodated satisfactorily and demonstration of compliance with the NRA Design Manual for Roads and Bridges.

7.3.7 In relation compliance with TII design standards the applicant submitted a Design Report and Compliance Statement in response to further information for the revised/permitted development. The report outlines the existing road conditions including providing existing and proposed layouts as well as existing and proposed cross sections. The proposal/permitted development has been designed in line with the principles and guidance outlined within the Design Manual for Urban Roads and Streets and the relevant TII and NTA guidelines with reference to the following guidelines:

TII Design Phase Procedure for Road Safety Improvement Schemes, Urban Renewal Schemes and Local Improvement Schemes (DN-GEO-03030);

TII Geometric Design of Junctions (DN-GEO-03060);

TII Standard Construction Details;

NTA Advice Note Roundabout Retrofit including Rapid Build Options (ATAN-2023-02);

NTA Cycle Design Manual.

7.3.8 The applicant in their response (Clifton Scanell Emerson Response to TII Appeal Technical Queries) highlight that the DRMB guidelines have been formally withdrawn and that the existing motorway would have been designed in accordance with such standards in policies at the time. It reiterates that the proposal does not seek to alter or redesign the existing motorway infrastructure and instead involves the addition of

active travel infrastructure alongside the existing layout. Having inspected (21st July 2025 and again on the 31st of July 2025) the TII website and publications section I would concur that the DRMB guidelines does not form part of the current library of publications in place and that the only references I can find relate to withdrawn volumes. In this context, I consider that it is entirely reasonable that the applicant would use more current and up to date and available guidelines to design the proposal.

The applicants' response highlights that in absence of up-to-date DRMB guidelines they have relied on the most relevant current and applicable guidelines including.

PE-PMG-02045-01 National Road – Active Travel Planning;

DN-GEO-03047-04 Rural Cycleway Design (Offline & Greenway);

DN-GEO-03031-12 Rural Road Link Design;

DN-GEO-03060-03 Geometric Design of Junctions.

The applicants' response includes a table (Appendix B) that assess design criteria including junction visibility, dynamic sight distance, minimum horizontal separation, stopping sight distance, and vertical alignment and how such complies with TII guidelines in particular PE-PMG-02045-01 National Road – Active Travel Planning, DN-GEO-03060-03 Geometric Design of Junctions, DMURS and the NTA Cycle Design Manual.

7.3.9 Based on the information submitted, I am satisfied that the proposal has been designed to have regard to existing TII guidelines and best practice guidelines for Active Travel Infrastructure. I am satisfied that the applicant has provided sufficient information in the form of development drawings, Traffic and Transport Assessments, Roads Safety Audit and Design Compliance Report to demonstrate that the proposal would have no significant or adverse impact to the carrying capacity or functionality of the national road network and I would refer to following section of this assessment that specifically relates to Traffic Safety.

7.3.10 I would reiterate the fact that the site is zoned for development and that development is likely to be mainly reliant on vehicular traffic given its location. Notwithstanding

such, I do consider that there is the potential that the proposal may generate some degree of pedestrian/cyclist movement given the fact that there are existing elements on the eastern side of the motorway, which include an existing bus stop and the Applegreen service station. In this regard I would consider that the lack of provision of active travel infrastructure would be inappropriate as it may generate pedestrian movements onto the public road where active travel measures are not provided and such a scenario would be infinitely more dangerous in terms of traffic/public safety, than the proposal which seeks to provide for active travel measures between the site and the existing facilities on the eastern side of the motorway.

7.3.11 I would consider that subject to an appropriate condition that requires liaison with the TII prior the commencement of development as per condition no. 5 attached to the Local Authority's grant of permission, that the proposal would be satisfactory in the context of traffic safety and policy. I would note that if the Coimisuin have concerns regarding the proposal in the context of the TII concerns, they may consider granting the proposal with omission of alterations proposed to the two roundabouts serving the Junction 5 M1 slipways and on the overbridge to allow for consultations to take place as the proposal is for site infrastructure with a need for future applications for the proposed structures. Notwithstanding such, I would consider that the proposals as permitted and amended by way of further information are acceptable in terms of the proper planning and sustainable development of the area.

7.4 **Traffic Impact/Safety:**

7.4.1 The proposal was accompanied by a Traffic and Transport Assessment (TTA). A revised TTA was submitted on foot of the alterations proposed in response to further information. To accurately assess the impact of the proposed development in the future, the base traffic flows for the local network established by traffic surveys were expanded to the construction year of proposal (2026), opening year of future planned commercial buildings (2026), opening year of future planned commercial buildings +5 years (2031) and opening year of future planned commercial buildings +15 years (2041) using TII growth factors. A junction capacity analysis of a number of key junctions was carried out and including Junction 1 (existing access

roundabout on Bhailsigh Roa/L1140), Junction 2 (existing roundabout L1140/M1 northbound on and off slip), Junction 3 (existing roundabout L1140/M1 southbound off and on slip), Junction 4 (existing roundabout L1140/R132/access road to Applegreen). The modelling carried out is based on modifications to the junctions as proposed under the revised plans submitted in response to further information.

The analysis indicates that local road network would have sufficient capacity to at all of the analysed junctions for the opening year construction and operational phase and the operational phase +15 (2041) design year.

7.4.2 The TTA includes details of construction traffic impacts and mitigation measures, which include the provision of a Construction and Environmental Management Plan (CEMP) that include measure to management on site traffic, construction traffic access and appropriate routes for construction and vehicles. It is indicated that a Construction Management Plan (CMP and Construction Traffic Management Plan (CTMP) will be prepared prior to the construction stage.

7.4.3 The permitted development entails alterations to the existing public road, which includes alteration to the roundabouts serving the slip roads of Junction 5 of the M1 and the overbridge over the M1. The permitted alterations to the public road network include the following:

Bhailsigh Road from the access roundabout to the roundabout serving the western slip roads of the M1:

Provision of a 3m wide foot/cycle path along the northern side of the carriageway with provision of a setback Armco barrier to facilitate such. No changes are made to the width of the carriageway or the verge along the south side.

Roundabout serving slipways on western side of M1:

Provision of 3m wide foot/cycle path on northern side with a controlled pedestrian crossing on M1 entrance slipway for northbound traffic.

Overbridge on the M1:

Provision of 3m wide foot/cycle path on the northern side (replacing existing 2m wide footpath), reduction in the carriage way widths from 4.54m and 4.41 respectively to 3.9m each and reduction in 2m wide footpath on southern side to 1.77m.

Roundabout serving slipways on eastern side of M1:

Provision of 3m wide foot/cycle path on northern side with a controlled pedestrian crossing on M1 exit slipway for southbound traffic.

R132 from the roundabout serving the eastern slip roads of the M1 to the roundabout serving the M1 Business Park/Applegreen:

Provision of a 3m wide foot/cycle path along the northern side of the carriageway with provision of a setback Armco barrier to facilitate such. No changes are made to the width of the carriageway or the verge along the south side.

7.4.4 I am satisfied that the applicant has provided sufficient information in the form of Traffic and Transport Assessment (TTA) to demonstrate that the proposed development will not have an adverse impact on the existing road network, with sufficient capacity within the existing road network including the existing junctions in the vicinity of the site including the motorway interchange (Junction 5).

7.4.5 The proposal does entail alteration to an existing motorway interchange with the provision of active travel infrastructure, which is the provision of a 3m wide shared foot/cycle path on the northern side of the two roundabouts serving the junction slipway and along the northern edge of the overbridge across the motorway. In addition, it is proposed to provide controlled toucan crossings on the northern side of the slipway roundabouts. These alliterations will have some impact on the existing junction. I would consider that the addition of the shared foot/cycle path would change the width of the carriageway in some case, however I would be satisfied that such would not be to detriment of the function of the existing motorway interchange or road network, with carriageway sufficient in width, regard had to TII guidelines and provision swept path analysis that demonstrate that carriageway widths are sufficient.

7.4.6 The provision of 3 no.-controlled toucan crossing will have an impact on traffic movement as it will entail pausing traffic to allow for pedestrians using the crossings, I would however consider that the impact of such would not be significant or detrimental to operation of the junction or impact on safety of the road network..

There is provision of a toucan crossing on the eastern arm of the roundabout junction on Bhailsigh Road (L1140), which is the junction for accessing the site. This junction will facilitate access for the southern portion of the site to the 3m wide shared foot/cycle path that is located on the northern side of the road. The other two toucan crossing will be on the northern arm of the roundabouts serving the slipways of Junction 5, with the one on the western roundabout at the start of the slipway providing access to the M1 for northbound traffic and the one of the eastern roundabouts at the end of the slipway providing for southbound traffic existing the M1.

7.4.7 In relation to the issue of queuing the applicants' response refers to the Traffic and Transport Assessment submitted including the information submitted in response to FI. It is indicated that that the changes in operational capacity of the roundabouts serving junction 5 are projected to be minimal. In addition, no significant delays or queuing have been identified with the TTA modelling results indicating queue length will be minimal at approximately 2 Passenger Car Units (PCU's compared to existing queues of less than 1.0PCU. I would highlight that junction 5 is located outside the built-up area of Dublin City and at a point of the motorway that under normal conditions does not result in queuing traffic unless it has been caused by a traffic incident. In this regard I accept the applicants' argument that the proposed alterations are unlikely to generate severe queuing at the junction that would impact on vehicular movements on the main carriageway of the motorway.

7.4.8 I would reiterate the fact that the site is zoned for development and that development is likely to be mainly reliant on vehicular traffic given its location. Notwithstanding such, I do consider that there is the potential that the proposal may generate some degree of pedestrian/cyclist movement given the fact that there are existing elements on the eastern side of the motorway, which include an existing bus stop and the Applegreen service station. In this regard I would consider that the lack of provision of active travel infrastructure would be inappropriate as it may generate pedestrian movements onto the public road where active travel measures are not provided and such a scenario would be infinitely more dangerous in terms of traffic/public safety,

than the proposal which seeks to provide for defined active travel measures between the site and the existing facilities on the eastern side of the motorway.

7.4.9 Having regard to the information submitted including the provision of Traffic and Transport Assessment (TTA) for the original proposal and one for the amended/permitted layout in response to further information, a Stage 1 Road Safety Audit and a Design Report and Compliance Statement, I am satisfied the applicant has demonstrated that the layout proposed would be satisfactory in the context of traffic safety and vehicular movements and would not compromise the capacity and functionality of the existing road network including the national road network.

7.5 **Flooding:**

7.5.1 The issue of flooding did arise during the course of the application with concern raised by the TII in the submission regarding the potential for flooding of the M1 with the indicative masterplan failing to address for flooding indicated to the north of the node point 02 prior to culvert under the M1. I would note that the issue of flooding is not explicitly mentioned in the grounds of appeal despite having been raised in the appellants' earlier submissions. A Site-Specific Flood Risk Assessment (SSFA) was submitted with the application (Appendix 8 of Volume 3 of the EIAR). This SSFA indicated that part of the site is in Flood Zone A for the purposes of fluvial flooding with surface ponding of fluvial floodwater adjacent the M1 in the northeast of the site at the downstream end of a local field drain. There are no other sources of flood risk, and it was noted that the development proposed is classified as less vulnerable development under the Planning System and Flood Risk and Management guidelines in addition to the fact the proposed physical development part of this application is all in flood zone C.

7.5.2 The applicant was requested to address the issues of the flood risk in the context of the indicative masterplan for the site and relative to portion of the site in Flood Zone A for fluvial flood risk. In response a technical note was submitted. This indicated that a small portion of the car parking to the east of the site (based on the indicative

masterplan) would be in the area impacted by Flood Zone A. To address such a Flood Compensatory Storage (FCS) in the form of a swale (drainage channel, 15m wide, 2m deep with 1in 3 side slopes) located along the eastern boundary of the site. The specifications of this feature is based on hydraulic modelling and is designed to ensure no risk to adjoining properties such as the M1.

7.5.3 I am satisfied that the proposed physical development falls in its entirety in Flood Zone C. I would acknowledge that a small portion of the site, which is likely to be a parking area (subject to future application with an indicative masterplan provided) is located within Flood Zone A for fluvial flooding. I am satisfied that the overall proposal and future development served by such is in the less vulnerable category for the purposes of the Planning System and Flood Risk and Management guidelines. Notwithstanding such, I would consider that the applicant has provided for additional flood compensatory measures in the form of swale to deal with potential flood risk adjoining the eastern boundary of Zone A of the site and has demonstrated that such would deal with flood risk on site while ensure no impact or displacement of flood waters onto the M1 running along the eastern boundary of the site.

7.6 **Other Issues:**

7.6.1 The appellant have expressed concern regarding the lack of engagement and failure to adhere to TII guidelines in regards to GE-TBU-01043 TII Requirements for Design Reports on National Roads, which require the preparation of a Design report, including any Relaxations and Departures (where appropriate in accordance with Section 1.1 of TII Publications (Standards) GE-GEN-01005 Departures from Standards and Specification). It is indicated that this standard is required to be used for the design phase or all schemes on national roads, whether funded by TII or not. The appellants have also highlighted that the alterations to the motorway interchange require their permission and are in their jurisdiction.

7.6.2 As noted earlier the applicants stated that engagement with the TII has not been facilitated. As noted earlier condition 5 attached to grant of permission requires submission of Design Report to the TII prior to the commencement of development. I would consider that the nature or the alterations proposed are acceptable in term of scale and layout and that applying a similar condition is sufficient in this regard. As noted in the earlier section of this assessment, if the Coimisiun are concerned regarding this issue, they may consider granting permission with omission of alterations to the 2 no. roundabouts serving the slipways and the overbridge by way of condition as the proposal is for infrastructure and services for a light industrial park with the need for further applications where this issue could be addressed.

7.6.3 The proposal originally sought to demolish 12 no. structures including 3 no. dwellings, outbuildings/farm buildings, a water storage reservoir and pump. In response to a further information request the proposal was amended to include retention of 3 no. existing structure, a stone built dwelling and 2 no. stone-built sheds, which date from the 1800's and are in reasonable structural condition. These structures are incorporated into the layout and have no specified use, which is likely to be determined at a later stage subject to future applications on site. The structures to be demolished are not of significant architectural heritage value, the 2 no. dwellings are later construction, and the other structures are in poor condition or of no significant architectural value. I am satisfied that the proposal to retain 3 no. existing structures is compliant with Development Plan policy for vernacular buildings under policies SPQH59, SPQH0103 and SPHQ0109.

7.6.4 I would consider, on the basis of the information available, which includes surveys of the existing structures outlining construction, age and condition of existing structures, that the new construction on the appeal site provides better results in terms of whole life carbon and therefore would be a positive outcome in terms of mitigating climate change, as such I would consider the demolition of nine of the structures on site is consistent with the objectives of Fingal County Development Plan 2023-2029 and section 14.19.1.2 regarding Existing Buildings/Structures.

7.7 **Conclusion:**

7.7.1 Having regard to my assessment as outlined above, which I consider the proposed development as permitted/amended by the further information submitted, is satisfactory in the context of traffic safety, the protection of the carrying capacity and functionally of the national road network, the proposal would be acceptable in the context of Development Plan policy as specified under Policy CMP33, Objective CMO35, Objective CMO36, Objective CMO37, Objective DMSO114, Objective CMO6, Policy CMP7 and Policy CMP 9.

7.7.2 I am satisfied that subject to application of appropriate conditions, the proposed development would be compliant with national, regional and local planning policy, in accordance with the most up-to-date best practice guidelines and acceptable in relation traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

8.0 **Appropriate Assessment**

8.1. Introduction

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed are

• Compliance with Article 6(3) of the EU Habitats Directive.

• Screening the need for appropriate assessment.

• The Natura Impact Statement and associated documents.

• Appropriate assessment of implications of the proposed development on the integrity of each European site.

Compliance with Article 6(3) of the EU Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive

requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

8.2 Screening the need for Appropriate Assessment

An AA Screening exercise has been completed (see Appendix 1 of this report for further details). In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information, it has been determined that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of the North-West Irish Sea SPA (site code 004236) cannot be excluded. 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'. This determination is based on:

• Objective information presented in the applicant's reports;

• The zone of influence of potential impacts having regard to hydrological pathways to Natura 2000 Sites;

• The potential for construction-related impacts on surface water;

• The application of the precautionary approach; and

• The nature and extent of predicted impacts, which could affect the conservation objectives of European Sites. The possibility of significant effects on other European sites has been excluded on the basis of objective information. No other European sites were determined to be within the zone of influence of the project.

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

8.3 The Natura Impact Statement (NIS)

As outlined in Appendix 2 of this report, a Natura Impact Statement (NIS) has been submitted with the application. I would note that the proposal was revised in layout in response to further information with such revisions permitted in granting permission. In response to further information the applicant submitted a revised Natura Impact Statement reflecting the changes to the scheme. It considers the potential effects of the project on the North-West Irish Sea SPA (site code 004236). The NIS concludes that no significant effects are likely on Natura 2000 sites, their features of interest or conservation objectives, and that the proposed project will not will adversely affect the integrity of European Sites.

8.4 Stage 2 Appropriate Assessment of Implications of the proposed development

Appendix 2 of this report outlines the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. The European Sites considered are:

• North-West Irish Sea SPA (site code 004236)

Following an Appropriate Assessment, it has been ascertained beyond reasonable scientific doubt that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the North-West Irish Sea SPA (site code 004236), or any other European site, in view of the sites' Conservation Objectives. This conclusion is based on:

• A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the North-West Irish Sea SPA.

• Detailed assessment of cumulative and in-combination effects with other plans and projects.

• No reasonable scientific doubt as to the absence of adverse effects on the integrity of the North-West Irish Sea SPA (site code 004236).

9.0 **Environmental Impact Assessment**

9.1 Statutory Provisions

9.1.1 The proposed development entails demolition of existing structures on site and provision of roads and services infrastructure (surface water, foul water and water supply) to facilitate the future development of the lands including public lighting, utility connections (power, telecommunications and gas) and SuDs drainage. The proposal also includes some alterations to the public road including provision of shared foot/cycle paths, uncontrolled and controlled pedestrian crossings at the at the existing roundabout providing site access to the site and the two roundabouts serving the junction 5 motorway interchange and the roundabout on the R132 serving the M1 Business Park. It is also proposed to link the two roundabouts on the eastern side and two roundabouts on the western sides with 3m wide shared pedestrian cycle paths on the northern side of the carriageway.

9.1.2 Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended, provides that an Environmental Impact Assessment (EIA) is required for projects that involve:

10. Infrastructure projects

(a) Industrial estate development projects, where the area would exceed 15 hectares.

(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.

9.1.3 The proposal is for demolition of existing structures and construction of the roads and services infrastructure (surface water, foul water and water supply) to facilitate the future development of the lands including public lighting, utility connections (power, telecommunications and gas) and SuDs drainage to serve a light industrial estate project with a total site area of c.34 hectares. The proposal was amended by way of further information (shortening of Zone A service road, retention of building no. 2, 3 and 4 on Zone F, with the layout amended to facilitate such and changes to the layout of the alterations to the public road network). Accordingly, the proposed development in its entirety exceeds the thresholds set out in paragraph 10(b)(iv) of Part 2 of Schedule 5, and an Environmental Impact Assessment Report (EIAR) has been submitted with the application. I would note that an EIAR was submitted with the application dated March 2024. In response to a further information request an updated EIAR was submitted dated October 2024, with updated Volume 1 (Non-Technical Summary) and updated appendices (Volume 3).

9.2 **EIA Structure**

9.2.1 This section of the report comprises the EIA of the proposed development in accordance with the Planning and Development Act 2000 (as amended) and the associated regulations, which incorporate the European directives on EIA (Directive 2011/92/EU as amended by 2014/52/EU). It firstly assesses compliance with the requirements of Article 94 and Schedule 6 of the Planning and Development Regulations, 2001. It then provides an examination, analysis and evaluation of the development and an assessment of the likely direct and indirect significant effects of it on defined environmental parameters, having regard to the EIAR and relevant supplementary information. The assessment also provides a reasoned conclusion and allows for integration of the reasoned conclusions into the Coimisiun's decision, should they agree with the recommendation made.

9.3 **Issues in Respect of EIA**

9.3.1 Any issues raised in third-party submissions, planning authority reports, and prescribed body submissions are considered later in this report under each relevant environmental parameter.

9.4 Compliance with the Requirements of Article 94 and Schedule 6 of the Regulations 2001

9.4.1 The following table outlines my assessment of compliance with the requirements of Article 94 and Schedule 6 of the Regulations.

Table 9 - Requirements of Article 94 and Schedule 6 of the Regulations

Article 94 (a) Information to be contained in an EIAR (Schedule 6, paragraph 1)	
Requirement	**Assessment**
A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development (including) the additional information referred to under section 94(b)).	Chapter 2 of the EIAR describes the development, including a detailed description of the existing site and surrounding context; the characteristics of the project; and an outline of the construction phase including methodology and materials etc. The description is adequate to enable a decision on EIA.
A description of the likely significant effects on the environment of the proposed development (including the additional information referred to under section 94(b).	Chapters 5-15 of the EIAR describe the likely significant direct, indirect, and cumulative effects on the environment, including the factors to be considered under Article 3 of Directive 2014/52/EU. I am generally satisfied that the

	assessment of significant effects relating to the proposed development itself is comprehensive and robust and enables decision making.
A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development (including the additional information referred to under section 94(b).	Each of the individual sections in the EIAR outlines the proposed mitigation and monitoring measures. They include 'designed in' measures and measures to address potential adverse effects at construction and operational stages, including a Construction and Environmental Management Plan. The mitigation measures include standard good practices as well as site-specific measures and in most cases are capable of offsetting any significant adverse effects identified in the EIAR.
A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment (including the additional information referred to under section 94(b).	Chapter 3 of the EIAR outlines the alternatives examined. Alternative locations are not considered given that the development of this site for the uses proposed is supported in relevant planning policy. Given the residential nature of the project, alternative processes were limited to construction methods. Alternative layouts/designs were considered, mainly with regard to, height strategy, access and linkages, daylight/sunlight analysis, and

	communal amenity space. The environmental effects of the main alternative scenarios have been dismissed in favour of the proposed development. I am satisfied, therefore, that the applicant has studied reasonable alternatives and has outlined the main reasons for opting for the current proposal before the Coimisiun and in doing so the applicant has taken into account the potential impacts on the environment.
Article 94(b) Additional information, relevant to the specific characteristics of the development and to the environmental features likely to be affected (Schedule 6, Paragraph 2).	
A description of the baseline environment and likely evolution in the absence of the development.	Each of the EIAR sections includes a detailed description of the receiving environment, which enables a comparison with the predicted impacts of the proposed development.
A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.	Each section of the EIAR outlines the Assessment Methodology employed, including consultations carried out, desk/field studies carried out, and any difficulties encountered. I am satisfied that the forecasting methods are generally adequate, as will be discussed throughout this assessment.

A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.	Chapter 1 of the EIAR acknowledges the need to consider the risk of major accidents and/or disasters, and outlines those relevant risks (construction accidents, fire/road traffic risk, and flood risk) are identified and mitigated throughout the EIAR. Having regard to the nature, scale, and location of the project, I consider the approach to be reasonable.
Article 94 (c) A summary of the information in non-technical language.	The EIAR includes a Non-Technical Summary. I have read this part of the EIAR, and I am satisfied that it is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.
Article 94 (d) Sources used for the description and the assessments used in the report.	Section 1.6 of the EIAR outlines the Project Team / Contributors and each chapter outlines the qualifications, experience, and expertise of the contributors.

Consultations

9.4.2 The EIAR outlines details of consultations carried out as part of its preparation. The application has been submitted in accordance with legislative requirements in respect of public notices. Submissions received from statutory bodies and third parties are considered in this report, in advance of decision making. I am satisfied, therefore, that appropriate consultations have been carried out and that third parties

have had the opportunity to comment on the proposed development in advance of decision making.

Compliance

9.4.3 Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and supplementary information provided by the developer is sufficient to comply with article 94 of the Planning and Development Regulations, 2001.

9.5 Assessment of the likely significant direct and indirect effects

9.5.1 This section of the report sets out an assessment of the likely environmental effects of the proposed development under the following headings, as set out Section 171A of the Planning and Development Act 2000, as amended:

· Population and human health,

· biodiversity, with particular attention to species and habitats protected under the Habitats Directive and the Birds Directive,

· land, soil, water, air and climate,

· material assets, cultural heritage and the landscape,

· the interaction between the above factors, and

· the vulnerability of the proposed development to risks of major accidents and/or disasters.

9.5.2 In accordance with section 171A of the Act, which defines EIA, this assessment includes an examination, analysis and evaluation of the application documents, including the EIAR and submissions received and identifies, describes and assesses the likely direct and indirect significant effects (including cumulative effects) of the development on these environmental parameters and the interaction of these. Each topic section is therefore structured around the following headings:

· Issues raised in the appeal/application.

· Examination of the EIAR.

· Analysis, Evaluation and Assessment: Direct and indirect effects.

· Conclusion: Direct and indirect effects.

9.6 **Population and Human Health**

9.6.1 Issues Raised

No issues raised.

9.6.2 Examination, analysis and evaluation of the EIAR

Chapter 5 of the EIAR deals with Population and Human Health and outlines a detailed description of the existing environment and context, including population, demographics, human health, and land use receptors.

9.6.3 Baseline

The application site is primarily a greenfield site in use for agricultural activities. There are some vacant dwellings (3) on the site, outbuildings and a water storage reservoir and pump. The nearest receptors are existing light industrial located on the eastern side of the M1 and a number of one of houses located in the vicinity of the site (west).

9.6.4 Potential Effects

Construction Stage:

The proposal would result in a construction phase, an increase in number of persons working in the area (15-20) and for a c. 14-month period (two phases, phase 1 c8 months, phase 2 c. 4 months). In terms of population growth effects would be short-term, neutral and imperceptible.

Construction phase will result in noise, dust and traffic generation with potential effects short-term, adverse and significant without mitigation.

Operational Stage:

The development of a vacant greenfield site to a commercial business park would provide for employment and loss of arable grassland is considered not significant due to low ecological value and the abundance of such habitat in the wider area. In terms of land use, effects would be positive, long-term and significant.

For population, employment and economy the proposal would provide commercial resources and employment with an effect that is overall positive, long-term and significant.

In relation tourism, community resources and amenity, such elements are sufficiently removed from the site. The development will support development and enhance of local amenities with an effect that is overall positive, long-term and significant.

Other Effects

Do-nothing: The site would remain in its current condition with the majority of the site in active agricultural use, existing vacant structures may deteriorate in condition further.

Cumulative: Other development within vicinity namely concerning the M1 Business Park to the east of the site and M1 motorway are noted. There will be future proposals for structures served by the infrastructure proposed, which will be subject to planning application.

9.6.5 Mitigation

Mitigation measures are listed in Section 5.7

Construction Stage:

Provision of Construction Environmental Management Plan (CEMP Appendix 4) including noise, vibration and dust minimisation measures and site management measures.

Operational Stage:

No mitigation measures specified.

9.6.6 Residual Effects

Implementation of the mitigation measures specifically the CEMP during the construction phase will ensure potential effects are imperceptible. The operation of the proposal is considered to have an effect that is positive, long-term and significant.

9.6.7 Analysis, Evaluation and Assessment: Direct and Indirect Effects

No issues have been raised by any party to the appeal/application in respect of Population and Human Health. I have examined Chapter 5 of the EIAR which deals with population and human health. Having regard to the survey work carried out and best practice mitigation measures, which include to address potential noise, vibration, dust generation and construction traffic, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on population as a result of the proposed development.

9.6.8 Conclusions: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Population and Human Health are as follows:

• Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan.

• Positive socioeconomic effects at construction stage through increased employment and at operational stage through increased economic activity and employment.

9.7 **Biodiversity**

9.7.1 Issues Raised

No issues raised.

9.7.2 Examination, analysis and evaluation of the EIAR

Chapter 6 of the EIAR deals with biodiversity. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes consultations with statutory/non-statutory agencies, desk top survey, site- and species-specific surveys which are carried out at appropriate times of the year.

Terrestrial and avian ecology: 15/08/23, 13/09/23 and October 2023- March 2024.

Bat and terrestrial ecology: 15/08/23, 13/09/24.

Mammal ecology: 16/11/23 and 07/02/24

No limitations are identified and are not evident in the assessment.

9.7.3 Baseline

The baseline environment is described in section 6.3 of the EIAR. The development site is described as located on land, which is predominantly agricultural lands consisting of a number of fields on the northern and southern side of the Bhailsigh Road (L1140) as well as 3 no. existing vacant dwellings and associated outbuildings, a water storage reservoir and pump. The majority of the site consists of Improved Agricultural Land (GA1) in the case of Zone A and Arable crops (BC1) in the case of the fields in Zone F. Field and site boundaries are defied by both Hedgerows (WL1) and Treelines (WL2). There are a number of existing structures on site including 3 no. vacant dwellings and outbuildings classified as Built Land (BL3). A section of the lands in Zone F is Dry Meadows and Grassy verges (GS2). Other habitat on site includes Lowland Depositing River (FW2) with the Balrickard stream running through the northern part of Zone F, Ornamental non-native shrubs (WS3) associated with existing structures, Immature Woodland (WS2), Scrub (WS1), Drainage Ditch (FW4)

marking field boundaries throughout the site, Mixed broadleaf conifer Woodland (WD2) and Recolonising bare ground/Exposed sand gravel or till (ED3/ED1).

No invasive species were records on site. No terrestrial mammals of conservation important were noted on site with evidence of fox and brown rat detected on site. No record of amphibians of reptiles on site, however with a watercourse traversing the site such is likely to support frogs. Bird species noted during wintering and breeding bird surveys include 22 green list species, 8 amber list species (Black-headed Gull, Goldcrest, Greenfinch, Herring Gull, Housesparrow, Linnet, Skylark and Starling) and 3 no. red list species (Redwing, Meadow Pipit and Snipe). In the case of bat species, no evidence of definitive bat roosts were found in any of the onsite trees or buildings, however there are several trees of bat roosting potential of which were primarily hedgerow species.

The EIAR acknowledges Natura 2000 sites, National designated sites, and Ramsar sites within 15km and outside 15km with potential for a pathway. The only site identified with a connection to the application site through hydrological connect is the North-West Irish Sea SPA with Balrickard Stream traversing the site draining to the SPA, which is c.4.5km from the application site.

9.7.4 Potential Effects

Construction stage:

The construction stage includes site clearance, reprofiling works, building works and works proximate to the Balrickard Stream. In absence of mitigation there is potential for significant effects.

Potential effects on conservations sites (North-West Irish Sea SPA) due to discharge of sediment and pollutants to the Balrickard Stream, with potential effects minor adverse/international/not significant/short-term.

Potential effects on terrestrial mammals are low adverse, site, negative impact, not significant, short term.

Potential effects on flora are low adverse, site, negative impact, not significant, short term.

Potential effects on aquatic biodiversity are moderate adverse, local, negative impact, not significant effects, short term.

Potential effect on bird fauna is low adverse, local, negative impact, not significant, short term.

Potential effect on bat fauna is low adverse, site, negative impact, not significant, short term.

Operational stage:

The operational stage entails connection of foul water to a wastewater treatment system, a SuDs management train for surface water and proposed landscaping including a buffer zone along Balrickard Stream site clearance, reprofiling works, building works and works proximate to the Balrickard Stream.

Potential effects on conservations sites (North-West Irish Sea SPA) with potential effects negligible, international, neutral impact, not significant, long term.

Potential effects on terrestrial mammals are low adverse, site, negative impact, not significant, long term.

Potential effects on flora are negligible beneficial, site, negative impact, not significant, long term.

Potential effects on aquatic biodiversity are slight effects, site, reversible effects, negative effects, not significant/long term.

Potential effect on bird fauna is low adverse, local, negative impact, not significant, long term.

Potential effect on bat fauna is low adverse, international, negative impact, not significant, long term.

Other Effects

Do-nothing: The site would remain in its current condition with the majority of the site in active agricultural use, existing vacant structures may deteriorate in condition further.

Cumulative: Other development within vicinity namely concerning the M1 Business Park to the east of the site and M1 motorway are noted. The proposal provides and indicative master plan showing a potential layout for structures that will be served by the infrastructure proposed, which will be subject to future planning applications.

9.7.5 Mitigation

Mitigation measures are listed in Section 6.5

Construction Stage:

For the construction stage they include measures to prevent discharges of sediments and pollutants to surface water, air and dust minimisation measures, site storage and stockpile management, fuel and hydrocarbon management, monitoring including monitoring of construction works by a project ecologist, pre-construction inspection/survey in relation to fauna and wintering birds. Contril light spill.

Operational Stage:

Operational mitigation measures include inspection of drainage infrastructure by project ecologist during operational stage.

9.7.6 Residual Effects

With the implementation of mitigation measures (including monitoring), residual effects are set out in section 6.6, These provide that no significant residual effects on biodiversity will arise except for the loss of foraging nesting habit for birds (significant level of similar habitat adjoining he site to offset any displacement).

9.7.7 Analysis, Evaluation and Assessment: Direct and Indirect Effects

No issues have been raised by any party to the appeal/application in respect of biodiversity. I have examined Chapter 6 of the EIAR which deals with biodiversity. Having regard to the survey work carried out and best practice mitigation measures, which include to address protection of surface water, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on biodiversity as a result of the proposed development. The potential for effects on European sites is examined in the AA section of this report.

9.7.8 Conclusions: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Population and Human Health are as follows:

• Potential significant construction and operational impacts on the water regime and water quality, which have been adequately mitigated having regard to construction management measures and operational drainage system on site

• Disturbance and displacement of fauna at construction and operational stage, which will be mitigated by a Construction and Environmental Management Plan, ecological supervision, pre-construction surveys, lighting design, proposed landscaping, and the appropriate timing of works.

9.8 **Lands & Soil**

9.8.1 Issues Raised

No issues raised.

9.8.2 Examination, analysis and evaluation of the EIAR

Chapter 7 of the EIAR deals with Lands, Soils and Geology. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes consultations with statutory/non-statutory agencies, desk top survey, site- and species-specific surveys.

9.8.3 Baseline

Ground investigations (July and August 2023). Geotechnical investigation indicates that the site generally consists of a topsoil layer (0-03m bgl) above a layer of brown and gravelly silty clay (0.10-2.70m bgl) and then a layer of black gravelly clay with occasional dense granites (1.50-14.0m bgl) and then a layer of brown sandy gravelly silty clay (13.50-15.0m bgl).

9.8.4 Potential Effects

Construction stage:

The construction stage includes site clearance, reprofiling works, building works. In absence of mitigation there is potential for significant effects.

Potential effects from erosion and compaction is likely, minor, direct, adverse, temporary effect and slight to moderate.

Potential effect from on-site storage is likely, minor, direct, adverse temporary effects and slight to moderate.

Potential effects from excavation of unknown contaminated ground is unlikely, minor, indirect, adverse/temporary effects and slight to moderate.

Potential effects in terms of accidental spillage with vertical or later migration to ground is unlikely minor, direct, adverse, temporary effect and slight to moderate.

Operational stage:

The operational stage entails a permanent loss of soils as an agricultural resource.

Potential effects of change of land use to non-agricultural is likely to be minor, direct, adverse, permanent effect and slight to moderate.

Potential effects in terms of accidental spillage with vertical or lateral migration to ground is unlikely, very low magnitude, direct, adverse, temporary effect and imperceptible.

Other Effects

Do-nothing: The site would remain in its current condition with the majority of the site in active agricultural use and no effects on lands, soil or geology.

Cumulative: An indicative masterplan has been provided with cumulative impact from the development of individual sites serviced by the infrastructure provided as part of this application. Construction effects of such would potentially moderate, direct, adverse, temporary and imperceptible with mitigation measures. Operational effects would be likely, medium, direct, adverse, permanent and moderate.

9.8.5 Mitigation

Mitigation measures are listed in Section 7.6

Construction Stage:

For the construction stage they include preparation of a Construction Environmental Management Plan (CEMP), appropriate handling, storage and re-use of excavated soil and topsoil, management of erosion and compaction, management of excavated, appropriate measure to dela with unknown contaminated soil if discovered, measures to prevent contamination of soil from accidental spillages and appropriate monitoring of construction activities.

Operational Stage:

No operational mitigation measures.

9.8.6 Residual Effects

With the implementation of mitigation measures (including monitoring), residual effects are set out in section 7.8. These provide that no significant residual effects on land, soil and geology will arise.

9.8.7 Analysis, Evaluation and Assessment: Direct and Indirect Effects

No issues have been raised by any party to the appeal/application in respect of lands, soil and geology. I have examined Chapter 7 of the EIAR which deals with lands, soil and geology. Having regard to the survey work carried out and best practice mitigation measures, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on lands, soil and geology as a result of the proposed development.

9.8.8 Conclusions: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Land, and Soils are as follows:

• Potential significant construction stage impacts due to excavation works, which will be mitigated by a Construction and Environmental Management Plan, ecological supervision, pre-construction surveys and proposed landscaping.

9.9 **Water**

9.9.1 Issues Raised

The issue of flooding was raised during the application by the TII in their submission and the applicants were requested to address such by way of further information. A technical note was submitted in response to further information providing for flood compensatory storage (FCS) in the form of a swale at the area within Flood Zone A.

9.9.2 Examination, analysis and evaluation of the EIAR

Chapter 8 of the EIAR deals with Water, Hydrology & Hydrogeology. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes consultations with statutory/non-statutory agencies, desk top survey, site- and species-specific surveys.

9.9.3 Baseline

Hydrology – There is an existing watercourse traversing the site (Balrickard Stream) and an unnamed stream running along the southern boundary of the site. The majority of the site is within the Palmerstown_SC_10 (108) sub-catchment, which is a sub-catchment pf the Nanny-Delvin catchment, A minor portion of the site is within the Ballough Stream_SC_10_(08_6). The Balrickard Stream is a minor tributary of the River Bracken with no Q-value for the River Bracken downstream form the site.

Surface Water Drainage – Existing surface water drainage for the majority of the site is to Balrickard Stream with part of the site draining to an unnamed stream along the southern boundary of the site.

Flooding – As previously outlined in section 10.13 of this report, the EIAR acknowledges that the site lies mainly within Flood Zone C apart from a small portion to the northeast of the site within Flood Zone A for fluvial flooding.

Groundwater - The majority of the site is underlain by a locally important bedrock aquifer, which is located within the Lusk-Bog of the Ring GWB (IE_EA_G_014). Groundwater vulnerability beneath the site is predominantly low apart form the northwesterly corner of the site, which is mapped as moderate vulnerability and high vulnerability within the Hynestown aquifer. Both GWBs achieve ‘good’ status under the WFD 2016-2021 monitoring cycles.

Foul Drainage – There is an existing wastewater tremanet plan serving the M1 Business Park to the east of the site and such can be access by proving a new sewer using an abandoned watermain under the M1.

9.9.4 Potential Effects

Construction stage:

The construction stage includes site clearance, reprofiling works, building works. In absence of mitigation there is potential for significant effects.

Potential effects from erosion and compaction is likely, minor, direct, adverse, temporary effect and slight to moderate.

Potential effect from on-site storage is likely, minor, direct, adverse temporary effects and slight to moderate.

Potential effects from excavation of unknown contaminated ground is unlikely, minor, indirect, adverse/temporary effects and slight to moderate.

Operational stage:

Spills or leaks causing contamination of surface water is likely, minor, adverse, direct, temporary effect with slight significance.

Reduced infiltration or rainwater to groundwater is likely, moderate, adverse, direct, temporary effect and moderate in significance.

Increased risk of flooding due to increased hardstanding is likely, minor, adverse, direct, permanent effect and is slight in significance.

Potential fluvial flooding on adjacent lands is unlikely, minor, adverse, direct, permanent effect and imperceptible in significance.

Other Effects

Do-nothing: The site would remain in its current condition and the air quality will remain the same and/or slightly improve in years to come.

Cumulative: Based on committed applications in the area, there are no developments that will give rise to cumulative impacts. An indicative masterplan has been provided with cumulative impact from the development of individual sites serviced by the infrastructure provided as part of this application. Construction effects of such would be identical to the proposed development (slight to moderate). The operational stage of such would have slight to moderate impacts on hydrogeology and hydrology, hwver with designed in mitigation measures as proposed cumulative impact is likely to reduce to imperceptible.

9.9.5 Mitigation

Mitigation measures are set out under Section 8.9

Construction stage:

For the construction stage they include preparation of a Construction Environmental Management Plan (CEMP), groundwater protection measures/monitoring during excavation, surface water management during excavations and from hardstanding/compacted areas, measures to prevent spillages and management of fuel/chemical storage and refuelling, screening of imported materials to prevent contamination and management/monitoring of water abstracted on site.

Operational stage:

Appropriate design drainage system including SuDs measures. In response to further information provision has been made for addition flood compensatory storage in the form of a swale located at the area designated as Flood Zone A for fluvial flood risk.

9.9.6 Residual Impact

Construction Stage:

Groundwater vulnerability due to excavation is likely a minor, adverse, direct and permanent effect of imperceptible significance with mitigation measures.

Excavations during construction is likely a moderate, adverse, direct and temporary effect of imperceptible significance with mitigation measures.

Run-off from hardstanding and compaction is likely a minor, adverse, direct and permanent effect of imperceptible significance with mitigation measures.

Spill of fuel or other contaminants is likely a moderate, adverse, direct and temporary effect of imperceptible significance with mitigation measures.

Excavation of contaminated material is unlikely a minor to major, adverse, direct and temporary effect of imperceptible significance with mitigation measures.

Sediment mobilisation due to dewatering is unlikely a slight, adverse, direct and temporary effect of imperceptible significance with mitigation measures.

Operational Stage:

Spills or leaks casing contaminated surface water is likely a minor, adverse, direct and temporary effect of imperceptible significance with mitigation measures.

Reduced infiltration of rainwater to groundwater/aquifer is likely a moderate, adverse, direct and temporary effect of imperceptible significance with mitigation measures.

Increased risk of flooding due to hardstanding is likely a minor, adverse, direct and permanent effect of imperceptible significance with mitigation measures.

Potential impact of fluvial flooding on property or adjacent property is unlikely a minor, adverse, direct and permanent effect of imperceptible significance with mitigation measures.

9.9.7 Analysis, Evaluation and Assessment: Direct and Indirect Effects

Issues were raised during the application regarding flooding. I have examined Chapter 8 of the EIAR which deals with Water, Hydrology & Hydrogeology. Having regard to the survey work carried out and best practice mitigation measures, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on Water, Hydrology & Hydrogeology as a result of the proposed development.

9.9.8 Conclusions: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Water are as follows:

• Potential significant construction stage impacts due to uncontrolled discharge of sediment and contaminant laden run-off to surface water and groundwater which will be mitigated by implementation of a Construction and Environmental Management Plan. Potential operational stage impacts of hydrocarbons and contaminants to surface water and groundwater and potential for fluvial flooding, which will be mitigated by the proposed drainage system that incorporates SuDs measures, attenuation, flow control and additional flood compensatory storage.

9.10 **Air & Climate**

9.10.1 Issues Raised

No issues.

9.10.2 Examination, analysis and evaluation of the EIAR

Chapter 9 of the EIAR deals with Air Quality and Climate. The assessment is undertaken in accordance with government and industry best practice guidelines.

9.10.3 Baseline

The site is located adjacent junction 5 of the M1 motorway. In terms of air quality, the site is characterised as a Zone D area ('remaining area of Ireland') as defined by the EPA and the thresholds outlined in the Air Quality Standards Regulations 2011 are considered. Ambient air quality monitoring was carried out on site and the nearest sensitive receptors were identified, which include existing commercial development located adjacent Junction 5 of the M1 and existing one-off housing located in the vicinity of the site.

9.10.4 Potential Effects

Construction Stage:

Construction and demolition have the potential to generate dust emissions and impact air quality with potential effect determined to be short-term.

Constriction traffic has the potential to cause emission that would affect local air quality. The results of modelling of air pollutants to baseline air quality is considered to have a negligible effect.

Operational Phase:

The operational stage of the development will generate additional traffic. Traffic modelling using Annual Average Daily Traffic (AADT) figures and based on the

Traffic Assessment carried out to determine worst case scenario impact on air quality. Potential effect is considered to be negligible and imperceptible.

In terms of climate electrical and diesel usage are determined to be the dominant sources of greenhouse gas emissions during the operational phase. It is highlight that proposal provides for groundworks with no buildings proposed with such subject to individual planning applications, which will determine greenhouse gases contribution.

In regards to unplanned events (accidents//major disasters) such as fie risk would be considered low and potential effects on Air Quality would be negligible.

Other Effects

Do-nothing: The site would remain in its current condition and the air quality will remain the same and/or slightly improve in years to come.

Cumulative: No known archaeological, architectural or cultural heritage assets on site and as no effects will arise, no cumulative effects will arise.

9.10.5 Mitigation

Mitigation measures are listed in Section 9.6

Construction Stage:

Site management including dust minimisation measures and monitoring. Dedicated site routes, wheel wash, speed limit restrictions, materials and stockpile management.

Operational Stage:

Operational management includes dust monitoring and maintenance, speed restrictions, road sweeper and wheel wash, service and maintenance of vehicles on site.

9.10.6 Residual Impact

No residual effect on air quality and climate from the construction stage due to limited period of construction.

In terms of air quality and operational phase with mitigation measures applied residual effect will be minor and not significant.

In terms of climate and operational phase with mitigation measures applied residual effect will be temporary and not significant.

In terms of human health and operational phase with mitigation measures applied residual effect will be temporary and imperceptible.

9.10.7 Analysis, Evaluation and Assessment: Direct and Indirect Effects

No issues have been raised by any party to the appeal/application in respect of Air Quality and Climate. I have examined Chapter 9 of the EIAR which deals with lands, soil and geology. Having regard to the survey work carried out and best practice mitigation measures, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on Air Quality and Climate as a result of the proposed development.

9.10.8 Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Air and Climate are as follows:

• Construction stage dust and plant/vehicle emissions, which will be mitigated by dust suppression mitigation measures and standard good practice measures outlined in the Construction Environmental Management Plan.

9.11 **Material Assets**

Traffic (Material Assets)

9.11.1 Issues raised

Traffic Impact is raised in the appeal as an issue of concern with the issue of traffic impact on the existing road network, traffic safety in terms of operation of the existing road network and the design and layout of the proposal in context of alterations to the national road network.

9.11.2 Examination, analysis and evaluation of the EIAR

Chapter 12 of the EIAR deals with Road Traffic and Transport. The operational impacts are based on a Traffic and Transport Assessment (TTA) as previously discussed in section 7.4 The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes consultations with statutory/non-statutory agencies, desk top survey, site- and species-specific surveys.

9.11.3 Baseline

The site is served by the Bhailsigh Road (L1140) with an existing roundabout and access points to the northern and southern portion of the site (currently blocked off). The site is located a shorth distance to the west of the junction 5 of the M, which has existing roundabout on each side with slip roads serving traffic entering and exiting the M1 both in a northern and southern direction of travel. The R132 is located to the east of the site and the M1 motorway with an existing roundabout serving the M1 Business Park, Applegreen and Ffyes site all located east of the M1. There is an existing bus stop on the R132 to the east of the M1 motorway and northeast of the site, which is serviced by Bus Eireann (101) and the Balbriggan Express (191).

9.11.4 Potential Effects

Construction stage:

The construction phase will generate additional traffic, which will impact on the existing junctions with potential effect on Junction 1 (access roundabout on L114), and Junctions 2, 3 and 4 (the two roundabouts serving the on and off ramps either

side of the M1 and the junction on the R132 east of the M1) considered temporary in duration and moderate negative in magnitude.

Operational stage:

The operational phase will generate additional traffic, which will impact on the existing junctions with potential effect on Junction 1 (access roundabout on L114), and Junctions 2, 3 and 4 (the two roundabouts serving the on and off ramps either side of the M1 and the junction on the R132 east of the M1) considered permanent in duration but not significant in magnitude.

Other Effects

Do-nothing: The site would remain in its current condition with no additional traffic generated and no alterations made to public network.

Cumulative: Given short-term nature of construction and mitigation measures along with identification of other committed projects cumulative impacts have not been identified and are considered unlikely.

9.11.5 Mitigation

Mitigation measures are listed in Section 12.6

Construction Stage:

Implementation of a Construction and Environmental Management Plan (CEMP). Preparation of a Construction Traffic management pan prior to commencement of construction.

Operational Stage:

No operational mitigation measures.

9.11.6 Residual Effects

Construction Stage:

With implementation of mitigation measures residual effects are considered short-term and slight negative in term of magnitude.

Operational Stage:

Increase traffic due to operation have a moderate negative effect during peak hours and no significant effect outside peak hours.

Upgrades to existing road network will have a significant positive and permanent effect.

9.11.7 Analysis, Evaluation and Assessment: Direct and Indirect Effects

Issues have been raised by the appellant in respect of Traffic. I have examined Chapter 12 of the EIAR which deals with traffic. Having regard to the survey work carried out and best practice mitigation measures, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on Traffic as a result of the proposed development.

Utilities (Material Assets)

9.11.8 Issues Raised

No issues

9.11.9 Examination, analysis and evaluation of the EIAR

Chapter 15 of the EIAR deals with Material Assets. The assessment a review of utilities in the area.

9.11.10 Baseline

The site is served by an existing public road, Bhailsigh Road (L1140) with an existing access roundabout. There is an existing 250mm gas main running through Zone A and F. There is an existing 250kVA transformer at the northeastern corner of Zone A

and low voltage feeds to the existing dwellings on the site. There is an existing Open EIR ducting available along the Bhailsigh Rpoad. There is existing public lighting along Bhailsigh Road/R132.

9.11.11 Potential Effects

Owning to the nature of the proposed development, together with the short-term duration of works envisaged, the construction and operational phases can be considered as a one phase/process. With adequate stakeholder engagement predicted effects are not significant.

Other Effects

Do-nothing: The site would remain in its current condition with no additional pressure on existing utilities and services.

Cumulative: No committed developments in proximity to the subject the site that will lead to cumulative impacts. In regard to the indicative masterplan predicted impacts are likely however it is acknowledged that the detail is not available. The masterplan will be subject to subsequent planning applications and material impact assessment.

9.11.12 Mitigation Measures

Mitigation Measures listed in Section 15.7

Construction Stage:
Implementation of Construction and Environmental Management Plan (CEMP).
Measures to ensure no disruption of existing services.

Operational Stage:
No mitigation measures.

9.11.13 Residual Effects

No residual effects.

9.11.14 Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined Chapter 15 of the EIAR which deals with utilities (material assets). Having regard to the survey work carried out and best practice mitigation measures, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on Traffic as a result of the proposed development.

Waste Management (Material Assets)

9.11.15 Issues Raised

No issues raised.

9.11.16 Examination, analysis and evaluation of the EIAR

Chapter 13 of the EIAR deals with Waste Management. The assessment is undertaken in accordance with government and industry best practice guidelines.

9.11.17 Baseline

The site is currently mainly in agricultural use made up of a number of fields on the northern and southern side of Bhailsigh Road (L1140). The site is also occupied by 12 no. structures including 3 no. vacant dwellings, outbuildings/farm buildings, a water storage tank and associated pump.

9.11.18 Potential Effects

Construction Stage:

Generation of non-hazardous and potentially hazardous (contaminated soil, from fuels/oils and other hydrocarbons construction waste.

Operational Stage

Generation of waste associated with operation of light industrial units including packaging waste, mixed waste and biodegradable waste.

Other Effects

Do-nothing: The site would remain in its current condition with no additional pressure on waste.

Cumulative: No committed developments in proximity to the subject the site that will lead to cumulative impacts.

9.11.19 Mitigation

Mitigation measures are under Section 13.8.

Construction Stage:

Implementation of a Construction and Environmental Plan (CEMP) and a Resource Waste Management Plan (RWMP) during the construction phase including reuse of material on site and disposal of waste to appropriate licensed facilities.

Operational Stage:

The operational stage will be subject to separate applications relating to the buildings that are to be served by the proposed infrastructure. These will generate municipal waste with implementation of appropriate waste management procedures in line with legislative requirements and environmental best practice.

9.11.20 Residual Effects

No residual effects identified.

9.11.21 Analysis, Evaluation and Assessment: Direct and Indirect Effects

I have examined Chapter 13 of the EIAR which deals with Waste Management (material assets). Having regard to the best practice mitigation measures, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on waste management as a result of the proposed development.

9.11.22 Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Material Assets are as follows:

• An increase in traffic generation both during the construction and operational stage, which will be mitigated by a Construction Traffic Management Plan and is temporary in nature and adequate assessment of the traffic impact and design upgrades to the road network which will be acceptable in the context of the capacity and safety of the adjoining road network.

9.12 **Cultural Heritage**

9.12.1 Issues Raised

The applicants were requested by way of further information to submit an archaeological geophysical survey, pre-development test trenching, more details regarding appraisal of existing historic buildings on site and the impact of the development on such and clarification of the likely significant effects on the environment of the proposed demolition works.

9.12.2 Examination, analysis and evaluation of the EIAR

Chapter 14 of the EIAR deals with Archaeology, Cultural Heritage and Architectural Heritage. The assessment is undertaken in accordance with government and industry best practice guidelines. The assessment methodology includes consultations with statutory/non-statutory agencies, desk top survey, site- and species-specific surveys.

9.12.3 Baseline

A study area includes the site and the area within 1km of the site was used. The site is primarily agricultural lands with some existing structures including 3 no. vacant houses, a number of outbuildings, a water storage reservoir and associated pump. There are no record monument on site with the nearest located c0.26km to the north of the site (DU004-017- Rowan Big Ringfort). There are no protected structures within the study area of any structures on National Inventory of Architectural Heritage. The 12 no. existing structures including the 3 no. vacant dwellings are classified as not being of special architectural interest.

In response to the further information request an Archaeological Impact Assessment was submitted, which includes test trenching based on a previous geophysical survey carried out on site., 3 areas of archaeological significance were identified (2 no. areas with burnt stones and an area with liner features (possibly drainage) and deposit pits). Preservation in-situ is not possible as such will be impacted by the proposed development, with preservation by record proposed.

A conservation report detailing the existing structures on site to be demolished including their significance in terms of architectural heritage was submitted in response to the further information request. 3 of the structures have been determined to be of some architectural heritage value and are to be retained on site (Buildings no. 2, 3, 4) based on age, construction and age. The layout has been altered to accommodate retention of these structure, which include a dwelling and two stone-built sheds. No specific future use is specified for these structures.

9.12.4 Potential Effects

Construction stage:

No direct effects on known items of archaeology, cultural or architectural heritage. Potential for effect on unknown subsurface features of archaeological significance.

No indirect effects on known items of archaeology, cultural or architectural heritage.

Operational stage:

No direct effects on known items of archaeology, cultural or architectural heritage.

No indirect effects on known items of archaeology, cultural or architectural heritage.

Other Effects

Do-nothing: The site would remain in its current condition and the effects of the development on archaeology, cultural heritage or architectural heritage would not arise.

Cumulative: No known archaeological, architectural or cultural heritage assets on site and as no effects will arise, no cumulative effects will arise.

9.12.5 Mitigation

Mitigation measures are listed in Section 14.8

Construction

Archaeological monitoring under license during site topsoil-stripping. Any archaeological material identified during monitoring should be preserved in siu or by record subject to appropriate license form the National Monuments Services.

Operational

No operational mitigation measures.

9.12.6 Residual Effects

No residual effects on known items of archaeology, cultural heritage architectural heritage significance.

9.12.7 Analysis, Evaluation and Assessment: Direct and Indirect Effects

The issue of archaeology and architectural heritage was raised by PA and subject to a further information request that has resulted in provision of archaeological testing, a geophysical survey and retention of 3 no. existing structures. I have examined Chapter 14 of the EIAR which deals with Archaeology, Cultural Heritage and Architectural Heritage. Having regard to the survey work carried out and best practice mitigation measures, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on Archaeology, Cultural Heritage and Architectural Heritage as a result of the proposed development.

9.12.8 Conclusion: Direct, Indirect, and Cumulative Effects

I consider that the main significant direct, indirect, and cumulative effects on Cultural Heritage are as follows:

• The permanent loss of existing structures on site with retention of 3 structures considered of architectural heritage value. Loss of some material of archaeological significance, however such will be mitigated by preservation by way of record.

9.13 **Landscape**

9.13.1 Issues Raised

No issues raised.

9.13.2 Examination, analysis and evaluation of the EIAR

Chapter 11 of the EIAR deals with Landscape and Visual. The assessment includes a Landscape and Visual Impact Assessment (LVIA) undertaken in accordance with best practice guidelines and including verified views and photomontages.

9.13.3 Baseline

A 2km study area was used for the LVIA. 7 viewpoints in the surrounding area were used. The landscape within the study area is described as being low-lying, generally

‘green’, and a settled working landscape. Sensity of visual receptors is classified as low for VP’s 1,4, 5 and 6, medium for VP’s 3 and 7 and medium-low for VP 2.

9.13.4 Potential Effects

Construction stage:

Construction related activity would have some visual effect, however such are identified as being localised and short-term.

Operational stage:

Construction of new structures will have potential effect on landscape with change form existing agricultural lands use to provision of additional roads and infrastructure.

No direct effects on known items of archaeology, cultural or architectural heritage. Potential for effect on unknown subsurface features of archaeological significance. Magnitude of change is deemed to be low and combined with medium-low sensitivity of receiving landscape effects are considered to be slight-imperceptible/neutral.

Other Effects

Do-nothing: The site would remain in its current condition and with no change to landscape and visual impact.

Cumulative: Other existing development within the vicinity of the site are noted. There will be future cumulative impact with provision of development on site for which the infrastructure will serve with an indicative masterplan provided. Such development will be subject to further applications.

9.13.5 Mitigation Measure

No construction of operational mitigation measures proposed.

9.13.6 Residual Effects

No residual effect having regard to no need for mitigation measures in relation Landscape and Visual.

9.13.7 Analysis, Evaluation and Assessment: Direct and Indirect Effects

No issues have been raised by any party to the appeal/application in respect of landscape and visual. I have examined Chapter 11 of the EIAR which deals with landscape and visual. Having regard to the Landscape and Visual Impact Assessment carried out and the nature and scale of the proposed development, I am satisfied that there is no potential for any significant direct, indirect or cumulative effects on lands, soil and geology as a result of the proposed development.

9.13.8 Conclusion: Direct, Indirect, and Cumulative Effects

I consider that there are no main significant direct, indirect, and cumulative effects on Landscape.

9.14 Interaction of the Foregoing

9.14.1 I have considered the interrelationships between factors and whether these may as a whole affect the environment, even though the effects may be acceptable when considered on an individual basis.

9.14.2 I consider that there is potential for population and human health to interact with all of the other factors (biodiversity, water, air and climate, noise, landscape and visual, cultural heritage and material assets – traffic). The details of all other interrelationships are set out in Chapter 16 of the EIAR which I have considered.

9.14.3 The proposed construction phase of the development has the most potential to interact with human health and biodiversity in relation to water contamination. Spills

to waterbodies of hydrocarbons, concrete wash or other chemicals can have a direct effect on human health and biodiversity. It is important to note therefore that residual impacts to water were expected to be imperceptible and as such there is no likely significant interaction between Water and Human Health or Water and Biodiversity from this proposed scheme during construction.

9.14.4 Similarly human health and biodiversity can interact with air quality, noise and vibration and traffic no significant impacts are expected in this regard and I am satisfied on the basis of the information provided that there is no likely significant interaction between these factors and human health.

9.14.5 Interactions also occur between Landscape & Visual, Architectural Heritage, Archaeology and Cultural Heritage. Excavations may interact with archaeology, but this would be restricted to the construction phase of the development. Having regard to the mitigation measures proposed by the applicant in this regard I am satisfied that significant interactions will not arise.

9.14.6 Having regard to the foregoing I am satisfied that effects as a result of interactions, indirect and cumulative effects can be avoided, managed and/ or mitigated for the most part by the measures which form part of the proposed development, the proposed mitigation measures detailed in the EIAR, and with suitable conditions.

9.15 **Reasoned Conclusion**

9.15.1 Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submission from the planning authority, applicants and appellants during the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment, with the implementation of proposed mitigation measures, are:

• Population and Human Health: Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan.

• Population and Human Health: Positive socio-economic effects at construction stage through increased employment and at operational stage through increased economic activity and employment.

• Biodiversity: Potential significant construction and operational impacts on the water regime and water quality, which have been adequately mitigated having regard to construction management measures and operational drainage system on site

• Biodiversity: Disturbance and displacement of fauna at construction and operational stage, which will be mitigated by a Construction and Environmental Management Plan, ecological supervision, pre-construction surveys, lighting design, proposed landscaping, and the appropriate timing of works.

• Land and Soils: Potential significant construction stage impacts due to excavation works, which will be mitigated by a Construction and Environmental Management Plan, ecological supervision, pre-construction surveys and proposed landscaping.

• Water: Potential significant construction stage impacts due to uncontrolled discharge of sediment and contaminant laden run-off to surface water and groundwater which will be mitigated by implementation of a Construction and Environmental Management Plan. Potential operational stage impacts of hydrocarbons and contaminants to surface water and groundwater and potential for fluvial flooding, which will be mitigated by the proposed drainage system that incorporates SuDs measures, attenuation, flow control and additional flood compensatory storage.

• Air and Climate: Construction stage dust and plant/vehicle emissions, which will be mitigated by dust suppression mitigation measures and standard good practice measures outlined in the Construction Environmental Management Plan.

• Material Assets: An increase in traffic generation both during the construction and operational stage, which will be mitigated by a Construction Traffic Management Plan and is temporary in nature and adequate assessment of the traffic impact and

design upgrades to the road network which will be acceptable in the context of the capacity and safety of the adjoining road network.

• Cultural Heritage: The permanent loss of existing structures on site with retention of 3 structures considered of architectural heritage value. Loss of some material of archaeological significance, however such will be mitigated by preservation by way of record.

• Cumulative Effects: Significant potential for cumulative effects given that the specific features of other permitted projects that may act in combination and/or cumulation with the proposed development have been adequately identified or assessed.

I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

10.0 Water Framework Directive

10.1 The subject the site is traversed by the Balrickard Stream, which drains into the Matt/Bracken River to the northeast of the site and outfalls to the Irish Sea at Balbriggan.

10.2 The proposed development comprises development as described at Section 2.0 of this report.

10.3 I have assessed the proposal and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment (refer to Appendix 3) because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Provision of construction management measures outlined the Construction and Environmental Management Plan to prevent discharge of sediments and pollutants to surface water drainage network during construction.
- Provision of SuDs measures during the operational phase of the development.

11.0 Recommendation

11.1. I recommend a grant of permission subject to the following conditions.

12.0 Reasons and Considerations

Having regard to:

(a) the provisions of the Fingal County development plan 2023-2029 including the zoning of the site as GE, ‘General Employment,

(b) the “Spatial Planning and National Roads Guidelines for Planning Authorities” issued by the Department of the Environment, Community and Local Government in January 2012,

(c) the design and layout as proposed in response to further information and submitted on the 07th day of February 2025.

It is consider that, subject to compliance with the conditions set out below, the proposed development would be compliant with land use zoning policy, would not negatively impact on the level of service and carrying capacity of the national road network, would not endanger public safety by reason of traffic hazard or obstruction of road users, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Coimisuin completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Natura Impact Statement submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Coimisuin concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, other than North-West Irish Sea Special Protection Area (Site Code: 004236) which is the European Sites for which there is a potential likelihood of significant effects.

Appropriate Assessment: Stage 2:

The Coimisuin considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on North-West Irish Sea Special Protection Area (Site Code: 004236), in view of the site's conservation objectives. The Coimisuin considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the appropriate assessment, the Coimisuin considered, in particular, the following:

(a) the site-specific conservation objectives for the European Sites,

(b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, the mitigation measures which are included as part of the current proposal. In completing the Appropriate Assessment, the Coimisuin largely accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives.

Reasoned Conclusion on Environmental Impact Assessment:

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer,

and the submission from the planning authority, applicants and appellants during the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment, with the implementation of proposed mitigation measures, are:

• Population and Human Health: Construction-related disturbance including noise/vibration, dust, and traffic, which would be mitigated by construction management measures including the agreement of a Construction Environmental Management Plan.

• Population and Human Health: Positive socioeconomic effects at construction stage through increased employment and at operational stage through increased economic activity and employment.

• Biodiversity: Potential significant construction and operational impacts on the water regime and water quality, which have been adequately mitigated having regard to construction management measures and operational drainage system on site

• Biodiversity: Disturbance and displacement of fauna at construction and operational stage, which will be mitigated by a Construction and Environmental Management Plan, ecological supervision, pre-construction surveys, lighting design, proposed landscaping, and the appropriate timing of works.

• Land and Soils: Potential significant construction stage impacts due to excavation works, which will be mitigated by a Construction and Environmental Management Plan, ecological supervision, pre-construction surveys and proposed landscaping.

• Water: Potential significant construction stage impacts due to uncontrolled discharge of sediment and contaminant laden run-off to surface water and groundwater which will be mitigated by implementation of a Construction and Environmental Management Plan. Potential operational stage impacts of hydrocarbons and contaminants to surface water and groundwater and potential for fluvial flooding, which will be mitigated by the proposed drainage system that incorporates SuDs measures, attenuation, flow control and additional flood compensatory storage.

• Air and Climate: Construction stage dust and plant/vehicle emissions, which will be mitigated by dust suppression mitigation measures and standard good practice measures outlined in the Construction Environmental Management Plan.

• Material Assets: An increase in traffic generation both during the construction and operational stage, which will be mitigated by a Construction Traffic Management Plan and is temporary in nature and adequate assessment of the traffic impact and design upgrades to the road network which will be acceptable in the context of the capacity and safety of the adjoining road network.

• Cultural Heritage: The permanent loss of existing structures on site with retention of 3 structures considered of architectural heritage value. Loss of some material of archaeological significance, however such will be mitigated by preservation by way of record.

• Cumulative Effects: Significant potential for cumulative effects given that the specific features of other permitted projects that may act in combination and/or cumulation with the proposed development have been adequately identified or assessed.

The proposed development would not have any unacceptable direct or indirect effects on the environment.

13.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 07th day of February 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
Reason: In the interest of clarity.

2. All mitigation measures as set out in the Environmental Impact Assessment Report shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: To prevent significant effects on the environment.

3. All mitigation measures as set out in the Natural Impact Statement shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission.

Reason: To prevent significant effects on any designated Natura 2000 sites.

4. The developer shall comply with the following:

(a) The developer shall liaise with the TII to ensure that all works hereby approved within the Motorway Maintenance and Renewals Contract (MMaRC) Network A Scheme boundary, shall be carried out in accordance with all relevant Transport Infrastructure Ireland publications. This shall include but not be limited to; and proposed signage (temporary and permanent); lining; signalised pedestrian crossings; bridge works; boundary treatments; timetabling; construction traffic management plan; services; drainage and flood mitigation measures; and future maintenance arrangements.

(b) The TII advises that the proposal requires a Design Report to be submitted via the online ‘TII Departures Portal’ in accordance with TII Publication (Design Phase Procedure for Road Safety Improvement Schemes, Urban Renewal Schemes and Local Improvement Schemes – DNGEO-03060), https://cdni.tii.ie/publications/DN-GEO-03030-03.pdf. This report shall be submitted to the online TII ‘Departure Portal’ prior to the commencement of construction.

(c) Final construction details for the proposed works to the public and private road networks shall be submitted for written agreement with the local authority. This shall include all roads, footpaths, cycle ways, crossings, etc. Details drawings and

specifications for the proposed construction and operation of the signalised crossings shall also be submitted.

(d) No objects, structures, landscaping or planting shall be placed or installed within the visibility splays (as defined by TTI DN GEO-03060 and as per the submitted site layouts); which would interfere or obstruct (or could obstruct over time) the required visibility splays.

(e) Any works to the public footpath and road carriageway to facilitate the development and any repairs to the public footpath and road carriageway necessary as a result of the development shall be at the expense of the developer and completed to the Council's standards for taking-in-charge and to the satisfaction of the Council.

(f) A detailed Construction Management Plan and Construction Traffic Management Plan shall be submitted for the approval of the Council prior to the commencement of development.

(g) Road Safety Audits shall be carried out as part of the proposed development at all of the relevant stages as outlined in current edition of Transportation Infrastructure guidelines GE-STY-1027.

(h) All necessary measures shall be taken by the applicant/developer to prevent the spillage or deposit of any materials including clay, rubble or other debris on adjoining roads during the course of development. In the event of any such spillages or deposit, immediate steps shall; be taken to remove the material form the road surface at the applicants/developers own expense.

(i) The applicant/developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public road arising from the construction work associated with the proposed development and shall make good any damage to the satisfaction of the Council and Transportation Infrastructure Ireland. The applicant shall carry out full non-intrusive road condition survey (to be carried out by a suitably qualified road engineer) and submit to the authority prior to the commencement of the development.

Reason: In the interests of traffic and pedestrian safety.

5. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.
Reason: In the interest of environmental protection residential amenities, public health and safety and environmental protection.

6. (a) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation [preservation in-situ/excavation].
(b) The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be

borne by the developer.
Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or
other objects of archaeological interest"

7. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment Report & Archaeological Testing report submitted as further information shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this permission. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/ excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.
Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than [1:500] showing –
(i) Existing trees, hedgerows, specifying which are proposed for retention as features of the site landscaping
(ii) The measures to be put in place for the protection of these landscape features during the construction period
(iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.

(b) Details of screen planting, which shall not include cupressocyparis x leylandii.
(c) Details of roadside/street planting, which shall not include prunus species.

(d) Hard landscaping works, specifying surfacing materials, furniture and finished levels.
(e) A timescale for implementation including details of phasing.

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 or, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
Reason: In the interest of residential and visual amenity.

9. 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.
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.

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.

Colin McBride
Senior Planning Inspector

01st August 2025

Appendices

Appendix 1

AA Screening Determination

Screening for Appropriate Assessment Screening Determination
I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended. **1. Description of the project** The site comprises an area of 34ha gross, it is located adjacent junction 5 of the M1 motorway. The site consists of agricultural lands to the north and south of Bhailsigh Road (L1140), as well as 3 no. existing dwellings, associated outbuildings and a water storage reservoir and pump. The site also includes a section of public road that runs from the main body of the site to the west of the M1 to the existing roundabout junction on the R132 adjacent the M1 Business Park to the east of the M1. The nearest Natura 2000 site (North-West Irish Sea SPA) is located c. 4.5km to the east of the site. The proposal entails demolition of existing structures on site (apart from 3 no. vernacular structures to be retained at Zone F) and provision of roads and services infrastructure (surface water, foul water and water supply) to facilitate the future development of the lands including public lighting, utility connections (power, telecommunications and gas) and SuDs drainage. The proposal also includes some alterations to the public road including provision of shared foot/cycle paths, controlled and uncontrolled pedestrian crossings at the existing roundabout providing site access to the site and the two roundabouts serving the junction

5 motorway interchange and the roundabout on the R132 serving the M1 Business Park. It is also proposed to link the two roundabouts on the eastern side and two roundabouts on the western sides with a 3m wide shared foot/cycle path on the north side of the carriageway. Surface water will pass through a SuDS management train and will be attenuated prior to discharge to existing surface water via the Balrickard stream that runs through the site. The foul sewerage will discharge to a pumping station and emergency storage tank at the northeastern corner of Zone A and be pumped underneath the M1 (using an existing abandoned watermain) to connect to the existing Wastewater Treatment Plant serving the M1 Business Park to the east of the motorway.

The Planning Authority acknowledged the applicant's NIS (including AA Screening Report) and highlights that An Bord Pleanála is the competent authority for screening and assessment purposes.

2. Potential Impact mechanisms from the project

Habitats

The site is not within or directly adjoining any Natura 2000 sites. There is a separation distance to the nearest Natura 2000 sites, i.e., at 4.5km to the North-West Irish Sea SPA. Accordingly, I do not consider that there is potential for any direct impacts such as habitat loss / modification, direct emissions, or species mortality/disturbance. The majority of the site consists of Improved Agricultural Land (GA1) in the case of Zone A and Arable crops (BC1) in the case of the fields in Zone F. Field and site boundaries are defined by both Hedgerows (WL1) and Treelines (WL2). There are a number of existing structures on site including 3 no. vacant dwellings and outbuildings classified as Built Land (BL3). A section of the lands in Zone F is Dry Meadows and Grassy verges (GS2). Other habitat on site includes Lowland Depositing River (FW2) with the Balrickard stream running through the northern part of Zone F, Ornamental non-native shrubs (WS3) associated with existing structures, Immature Woodland (WS2), Scrub (WS1), Drainage Ditch (FW4) marking field boundaries throughout the site, Mixed broadleaf conifer

Woodland (WD2) and Recolonising bare ground/Exposed sand gravel or till (ED3/ED1). Some of the bird species identified as QI species of the North-West Irish Sea SPA have been recorded in the study area for the surveys carried out (Black Headed Gull and Herring Gull), however the lands in question are in active agricultural use as well as being adjacent other lands similar in habitat. Having regard to the nature of the site and its surroundings, together with the surveys and searches detailed by the applicant, I am satisfied that the site is not a significant ex-situ foraging or roosting site for QI species associated with any Natura 2000 sites.

3. European Sites at Risk

Having regard to the potential impact mechanisms from the proposal, the European site(s) and qualifying features potentially at risk are considered in the following table.

Table 1 European Sites at risk from Impacts of the proposed project

European Site(s)	Effect mechanism	Impact pathway/Zone of Influence	Qualifying Interest features at risk
North-West Irish Sea SPA (004236) 4.5km from the site	Surface water runoff construction and operation	Discharge to surface water/Balrickard stream, which traverses the site and is subject to works with subsequent drainage to the North-West Irish Sea SPA.	Red-throated Diver, Great Northern Diver, Fulmar, Manx Shearwater, Cormorant, Shag, Common Scoter, Black-headed Gull, Common Gull, Lesser Black-backed Gull, Herring Gull, Great Black-backed Gull, Kittiwake, Roseate Tern, Common Tern, Arctic

			Tern, Guillemot, Razorbill, Puffin, Little Gull, Little Tern
	Habitat loss/deterioration	Not within/adjoining any protected habitats and not suitable ex-situ. .	None.
	Wastewater	Indirect pathway not considered significant.	None.
	Species disturbance	Increased noise and disturbance associated with site works, increase traffic and human activity during operation. Collision risk for overflying bird species that are QI's.	None.

Having regard to the above table, the only Natura 2000 sites that are considered to be at risk from the proposed development are: North-West Irish Sea SPA. Other Natura 2000 sites in the area are distanced further from the proposed development and,

having regard to the lack of connectivity based on the source-pathway-receptor model, I do not consider that they are within the Zone of Influence. The following is a brief overview of the site at risk:

North-West Irish Sea SPA extends offshore along the coasts of counties Louth, Meath and Dublin, and is approximately 2,333km2 in area. The estuaries and bays that open into it along with connecting coastal stretches of intertidal and shallow subtidal habitats, provide safe feeding and roosting habitats for waterbirds throughout the winter and migration periods. These areas, along with the more pelagic marine waters further offshore, provide additional supporting habitats (for foraging and other maintenance behaviours) for those seabirds that breed at colonies on the North-West Irish Sea's islands and coastal headlands. These marine areas are also important for seabirds outside the breeding period.

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

Taking account of baseline conditions and the effects of ongoing operational plans and projects, this section considers whether there is a likely significant effect 'alone' as a result of the surface/groundwater mechanism.

Construction Stage

Given the proposed demolition, excavation works and the scale of the proposed development, the applicant's AA Screening considers that there is an indirect hydrological connection to the Natura 2000 sites: North-West Irish Sea SPA. The application concludes that mitigation measures are required to ensure that silt, dust, contamination, and petrochemicals do not enter the surface water body on site (Balrickard Stream). I acknowledge that many of the measures could be considered standard good practice which may not necessarily have been included for the purpose of reducing or avoiding impact on European Sites (i.e. not

mitigation measures). However, the applicant's approach is based on 'an abundance of caution' and I consider this to be reasonable in accordance with the 'precautionary principle'.

Operational Stage

Surface waters after attenuation and drainage through a SuDs management network will discharge to the Balrickard Stream which ultimately outfalls to the North-West Irish Sea SPA. This includes potential for contamination from hydrocarbons associated with the proposed new traffic routes and car-parking areas etc., which could impact on water quality associated with the Natura 2000 site (as discussed above). It is noted that the proposed surface water drainage design is based on the the Greater Dublin Regional Code of Practice for Drainage Works, the CIRIA SUDS Manual C753 2015, and the CDP. It involves a 2-stage treatment approach including permeable paving, rainwater harvesting, swales, filter drains, raingardens, attenuation storage systems (attenuation/detention pond Zone A and bioretention ponds Zone F) and outlet flow control to the surface water network and outfall to the Balrickard Stream in the form of Hydrobrake. I acknowledge that these operational surface water measures form an integral part of the scheme and may not necessarily have been included for the purpose of reducing or avoiding impact on European Sites (i.e. not mitigation measures). However, the applicant's approach is based on 'an abundance of caution' and I consider this to be reasonable in accordance with the 'precautionary principle'.

Conclusion

I conclude that the likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of North-West Irish Sea SPA cannot be excluded. The potential effects relate to construction stage impacts associated with surface water quality, and the operational stage effects associated with surface water disposal. In accordance with the precautionary principle,

an Appropriate Assessment is required on the basis of the effects of the project 'alone'. Further assessment of in-combination effects with other plans and projects is not required at this time.

5. 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 likelihood of the proposed development having a significant effect 'alone' on the qualifying interests of North-West Irish Sea SPA cannot be excluded. 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'. This conclusion is based on:

• Objective information presented in the applicant's reports;
• The zone of influence of potential impacts having regard to hydrological pathways to Natura 2000 Sites;
• The potential for construction-related impacts on surface water quality;
• The potential for operational stage impacts associated with surface water disposal;
• The application of the precautionary approach; and
• The nature and extent of predicted impacts, which could affect the conservation objectives of the European Sites.

Appendix 2
Appropriate Assessment

1.0 The Natura Impact Statement (NIS)

A Natura Impact Statement (NIS) has been submitted with the application. It considers the potential effects of the project on North-West Irish Sea SPA, due to proximity and indirect pathway from the proposed works and the potential hydrological effects.

The NIS evaluates the potential for direct, indirect effects, alone or in combination with other plans and projects having taken into account the use of mitigation measures. The NIS is informed by the accompanying Environmental Impact Assessment Report (EIAR), including the proposed mitigation measures that are outlined to reduce the potential effects of the proposed project on species/habitats of conservation importance and the surrounding environment. The NIS takes full account of the legislative context and outlines how it has been prepared in accordance with relevant national and European guidance. It has been carried out by Altemar Consultants and the experience and qualifications of the author are included. I am satisfied that it has been prepared by competent experts. NPWS site synopses and Conservation objectives of sites within the determined zone of influence were examined. The most recent SAC and SPA boundary shapefiles were downloaded and overlaid on ESRI

terrain maps and satellite imagery. Several site surveys were carried out to determine if the site contained possible threats to a Natura 2000 site or any Natura 2000 species or habitats. The NIS includes references to a range of information sources including habitat and flora and fauna surveys carried out on site. The applicant's NIS was prepared in line with current best practice and includes an assessment of the direct and indirect effects on habitats and species, as well as an assessment of the cumulative impact of other plans and projects. It concludes that no significant effects are likely on Natura 2000 sites, their features of interest or conservation objectives, and that the proposed project will not will adversely affect the integrity of European sites. Having reviewed the documents, submissions and consultations included within the application file, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

• North-West Irish Sea SPA (004236).

2.0 Stage 2 Appropriate Assessment of implications of the proposed development

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed. In carrying out this assessment, I have adhered to relevant guidance including:

• DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.

• EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.

• EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

3.0 European Sites

A description of the European Sites, their Conservation Objectives and Qualifying Interests/Special Conservation Interests has been set out in the NIS and is summarised in Appendix 1 of this report. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website. The 'Attributes', 'Measures' and 'Targets' for the QIs as set out in the Conservation Objectives (CO) for each European Site are detailed in the following tables:

Conservation Objectives North-West Irish Sea	
Red-throated Diver, Great Northern Diver, Manx Shearwater, Common Scoter, Black-headed Gull, Common Gull, Lesser Black-backed Gull, Great Black-backed Gull, Roseate Tern, Common Tern, Arctic Tern, Guillemot, Razorbill, Little Gull, Little Tern	**To maintain the favourable conservation condition of little gull at North-west Irish Sea SPA, which is defined by the following list of attributes and targets:**
Fulmar, Cormorant, Shag, Herring Gull, Kittiwake, Puffin,	**To restore the favourable conservation condition of puffin in North-west Irish Sea SPA, which is defined by the following list of attributes and targets:**

Attributes and Targets North-West Irish Sea SPA (004236)		
Qi's - Red-throated Diver, Great Northern Diver, Common Scoter, Black-headed gull, Common gull, Great Black-backed gull, Little gull		
Attribute	Measure	Target
Non-breeding population size	Number	No significant decline
Distribution	Hectares, time and intensity of use	Sufficient number of locations, area and availability
Forage spatial distribution	Location and hectares, forage biomass	Sufficient number of locations, area and availability.
Disturbance across site	Intensity, frequency, timing and duration	No significant impact
Barrier to connectivity	Number; location; shape; area (hectares)	Not significant impact
Qi –Fulmer		
Non-breeding population size	Number	Stable or increasing

Spatial distribution	Hectares, time and intensity of use	Significant number or locations, area and availability
Forage spatial distribution	Location and hectares, forage biomass	Sufficient number of locations, area and availability.
Distribution	Intensity, frequency, timing and duration	No significant impact
Disturbance	Intensity, frequency, timing and duration	No significant impact
Barriers to connectivity	Number; location; shape; area (hectares)	No significant impact
Qi's – Manx Shearwater, Lesser Black-headed gull, Roseate Tern, Common Tern, Arctic Tern, Little Tern		
Beeding population size	Number	No significant decline
Spatial distribution	Hectares, time and intensity of use	Sufficient number of locations, area and availability
Forage spatial distribution	Location and hectares, and forage biomass	Sufficient number of locations, area and availability
Disturbance across the site	Intensity, frequency, timing and duration	No significant impact
Barriers to connectivity	Number; location; shape; area (hectares)	No significant impact

Qi's – Cormorant, Shag, Puffin		
Breeding population size	Number	Stable or increasing
Spatial distribution	Hectares, time and intensity of use	Sufficient number of locations, area and availability
Forage spatial distribution	Location and hectares, and forage biomass	Sufficient number of locations, area and availability
Disturbance across the site	Intensity, frequency, timing and duration	No significant impact
Barrier to connectivity	Number; location; shape; area (hectares)	No significant impact
Qi's – Herring gull, Kittywake		
Population size	Number	Stable or increasing
Spatial distribution	Hectares, time and intensity of use	Sufficient number of locations, area and availability
Forage spatial distribution	Location and hectares, and forage biomass	Sufficient number of locations, area and availability
Disturbance across the site	Intensity, frequency, timing and duration	No significant impact

Barrier to connectivity	Number; location; shape; area (hectares)	No significant impact
Qi's – Guillemot, Razorbill		
Population size	Number	No significant decline
Spatial distribution	Hectares, time and intensity of use	Sufficient number of locations, area and availability
Forage spatial distribution	Location and hectares, and forage biomass	Sufficient number of locations, area and availability
Disturbance across the site	Intensity, frequency, timing and duration	No significant impact
Barrier to connectivity	Number; location; shape; area (hectares)	No significant impact

Having considered the above Attributes, Measures, and Targets for each site, the NIS acknowledges that the construction and operational stages have the potential for significant impacts on the North-West Irish Sea SPA. It acknowledges that the surface water network serving the site, which discharges to the Balrickard stream provides an indirect hydrological pathway to the Natura 2000 site with the potential for effects on aquatic biodiversity and habitats supporting the species of qualifying interest that define the status of the site, including:

• Demolition, site reprofiling, storage of topsoil or construction works in proximity to Balrickard stream could lead to dust, soil, pollution, or silt-laden run-off entering the SPA through the surface water drainage network.

• Contaminated surface water run-off during construction/operation may lead to silt, cement or contaminated materials may contaminate Balrickard Stream with subsequent downstream impacts in the SPA.

• On-site concrete production or cement works may contaminate Balrickard Stream with subsequent downstream impacts in the SPA.

• The use of plant/machinery and the temporary storage of construction materials, oils, fuels and chemicals could lead to contamination of Balrickard Stream with subsequent downstream impacts in the SPA.

The NIS concludes that, in the absence of mitigation measures, the proposed development has the potential to impact on water quality in the North-West Irish Sea SPA and subsequently impact on the species that qualifying interests of such.

4.0 Mitigation Measures

The NIS states that the accompanying outline Construction & Environmental Management Plan (CEMP) include the required mitigation measures for the construction phase. These measures, together with ecological supervision and monitoring, are intended to ensure compliance with Water Pollution Acts to prevent impacts on surface water bodies and specifically the Balrickard stream which would be seen as a vector for potential impacts on a Natura 2000 site.

Water protection measures which can be summarised as follows:

Construction Phase

• Implementation of measures outlined in the submitted Construction and Environmental Management Plan (CEMP).

• Measures to capture and treat sediment laden water runoff.

• Minimise exposed ground and retain as much vegetation as possible.

• Delay clearing and topsoil stripping of each area until work is ready to proceed.

• Close and backfill trenches as soon as practicably possible.

• Temporary stockpiles surrounded by silt fencing.

• Management of works adjoining the on-site watercourse, no storage of material close to the watercourse.

• Surface water runoff from areas stripped of topsoil and surface water collected in excavations will be directed to on-site settlement areas, where measures will be implemented to capture and treat sediment laden runoff prior to discharge of surface water at a controlled rate.

• Management/monitoring of de-water operations.

• Provision of Construction Traffic Management Plan (CTMP).

• All oils, fuels, paints and other chemicals will be stored in a secure bunded hardstand (impervious) area.

• Refuelling and servicing of construction machinery will take place in a designated hard stand area which is also remote from any surface water inlets.

• A response procedure will be put in place to deal with any accidental pollution events and spillage kits will be available and construction staff will be familiar with the emergency procedures and use of equipment.

• Concrete batching will take place on-site and offsite. Wash down and wash out of concrete trucks will take place off site and any excess concrete will not be disposed of on-site.

• Pumped concrete will be monitored to ensure there is no accidental discharge.

• Dust minimisation and monitoring measures.

• Discharge from any vehicle wheel wash areas is to be directed to onsite settlement areas, debris and sediment captured by vehicle wheel washes are to be disposed offsite at a licensed facility.

Operational Phase

• Surface water including attenuation storage and SuDs features incorporated such as permeable paving, rainwater harvesting, swales, filter drains, raingardens, attenuation/detention pond and bioretention ponds.

• Restricted discharge from the site to the surface water network.

The Construction Environmental Management Plan (CEMP) includes pollution control measures which can be summarised as follows:

General

• Demolition and construction methods tailored to reduce dust and noise pollution.

• Management of hazardous materials, including storage.

• Agreement of details for refuelling machinery, servicing machinery, and concrete mixing etc. Surface Water Drainage & Ground Water Control

• A comprehensive range of runoff control measures will be implemented.

The NIS concludes that no significant adverse effects on the conservation objectives of Natura 2000 sites are likely following the implementation of the outlined mitigation measures. I have considered the proposed mitigation and monitoring measures. I consider that they are robust and comprehensive, and I am satisfied that they are adequate to ensure that there will be no significant water quality impacts associated with the proposed development.

I conclude that the proposed development would have not likely significant effect ‘alone’ on any qualifying feature(s) of North-West Irish Sea SPA. Further AA screening in-combination with other plans and projects is required.

5.0 In-combination impacts

The NIS considers the potential impacts of notable planning applications located within or in close proximity to the application site, which can be summarised as follows:

Ref no.	Location	Proposal
F18A/0565:	M1 Business Park, Courtlough, Balbriggan, Co. Dublin.	Construction of an access road n junction treatment works with the R132.
F18A/0593	M1 Business Park, Courtlough, Balbriggan, Co. Dublin.	Construction of [production and warehouse building and associated site works.
F22A/0258	Units 1 and 2, M1 Business Park, Courtlough, Balbriggan, Co. Dublin.	Installation roof mounted solar panels
F18A/0733	M1 Business Park, Courtlough, Balbriggan, Co. Dublin.	Extension to existing unit within the business park.

F21A/0211	Courtlough Shooting Grounds, Courlough, Balbriggan, Co. Dublin.	Constriction of changing facility, indoor activity centre and a new vehicular entrance.
F23A/0361	Courtlough, Balbriggan, Co. Dublin.	Permission consequent on outline for a two-storey dwelling and associated site works.
F22A/0066	Hazardstown Road (Matte Lane) Ring Road, Balbriggan, Dublin	Permission for extension to garage and change of use to Montessori pre-school.

It highlights that surface water disposal will comply with the Water Pollution Acts and that wastewater treatment will take place at the existing Wastewater Treatment Plan (WWTP) serving the M1 Business Park which will have adequate capacity. It states that the drainage and water attenuation design will have a net beneficial impact, particularly during heavy rainfall events where attenuation will take place prior to discharge to the surface water network. It concludes that no significant cumulative or in-combination effects from other proposals in the area are likely. Consistent with the applicant's assessment, I am satisfied that these projects have incorporated suitable measures for the management of groundwater, surface water, and wastewater, and that any permissions have satisfactorily considered the potential for significant effects on Natura 2000 sites through AA Screening and/or Appropriate Assessment. I also acknowledge that the site is governed by the Fingal County Development Plan 2023-2029. This plan has undergone AA and where potential for likely significant effects have been identified, appropriate mitigation has been included. As such, it is considered that these plans and policies will not result in in-combination effects. The

plans have directly addressed the protection of European sites and biodiversity through specific objectives, including those relating to the protection of the water regime and water quality.

Accordingly, I am satisfied that the potential for in-combination effects with other plans and projects has been adequately considered and that the proposed development would not result in any residual cumulative effects with regard to any European Site.

6.0 Appropriate Assessment Conclusion

The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that the likelihood of significant effects on North-West Irish Sea SPA could not be excluded. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives. I am satisfied that an examination of the potential impacts has been analysed and evaluated using the best scientific knowledge. Where potential significant effects on Natura 2000 sites have been identified, key design features and mitigation measures have been prescribed to remove risks to the integrity of the European sites. I am satisfied based on the information available, which I consider to be adequate in order to carry out a Stage 2 Appropriate Assessment, that if the key design features and mitigation measures are undertaken, maintained and monitored as detailed in the NIS, adverse effects on the integrity of Natura 2000 sites will be avoided. Therefore, following an Appropriate Assessment, it has been ascertained beyond reasonable scientific doubt that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of North-West Irish Sea SPA, or any other European site, in view of the sites' Conservation Objectives. This conclusion is based on:

• A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of North-West Irish Sea SPA.

• Detailed assessment of cumulative and in-combination effects with other plans and projects.

• No reasonable scientific doubt as to the absence of adverse effects on the integrity of North-West Irish Sea SPA.

Appendix 3

Water Framework Directive

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	**313216**	**Townland, address**	Rowans Big, Rowans Little and Courtlough, Lusk and Balbriggan, Co. Dublin
Description of project		Destruction of structures, upgrades to roundabout, constriction and roads and services infrastructure with all associated site works.	

Brief site description, relevant to WFD Screening,	The site is located on a flat site in a rural area to the north and south of Bhailsigh Road (L1140). The Balrickard Stream traverses the site with surface water draining to the stream, which drains to the Matt Bracken River to the northeast and outfalls to the Irish Sea at Balbriggan 4.5km from the site.
Proposed surface water details	SUDs system proposed with hydrocarbon interceptor
Proposed water supply source & available capacity	Uisce Eireann mains water connection
Proposed wastewater treatment system & available capacity, other issues	Uisce Eireann Wastewater connection. The wastewater tremanet plant has adequate available capacity and complies with License authorisation conditions. The surface waters receiving the treated wastewaters are at good status.
Others?	

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	**Distance to (m)**	**Water body name(s) (code)**	**WFD Status**	**Risk of not achieving WFD Objective e.g.at risk, review, not at risk**	**Identified pressures on that water body**	**Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)**
River	Traversing the site	Matt Bracken River	Poor	At risk	No pressures	Yes – surface water drain system serving the site

		IE_EA_08M010900				hydrologically connected to watercourse.
Groundwater Waterbody	Underlying site	Hynestown IE_RA_G_033	Good	Not at risk	No pressures	No – poorly draining soils offer protection to groundwaters

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.

CONSTRUCTION PHASE

No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	**Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.**
1.	Surface	Matt Bracken River IE_EA_08M010900	Existing surface water drainage system in the area	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	Yes – proximity to monitoring location warrants additional	Screened in
2.	Ground	Ballincollig IE_SW_G_002	Hynestown IE_RA_G_033	Spillages	As above	No	Screened out

OPERATIONAL PHASE							
3.	Surface	0010	Existing surface water drainage system in the area	Hydrocarbon spillage	SUDs features	No	Screened out
4.	Ground	0020	Pathway exists but poor drainage characteristics	Spillages	SUDs features	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						

STAGE 2: ASSESSMENT					
Details of Mitigation Required to Comply with WFD Objectives – Template					
Surface Water					
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	**Objective 1:Surface Water** **Prevent deterioration of the status of all bodies of surface water**	**Objective 2:Surface Water** **Protect, enhance and restore all bodies of surface water with aim of achieving good status**	**Objective 3:Surface Water** **Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status**	**Objective 4: Surface Water** **Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances**	**Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)**

	Describe mitigation required to meet objective 1:	**Describe mitigation required to meet objective 2:**	**Describe mitigation required to meet objective 3:**	**Describe mitigation required to meet objective 4:**	
Construction works	Site specific construction mitigation methods described in the CEMP e.g. silt fences, site-specific design of settlement ponds, etc	Site specific construction mitigation methods described in the CEMP e.g. silt fences, site-specific design of settlement ponds, etc	NA	NA	YES
Stormwater drainage	Adequately designed SUDs features, permeable paving etc	Adequately designed SUDs features, permeable paving etc	NA	NA	YES
Development/Activity 3 e.g. Creation of a transport crossing of watercourse.					