



An
Coimisiún
Pleanála

Inspector's Report ABP-322759-25

Development	Permission for development comprising a single warehouse unit and all site works.
Location	Mell, Drogheda, Co. Louth.
Planning Authority	Louth County Council
Planning Authority Reg. Ref.	2460514
Applicant(s)	Belgard Estates Ltd.
Type of Application	Planning Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party v Decision
Appellant(s)	James Carroll Killineer and District Residents Association
Observer(s)	Eilís de Buitléir-Kearney, Eugene Kearney & Sadbh de Buitléir-Kearney.
Date of Site Inspection	9 th September 2025
Inspector	Dan Aspell

1.0 Site Location and Description

- 1.1.1. The site is located in Mell, Drogheda, Co. Louth. The site generally comprises sections of the R166 and R168 regional roads and part of an agricultural field. The application red line area is constrained generally to the proposed road and warehouse and is stated as being 3.38ha. Agricultural lands extend to the east, south, north and north-west. There are car sales premises to the west (M1 Retail Park) and northwest. A derelict warehouse and related structures are also to the north-west.
- 1.1.2. The R168 is generally to the west of the site and the R166 is to the north. The R166 is signed as the N51 and in some publicly available mapping is identified as the N51.

2.0 Proposed Development

- 2.1.1. The proposed development is stated as comprising the following:
- a warehouse unit (3,347sqm), ancillary office area (476sqm) and yard (2,616sqm) including loading docks, ground level door, services area, trailer parking, staff and visitor car parking, and bicycle parking;
 - 2 no. site accesses (one access onto each of the regional roads) and internal access through road (516m) connecting the R166 regional road with the R168, including a segregated footpath and cycleway along its length;
 - ancillary works including servicing, surface water management infrastructure, soft landscaping and lighting.
- 2.1.2. The application included a masterplan; Traffic & Transport Assessment (TTA), Flood Risk Assessment (SSFRA); Preliminary Ecological Appraisal Report; Appropriate Assessment (AA) Screening report; Construction Environmental Management Plan (CEMP); Landscape Report; External Lighting Report; Architectural Design Statement and Road Safety Audit (RSA).

3.0 Planning Authority Decision

- 3.1.1. Louth County Council issued a notification to grant permission subject to 18 no. standard conditions. I note the following in particular:

- Condition 2: Restricts the use of the proposed building to warehouse;
- Condition 6: Design details of connections to R166 and R168;
- Condition 7: Road connections to be operational prior to occupation;
- Condition 8: Public lighting to be operational prior to occupation;
- Condition 10: Construction Management Plan;
- Condition 13: Site drainage measures to comply with Flood Risk Assessment and Engineering Report;
- Condition 14: Requirement to undertake archaeological impact assessment.

3.2. Planning Authority Reports

3.2.1. Planning report: The report (25/10/24) recommended further information as follows:

- Site location: Site is accessed off R166 between R168 and R132 roundabouts, and off M1 Retail Park roundabout on R168. Area is rural/semi-urban;
- EIA: The development is urban. Site size is sub-threshold. Given the nature and size there is no likelihood of significant effects;
- AA: No direct pathways to EU Sites. Report considered the Habitats Directive Screening Report. No AA issues arise. AA Stage 2 not required;
- Zoning: Site zoned 'E1 General Employment'. 'Warehouse' is acceptable in principle. Proposed offices are ancillary. Applicant did not indicate exactly what the proposed warehouse will be used for. Further information recommended;
- Use: Description refers to 'warehouse' use but documents refer to 'Data Centre', which is "Open for Consideration". Data centre use is not being assessed and requires separate permission. Further information recommended;
- Masterplan: Masterplan shows indicative building positions and connections between the site and adjoining lands and is acceptable;
- Traffic & Transportation: Proposal will impact R166 & R168 regional roads. M1 is a short distance away. Place Making & Physical Infrastructure raise concern regarding new exit off M1 Retail Park (R168) roundabout and proposed T-junction on R166/N51 with no right turn lane. Further Information recommended;

- Connectivity: Proposal increases permeability to adjoining lands, R166 and R168. Applicant should further consider sustainable travel modes within site;
- Flood risk: Site in Flood Zone C. Mell Stream to the west. Place Making & Physical Infrastructure raise concern on pluvial flood risk. A survey demonstrating pluvial flooding relative to the finished floor levels and roadways is required to ensure required pluvial flood net storage is not impacted and the development will not exacerbate flood risk including on public roads;
- Surface water: A stormwater system is proposed to simulate greenfield run-off rates. Place Making & Physical Infrastructure recommend further information;
- Ecology: No significant removal of hedges, trees or other vegetation. Report noted submitted preliminary ecological appraisal report and location of EU Sites; no bats/bat roosts observed and none recorded; one badger sett identified; no high impact invasive recorded. Report concurred with recommended mitigation;
- Archaeology: Site not in area of archaeological interest. Nearest Recorded Monument is 600m away. Dept. of Environment recommends further information;
- Lighting: Report noted External Lighting Report and An Taisce submission. Further information recommended;
- Services: Further information recommended regarding services outside the site, incl. to establish remit of works and if upgrades are necessary;
- Water: Mains connection proposed. Report noted application references to water for cooling Data Centre; report reiterated that data centre is not proposed;
- Wastewater: Proposal will connect to existing foul water network along R168 but within the M1 Retail Park which would require third-party consent;
- Uisce Eireann: Confirmation of Feasibility required by Further Information;
- Design & Materials: Site bounded by mature trees. Layout, design, size, height, scale and external finishes of warehouse unit are acceptable;
- Landscaping: Small sections of trees on northern & western boundaries to be removed. Extensive new hedging & trees proposed. This is acceptable. Boundary details of proposed fence are required by further information;
- Waste: Bin storage proposed adjacent to warehouse. This is acceptable;

- Residential amenity: Site on E1 lands. Entrances/road are separated from dwellings. No impact on residential amenity. Opening hours not provided. Report states no objection to premises operating 24/7.

3.2.2. Report on response to further information (21/05/25) is summarised as follows:

- Principle: Report stated proposal is satisfactory in principle;
- Use: Applicant clarified that the warehouse is 'warehouse (general)' which is permitted in principle on E1 lands;
- Data centre: Revised masterplan submitted removes some references to data centre. Report reiterated that a data centre is not assessed in any way as part of the application and would require separate permission;
- Climate & carbon: A Carbon Footprint Report is submitted which addresses Climate Action Plan 2019 targets and climate policies which is satisfactory;
- Traffic & Transportation: Revised proposal, TTA, and modelling submitted regarding the T-junction with the R166. Place Making & Physical Infrastructure recommend permission be granted subject to conditions;
- R166 & R168 link: Revised layout realigns internal road and introduces pedestrian crossings to reduce speed and deter the road becoming a 'rat run';
- Active travel: Revised layout shows bus stops incorporated. Place Making & Physical Infrastructure recommend permission be granted subject to conditions. Cycle parking details shown and are satisfactory;
- Road safety: Revised RSA submitted. Additional road width facilitates heavy goods vehicles. Place Making & Physical Infrastructure recommend permission be granted subject to conditions;
- Permeability: Revised drawings increase pedestrian and cycle permeability including green corridors/lungs for sustainable travel;
- Services: Revised drawings show details of foul & water connections, and electricity substation. Applicant provided a Confirmation of Feasibility confirming that water and wastewater connections can be facilitated subject to upgrades. Revised lighting plan and report provided. Place Making & Physical Infrastructure recommend granting permission subject to condition;

- Flood risk: A storm water design and SuDS strategy to reduce the area of pluvial flooding is provided. Revised strategy shows surface water in the northern part of site will drain to surface water sewer in R166/N51 with remaining part of site dealt with through SuDS onsite and infiltrating to ground;
- Archaeology: Electromagnetic resistivity survey submitted. 14 anomalies identified; of these all but one relate to field boundaries and have no archaeological significance. 1 anomaly may indicate archaeological activity. Report noted Dept. of Environment was not satisfied with further information, but stated this can be dealt with by condition;
- Land ownership: Applicant clarified that no 3rd party lands required;
- Boundaries: Applicant provided details of proposed fence, which is satisfactory;
- Operating hours: Operating hours are 08:00-18:00 Mon.-Sat. This is satisfactory;
- Third-party lands: Revised layout provides connectivity to neighbouring lands incl. potential future access to permitted development Ref. 19/78 which relates to a neighbouring car sales premises (Tony Kierans).

Other Technical Reports

- 3.2.3. Place Making & Physical Infrastructure: Report recommended granting permission subject to conditions relating to: Roadway & footpath finish; street lighting; parking space construction; Construction Management Plan; road opening licence; hoarding licence; costs of road repair; and road cleaning & maintenance. Recommended Condition 2 required agreement of detailed design inclusive of specifications / programming for new signalised junction onto R166/N51 and the road arm onto the M1 Retail Park Roundabout from the, and all works associated with the provision of the new junctions onto the R166 / N51 / R168.
- 3.2.4. Environment Section: No objection subject to conditions (RWMP, construction management, and noise).

3.3. Prescribed Bodies

- 3.3.1. Dept. of Housing, Local Government & Heritage Development Applications Unit: Two submissions were received relating to archaeology, summarised as follows:

- Submission 1: Site is in a landscape rich in recorded and previously unrecorded subsurface features and deposits of archaeological nature, and in the Boyne Valley landscape. Further information in the form of an Archaeological Impact Assessment was recommended;
- Submission 2: Submission stated the geophysical survey submitted by further information does not satisfy the Department recommendation for archaeological test trenching prior to any planning decision. Submission recommended an archaeological assessment of the site be submitted to enable the Planning Authority and Dept. to prepare an appropriate recommendation before decision.

3.3.2. An Taisce: An Taisce made two submissions. The first referred to negative environmental impacts from excessive LED lighting and recommended light spill be contained within the site, and referred to Policies ENV8, ENV10 and ENV11 of the Development Plan in this regard. The second made the following points:

- Masterplan: Masterplan indicates a data centre development intention which is unacceptable in terms of lacking transparent and meaningful assessment of climate, water & energy impacts. Details are set out in these regards;
- Carbon footprint: Carbon Report fails to assess data centre greenhouse gas emissions. The proposed uses are required. Proposal must demonstrate compatibility with emissions reduction obligations if data centre is proposed;
- Carbon Budgets & Sectoral Emissions Ceilings: Compliance with carbon budgets and sectoral emissions ceilings are legally binding per Climate Action & Low Carbon Development Act 2015. Application has not demonstrated its emissions will not contribute to projected exceedance of carbon budgets;
- Climate Action Section 15 Obligations: The Council is bound by the objectives of the carbon budgets and sectoral ceilings in its decision making;
- Cumulative impact: If a data centre is proposed the cumulative impacts with other data centres and large energy users on climate requires consideration.

3.3.3. Uisce Eireann: None.

3.4. Third Party Observations

3.4.1. During the application observations were recorded by the planning authority from: Sandra Govern; Elaine Greenan (obo. Killineer & District Resident's Association); James Carroll; Peter Govern; James McKeivitt; and Brendan McKenna. I summarise the issues raised as follows:

- Procedure; Timeline, public notices, and further information irregularities;
- Traffic impact; Traffic hazard, nuisance, accuracy of TTA; Inappropriate access onto protected Regional Roads; No justification regarding compliance with Policy MOV56; Updated TTA incomplete; traffic issues; congestion; Impact on Drogheda Active Travel Scheme Phase 3 and PANCR; lack of cycle & pedestrian infrastructure on R166; access to third-party lands;
- EIA: Project splitting and no EIAR submitted;
- AA: Issues regarding protected species, birds, flora, and fauna;
- Masterplan: Lack of integration between development and masterplan;
- Water: Flood risk assessment inadequate with no mitigation measures; impact on water and groundwater; hydrological pathways to Boyne & Blackwater SPA and SAC; impact on group water schemes in the area;
- Climate: Lack of solar photovoltaic panels; insufficient electric vehicle charging; that electric forklifts should be used.
- Environment: Light pollution; lack of tree planting; air quality; wildlife impact; archaeological impacts unclear;
- Zoning; intended use; planning history;
- Amenity: Neighbour engagement; impact on planned park to the east; no detail on hours of operation;

4.0 Planning History

4.1. Subject site

- 4.1.1. Reg. Ref. 20/188: Planning permission refused by the Planning Authority in 2020 for a new roundabout and related ancillary works on the R166 regional road to access lands at Mell. Permission was refused for 3 no. reasons relating to (1) requirement for a masterplan and the proposal for a road in the absence of other development; (2) deficiencies in the TTA submitted, and; (3) the submitted AA screening report did not consider the proposed junction will facilitate access to the employment lands.
- 4.1.2. The application related primarily to lands to the north of the subject site, however a small part of the application boundary extended within the subject application site.
- 4.1.3. Planning applications on adjacent public roads which overlap the application site:
- 4.1.4. Reg. Ref. 2460766: Planning application for 5 no. wind turbines, incl. all associated underground electrical & communication cabling connecting the turbines to the proposed onsite electrical substation including cabling in the public road corridor.
- 4.1.5. Reg. Ref. 2360315: Planning permission granted by the Planning Authority in 2024 for development in an adjacent site which included the revised location of hydrobrake manhole to be included within the site and all associated site development and infrastructure works including works within the public road R168.

4.2. Nearby sites:

- 4.2.1. Reg. Ref. 19/78: Permission granted by Planning Authority in 2019 for use of site as vehicle display/sales/servicing & repairs, change of use of building from shed manufacturing to washing/valeting, alteration of workshop & change of use from workshop to car service & repair, alteration of residential curtilage & new vehicular access/egress to neighbouring dwelling, new vehicular access/egress from R168.
- 4.2.2. For completeness I note Reg. Ref. 04510059 referred to by one of the appellants.

5.0 Policy Context

5.1. National guidelines and strategies

Climate Action Plan 2025

Ireland's 4th National Biodiversity Action Plan 2023-2030, incl. Objectives & Targets

Design Manual for Urban Roads & Streets (DMURS) 2019

Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment 2018

Traffic and Transport Assessment Guidelines 2014, Transport Infrastructure Ireland

Spatial Planning and National Road Guidelines for Planning Authorities 2012

Planning System & Flood Risk Management Guidelines 2009

Development Management Guidelines for Planning Authorities 2007

Frameworks and Principles for the Protection of the Archaeological Heritage 1999

5.2. Regional strategy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy

- 5.2.1. The EMRA RSES identifies Drogheda as a 'Regional Growth Centre' on the Eastern Corridor/Dublin-Belfast Economic Corridor. Drogheda Regional Growth Centre Regional Policy Objective RPO 4.11 states: *"A cross boundary statutory Joint Urban Area Plan (UAP) for the Regional Growth Centre of Drogheda shall be jointly prepared by Louth and Meath County Councils in collaboration with EMRA". Page 64 states that: "The preparation and adoption of a statutory Joint Urban Area Plan (UAP) by Louth and Meath County Councils is to be a priority".*

5.3. Development Plan

The site is zoned 'E1 General Employment' in the Louth County Development Plan 2021-2027 (Development Plan Section 13.21.17);

In relation to roads, Policy Objective MOV45 seeks: *"To support investment and improvements to the public road infrastructure in the County including bridges and*

other ancillary structures, taking into account both car and non-car modes of transport and road safety requirement”;

Section 7.10 ‘Protected National and Regional Routes’, Table 7.9, Table 7.10 and Map 7.2 ‘Road Network’. Policy Objective MOV56 seeks: *“To safeguard the capacity and safety of the National and Regional Road network by restricting further access onto National Primary, National Secondary, and Protected Regional Roads in accordance with the details set out in Tables 7.9 and 7.10”;*

In relation to road safety, Sections 13.16.14 ‘Traffic and Transport Assessment’s, and 13.16.15 ‘Road Safety Impact Assessment’;

In relation to lighting, Policy Objectives ENV8, ENV and ENV11;

In relation to Port Access Northern Cross Route (PANCR), Specific Objective SS12;

In relation to masterplans, Sections 13.5 ‘Masterplans’, 13.13.1 ‘Business Parks and Industrial Estates’, and Policy Objective EE37 which seeks: *“To support the development of employment lands in the town including: i) The lands in the northern part of the town adjacent to the M1 Retail Park ii) The lands adjacent to Tom Roes Point The development of these lands shall be for economic investment and employment generating uses. Development shall only take place in areas where a Masterplan has been agreed in writing with the Planning Authority in accordance with the requirements set out in Section 13.5 'Masterplans' in Chapter 13 - Development Management Guidelines.”*

I note in particular the following:

- Section 5.12.4 ‘Undeveloped Employment Lands’ states that: **“A Masterplan will also be required for *the employment lands* in the vicinity of the M1 Retail Park. Provision of the aforementioned Masterplans will ensure a holistic and co-ordinated approach is taken to the development of the lands. These Masterplans will set out a conceptual layout and provide infrastructural details including roads, water services, and surface water in addition to a phasing programme for the build out of the lands”:**
- Policy Objective EE 37 seeks: *“To support the development of employment lands in the town including: i) The lands in the northern part of the town adjacent to the M1 Retail Park ii) The lands adjacent to Tom Roes Point The*

development of these lands shall be for economic investment and employment generating uses. Development shall only take place in areas where a Masterplan has been agreed in writing with the Planning Authority in accordance with the requirements set out in Section 13.5 'Masterplans' in Chapter 13 - Development Management Guidelines”;

- Development Plan Section 13.5 'Masterplans' page 13-4 states: *“The written agreement of all landowners in a Masterplan area is normally required. Where this cannot be achieved consideration may be given to the preparation of a Masterplan in a specific location within the overall land parcel of the Masterplan area. This will only be considered where a clear rationale is provided explaining the reasons why the Masterplan for the entire land parcel cannot be considered. This rationale would have to demonstrate to the Council that this approach would not undermine the development of the wider Masterplan area. This may not be feasible in Masterplan areas where there are multiple land use zoning objectives and the build out of the lands requires the provision of a range of infrastructure e.g. social, community, transport or water services infrastructure in tandem with employment and/or residential development. Any Masterplan that is specific to a location within the overall land parcel of the Masterplan area shall be required to demonstrate the relationship of the subject lands with the wider lands in the overall Masterplan area and shall clearly set out future access points (vehicular, cycling and pedestrian), and service and utilities provision and connections in order to ensure a co-ordinated and holistic approach is taken to the future development of the lands.”*

In relation to the Joint Urban Area Plan and LAP for Drogheda, Policy Objectives SS3, CS7, CS8, CS13 and EE34 and Sections 1.1 'The Development Plan a New Approach', 1.2 'Regional Growth Centres', 1.2.1 'Drogheda', and 14.2.1 'Urban Area Plans and Local Area Plans';

- Section 2.13.1 'Joint Urban Area Plan' states: *“In order for Drogheda to fulfil its economic potential it is acknowledged that a coordinated approach needs to be taken with regard to the future growth strategy and infrastructure investment. The Council therefore welcomes the requirement in the RSES to prepare a Joint Urban Area Plan for Drogheda between Louth and Meath County Councils. The UAP/LAP will be informed by the strategic objectives set out in*

this Plan and will provide for specific objectives and key actions to unlock the full potential of Drogheda as a Regional Growth Centre.”

- Section 7.5.1 ‘Local Transport Plans’ states: *“The Local Transport Plans that will be prepared for Drogheda and Dundalk will inform the Urban Area Plan / Local Area Plan policy and growth strategy for both settlements”.*

Section 1.2.1 ‘Drogheda’ states, in relation to Louth and Meath County Councils, the preparation of the Joint Local Area Plan for Drogheda will commence within 6 months of the adoption of the County Development Plan.

Policy Objectives CS7, CS9, CS13, MOV5 and Section 14.2.1 set out related provisions;

In relation to climate, Chapter 12 ‘Climate Action’, Strategic Objective SO4, SO15, Policy Objectives CA1, CA3 & CA5, and Policy Objective EE63;

In relation to flood risk, Section 1.7.4 ‘Strategic Flood Risk Assessment (SFRA)’, Section 10.3 ‘Flood Risk Management’, and Policy Objective IU26, IU27, IU31, and IU33. Volume 5 Strategic Flood Risk Assessment (SFRA);

In relation to archaeology, Policy Objective BHC3, BHC5, BHC10, Section 9.3.1 ‘Zone of Archaeological Potential’, 9.3.5 ‘UNESCO World Heritage Site – Brú na Bóinne’, Map 9.2: ‘Brú na Bóinne UNESCO World Heritage Site’;

In relation to habitats and biodiversity, Strategic Objective SO6, and Policy Objectives NBG2, NBG9 and NBG11;

In relation to economic development & employment, Policy Objectives EE3, CS11, CS12, SS1 and SS2. Section 13.13 ‘Employment’.

5.4. Natural Heritage Designations

- 5.4.1. The River Boyne and River Blackwater SAC is approx. 895m to the south-west; the River Boyne and River Blackwater SPA is approx. 1.25km to the south-west; the Boyne Estuary SPA is approx. 3.75km to the east; and the Boyne Coast and Estuary SAC is approx. 4.80km to the east.

6.0 Environmental Impact Assessment screening

- 6.1.1. The proposed development has been subject to preliminary examination for environmental impact assessment (Form 1 and Form 2 Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.
- 6.1.2. I note that concern is expressed in the grounds of appeal and observations that the proposed development would have a significant environmental effect on badgers and that an EIAR should be prepared. Impacts on badgers are considered by the applicant in the Preliminary Ecological Appraisal report. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. It is concluded, therefore, that the issues raised in respect of badgers can be addressed within the report and there is, otherwise, no real likelihood of significant effects on the environment.

7.0 The Appeal

7.1. Grounds of Third-Party Appeal

- 7.1.1. Two third-party appeals were received, from Killineer and District Residents Association care of Elaine Grennan, and from James Carroll, summarised as follows:

James Carroll

- Contravention of MOV56: Direct access to R166 Protected Regional Route without meeting exceptional criteria required by MOV56. Proposal would introduce traffic hazards and set damaging precedent;
- Traffic: Traffic analysis is deficient. No credible TIA addressing impact on M1 Junction 10 and wider network. This mirrors deficiencies in Reg. Ref. 20188;
- Absence of statutory masterplan: A comprehensive masterplan has not been agreed with other landowners which violates Policy 'EE35' and Section 13.5;

- Inadequate flood risk consideration: Despite acknowledging karst features and pluvial risks near Mell Stream there is a lack of mitigation which violates national flood risk guidelines and poses risks to site and adjoining lands;
- EIA thresholds/project splitting: Application isolates a unit in a large zoned area with clear indications of future expansion which is project splitting. Development area exceeds EIA threshold (Schedule 5 Part 2(10)(b)(iv)). No EIAR provided;
- Flawed carbon impact assessment: Carbon report is non-transparent, non-actionable, lacks basic methodology, unit references, benchmarking, emission breakdowns, and is unfit for a development of this scale;
- Environmental & archaeological oversights: No ecological assessment of protected species. There are known badger setts in the site environs. Application did not adequately address archaeological requirements;
- Errors/inconsistencies: Discrepancies in documents undermine credibility;
- Procedural irregularities / curtailment of rights: Planning Authority acceptance and publication of further information response on same day (02/05/25) raises concern about pre-arrangement. Appellant states date of receiving notice left insufficient time for review, violating Planning & Development Regulations 'Regulation 35'. Site notice indicated an observation period of 5 weeks but Council letter stated a shorter deadline. Site notice stated the application included a Natura Impact Statement (NIS) yet none was on the public file which renders the application incomplete.

Killineer and District Residents Association care of Elaine Grennan

- Appeal sets out procedural and planning & environmental issues:
- Invalid/incomplete application: Site notices state a NIS was submitted yet none was on the public file. This renders application invalid *ab initio*;
- Unlawful engagement: Planning Authority facilitated informal consultation with developer outside statutory framework which undermines process transparency and legality (Copy of correspondence attached);
- Planning regulations misapplication: Developer modified the application following a 'Regulation 33' request. Planning Authority did not issue a 'Regulation 34'

request as required. Changes include modifications to road alignment, drainage, and accesses without correct procedure;

- Premature/unlawful notification: Public notices published same day as further information submitted, suggesting prior knowledge of Planning Authority determination. Authority failed to follow proper sequence under 'Regulation 35' and truncated public observation period to 6 days. 3rd party notification was delayed. Closing date for observations was indicated as 15/05/25 even though site notice stated 5-weeks, allowing a very short time to comment;
- Failure to assess submissions: Submissions by 3rd parties were ignored by Planner Report; it lists 7 parties making submissions but only 5 are recorded;
- Lack of masterplanning: The masterplan was produced outside a statutory process and contradicts Development Plan Section 13.13.1. It includes only lands in control of the applicant rather than full E1 zoned lands;
- Breach of RSES obligations: Council is in default of preparing a Joint Urban Area Plan for Drogheda as required by RSES. It is irregular for Planning Authority to entertain a non-statutory private plan in place of this;
- EIAR: Proposed development comes within scope of Schedule 5 10(b)(iv) and requires an EIAR;
- Unspecified/vague use: 'Warehousing General' use is vague. It does not provide sufficient information to assess environmental impact. Application referred to a data centre which alters the environmental profile;
- Cumulative/phased development: Application refers to a larger landholding of 29ha but no phasing information is given which prevents cumulative impact assessment required by EIA Directive;
- Biodiversity: Likely illegal destruction of a badger sett may occur in breach of Bern Convention. Planning Authority has no jurisdiction to permit this action;
- Archaeology: Applicant did not comply with Department on archaeological impact. Significant impacts on archaeological receptors cannot be ruled out;

- Conclusion: Application fundamentally flawed and cannot lawfully be granted. Material procedure breaches undermine public participation. Development Plan non-compliance and failure to meet environment assessment obligation.

7.1.2. Appeal includes a letter from the appellant's solicitor, summarised as follows:

- Letters sets out procedural, planning, and environmental issues:
- Letter sets out a large number of procedural issues including in relation to: accuracy of site notice; validity of application; no legal provision for consultation during the application between the developer and Planning Authority; inappropriate application of 'Regulations 33, 34 & 35'; irregular consultation between developer and Planning Authority; prior agreement/ understanding between developer and Planning Authority regarding the further information response; the letter sent to statutory consultees and site notice were not in the form specified in the regulations. Letter states the procedure was unlawful and had the effect of severely truncating the time for further public observations;
- Masterplan: Council cannot agree a non-statutory masterplan with developer outside statutory process and in context of application. In reference to Development Plan Section 13.13.1 masterplans come within scope of SEA Directive and require environmental assessment & public participation. Submission of masterplan with application materially contravenes Development Plan. Masterplan is artificially limited to developer's lands rather than all E1 lands. Council is in default of obligation to prepare Drogheda Joint Urban Area Plan. Advancing a private over a statutory plan is irregular;
- EIA: Application cannot be determined without EIAR. Development is urban and 3.38ha which requires EIA (Schedule 5 Part 2 para. 10(b)(iv)). Application envisages further phases over 29ha. Planning Authority must assess environmental effects from further phases;
- Use: 'Warehouse (general)' use is not precise enough for environmental effects to be determined. Application is akin to outline permission and would need further permission for any intended use;
- E1 lands: Cumulative effects of wider E1 lands as well as granted & pending permissions in the area have not been taken into account;

- Badger sett: Unlawful destruction of badger sett is likely which is protected by Bern Convention. Planning Authority lacks jurisdiction to authorise this.

7.2. First-Party Response to Third-Party Appeal

7.2.1. A first-party response to the third-party appeals was received, prepared by the applicant's consultant, and is summarised as follows:

- Procedure: Further information was issued under Article 33. Applicant was invited to engage with the Authority regarding active travel, which the applicant did as standard practice. It is not accepted there was any error or impropriety in procedure. Planning Authority noted the response involved significant alterations in the context of Article 35. Regarding a truncated response period, there was no prejudice in this regard as both parties made submissions and appeals. The Commission is required to determine the application *de novo*;
- Masterplan: A non-statutory masterplan was prepared in response to a refusal reason under Ref. 20/188. The masterplan was subject to consultation with the Planning Authority and several landowners. Agreement was not possible with all landowners. Applicant requested the Council agree to preparation of the masterplan for the specific location, consistent with Development Plan Section 13.5. Infrastructure was sized/provided to accommodate all future growth and would not undermine development of the wider area. The masterplan in no way binds or restricts the Planning Authority or Commission; it is well established SEA is only required of provisions that are binding on competent authorities;
- Zoning: The development is consistent with the E1 zoning objective. The development supports Policy Objectives EE35, CS11, CS12, SS1, and SS2;
- RSES: Planning Authority is not in default of preparing a Joint Urban Area Plan or in breach of RSES. Site is zoned in the Development Plan and Joint UAP is not required for permission to be granted. Preparation of Joint UAP is underway. The submitted masterplan is not in place of Joint UAP;
- Use: The zoning allows warehousing and 'warehouse (general)'. The proposed use is described. There is no basis to allege it is unspecified/vague. Reference

to a data centre was addressed at further information by the Planning Authority and applicant, and applicant omitted any reference to data centre;

- EIA: Proposal is sub-threshold. Planning Authority correctly established EIA is not required. The development is not in a business district, city or town. It is a greenfield peri-urban area consistent with 'other parts of a built-up area' which is a 10ha threshold. If Commission considers proposal is industrial the threshold is 15ha;
- Cumulative assessment/Project splitting: Proposal is not functionally/legally dependent on further development. No other development is currently envisaged. No project splitting arises where the development is a standalone, single indivisible project. There is no requirement, and it would not be possible to cumulatively assess unknown potential future development;
- Flood risk: Site is in Flood Zone C. SSFRA was submitted. Further consideration of pluvial flooding was provided; revised design/SuDS strategy reduced the pluvial flooding area on the site and wider area. Site investigations indicated no evidence of karst in the vicinity of the proposed infiltration pond;
- Water Framework Directive (WFD): Response sets out WFD assessment information regarding Mell Stream/Tullyeskar_010, Boyne river, Boyne Estuary Transitional Waterbody, and Drogheda Groundwater Body. Given there is no discharge off-site, with the identified mitigation the potential impacts on identified WFD receptors is negligible. Addendum 1 includes additional details;
- Archaeology: Site is not in a Zone of Archaeological Potential. No recorded monuments in/adjacent the site. Two monuments are 600m southwest. A desktop and electromagnetic resistivity survey were undertaken. Submission indicates works are removed from 'Anomaly No. 14'. Planning Authority assessed the matter and conditions for testing were attached which ensure the applicant will deal with potential finds by preservation in situ/by record;
- Biodiversity: A single-entrance badger sett was identified in the red line area. The survey indicated there was some evidence of activity, but no sign the sett was currently active and considered to be an outlier sett. Submission refers to Wildlife Act and Bern Convention provisions. Response states that licensing for closure of badger setts falls within remit of Planning Authorities issuing planning

permission consistent with the Wildlife Act. It states therefore any interference with or exclusion of a badger sett is lawful if done in accordance with a planning permission. Submission states that as the sett is within the red line boundary and as project redesign was not possible it must be ensured badgers are evacuated and excluded from the sett prior to commencing any vegetative clearance or works. As the sett was assessed to be an outlier, there is no requirement for construction of an artificial sett. Response sets out assessment and closure methodology details. Response states the Commission has sufficient information to grant permission, and invites a condition on requirements in the event the set must be evacuated / destroyed;

- Carbon assessment: Carbon impact assessment was prepared by experienced practitioners to industry standards, guidance & methodologies. Worst-case/conservative scenarios were selected for emissions. Development incorporates measures which demonstrate Climate Action Plan commitment. A grant of permission is consistent the Commission's obligations under Climate Action Plan & Low Carbon Development Act 2015 Section 15;
- Measurement discrepancies: In response to further information a number of minor design changes were made including to the yard area. The stated yard area and differences noted do not change the conclusion of the TTA;
- Site notice: Application is supported by an AA Screening report which the Planning Authority considered. The discrepancy between the site notice and document submitted does not have a material bearing on the decision and did not prejudice the public or Planning Authority decision. It is not conceivable that a member of the public could be prejudiced by a site notice referring to an NIS where an AA screening report was prepared.

7.2.2. Appendix 1 of the response set out an appeal response from the applicant engineer:

- Protected roads & Traffic analysis: Letter addresses Planning Authority consultation; protected roads policy; completeness of traffic assessment; and planning precedent for protected roads in Louth;
- Planning Authority Consultation: Letter details consultation with Planning Authority regarding roads and active travel as requested by further information;

- Transport policy: Letter sets out details of transport infrastructure policy. Letter addresses Development Plan Policy Objective MOV56 and Tables 7.9 and 7.10. Letter states that while the development does not access these road classifications, Development Plan demonstrates access to national primary & secondary routes can be provided in certain circumstances. Letter states as the entire subject lands are of relatively large scale and appropriately zoned that development on the lands would constitute a major development of regional and local importance and therefore should be exempt from access restrictions onto the R166 and R168. Letter states there would be a negligible impact on the R166 and R168 in terms of traffic generation;
- Traffic impact: Letter states the projected increase in traffic as a result of the proposed development and future concept masterplan were assessed with regard to vehicle movement thresholds above which a Transport Assessment is automatically required as defined in TII Traffic & Transport Assessment Guidelines 2014. Updated traffic surveys were carried out February 2025. Letter sets out details of expected traffic increase and states the impact on the retail park roundabout is well below the threshold deemed to be material. Roundabout has ample capacity to accommodate the relatively small increase anticipated. Any future development would be subject to its own traffic and transport assessment and road safety audit;
- Impact on M1 Interchange: Letter details M1 & Junction 10 performance & capacity. M1 & Junction 10 operate within capacity at peak times. Letter details expected traffic increase through M1 interchange from the development & masterplan. Expected increase is well below threshold for assessment as set out in TII Traffic & Transport Assessment Guidelines;
- Conclusion: The proposed access layout was subject to Road Safety Audit. The TTA demonstrated the overall traffic impacts on R166, R168 and M1 Junction 10 were sub-threshold and in accordance with the TII Guidelines.

7.1. Further Responses

7.1.1. Further Responses to the first-party response were received, summarised as follows:

James Carroll:

- Site notice: Reiterates points that site notice incorrectly stated submission period and that NIS was submitted. Application should be invalid;
- Masterplan: Reiterates points that Development Plan requires a masterplan for the lands. Inappropriate for developer to substitute the statutory requirement with a private, non-statutory plan. Previous applications were refused for this;
- EIA: Reiterates points that application exceeds 2ha EIA threshold for urban development. Site is in Drogheda town boundary, on zoned employment land, in a business district. Absence of EIAR is contrary to EU and national law especially given destruction of badger sett, the site proximity to sensitive water bodies, European Sites, and the 29ha site size;
- Use: Applicant continues not to clarify intended use. 'General Warehousing' is too vague for meaningful assessment;
- Environment & wildlife: Reiterates points that destruction of badger sett without robust ecological survey/appropriate licence is a breach of Bern Convention Article 6. Application fails in legal and ecological obligations to fully assess and protect badger population;
- Premature without LAP: Granting permission for a major industrial development in absence of LAP undermines planning and is piecemeal development;
- Traffic: Reiterates points that TTA has omissions, assumptions, & methodological weaknesses regarding trip generation underestimation; assumptions on redistribution of traffic via internal link road; piecemeal assessment of cumulative impact including absence of network-level modelling of applicant's landholding; inadequate engagement with active travel impacts, including analysis of pedestrian & cyclist safety; reliance on ideal conditions in modelling including no stress-testing of worse-case scenarios; inadequate condition of M1 Junction 10; and lack of independent validation;
- Planning policy: Reiterates points that applicant misapplies MOV56; misuses Development Plan Tables 7.9 & 7.10; lacks network-level & cumulative impact assessment; over-relies on best-case scenario modelling; lacks integration of active travel principles; and makes unsupported claims of development being a major development of regional importance.

Killineer & District Residents Association

- Procedural issues: Reiterates points that applicant misused Planning Regulations in communications with Council which was not to public benefit;
- Policy: Applicant incorrectly states their masterplan is sufficient to meet Development Plan requirements. Reg. Refs '04510059' & 20188 were refused for lack of a masterplan;
- EIA: It is untrue the lands are not in a town or that they are greenfield. The lands are in the Development Plan map for Drogheda Town and the area is a business district. Development comprises lands greater than 2ha in an urban area. EIA is required;
- Site notice: Site notice stated a NIS was submitted and there was a 5-week notice period for observations. Application should be invalid;
- Conclusion: Application is fundamentally flawed and cannot be lawfully granted. There are material breaches undermining public participation, serious planning inconsistencies; non-compliance with development plan, and failure to meet statutory environmental assessment obligations.

7.1.2. Response includes a further letter from appellant's solicitor, summarised as follows:

- Preliminary: Response comments on time given by the Commission to respond;
- Procedure: Commission reviews the application *de novo*, reviews application & procedural legality, and corrects procedural errors by refusing permission;
- Masterplan: Reiterates points that Development Plan requires a masterplan for all employment lands in vicinity of M1 Retail Park (Section 5.12.4). Response sets out points on Development Plan policies relating to masterplans; previous reasons for refusal; Planning Authority powers to agree a non-statutory masterplan with developer outside a separate statutory process; masterplan SEA requirements; provisions of Directive 2001/42; the binding nature of masterplan; the Development Plan intention in this regard to prevent ad-hoc development; and states that agreement with Planning Authority constitutes adoption by Planning Authority;

- Drogheda LAP: The land being zoned is irrelevant to obligation to prepare a Joint LAP. Joint LAP is essential for Commission to take into account. It is premature to agree a masterplan/grant permission for the development in advance of JUAP/LAP;
- Use: Applicant does not know / will not reveal intended use. Reiterates point that approach is akin to outline application. Full & detailed particulars are required. The type of warehousing matters to the assessment;
- EIA: Reiterates points that site is in Drogheda settlement boundary and comprises zoned land. It is also in a location where a LAP is required and that such plans are only required in towns. The predominant existing land use is business use and the land is zoned for employment which is a business activity. The development is aimed at business use. The development can be industrial and urban for the purposes of Part 2 Schedule 5. Masterplan is for a site area of 29ha which exceeds threshold. The development represents project splitting;
- Badgers: The walkover survey is no sufficient to survey badgers. Assessment is deficient. NPWS has statutory responsibilities which it cannot delegate to the Commission. Destruction of badger setts is prohibited under Article 6 of Bern Convention. Destruction of a sett is a significant effect and triggers EIA requirement. Response states that assuming the Commission is the competent authority to authorise badger sett destruction the Commission can only do so in conformity with Bern Convention Article 9. None of the legal basis for derogating from Article 6 are present in this case.

7.2. Planning Authority Response

7.2.1. The Planning Authority response addresses the appeals, and requests the Commission uphold the decision, subject to the same conditions, as follows:

- Validation: Planning Authority satisfied application was valid. Planning Authority and developer engagement at all stages after receipt of application is common & necessary to resolve planning issues and is not unlawful;
- Planning & Development Regulations: Applicant was requested to submit further information under 2001 Section 33. Planning Authority satisfied correct

procedures and timeframes were adhered to. Developer could not have had prior knowledge of Planning Authority decision as no decision was made at time of further information & public notices submission;

- Third-party submissions: Planning Authority satisfied all issues raised were comprehensively addressed;
- Use: The specified use is 'warehousing (general)' which is generally permitted on E1 lands and is acceptable in principle;
- Access: Planning Authority is aware the development accesses the R166 Regional Road. Site is on E1 lands along R166. Application submitted a revised TTA. Place Making & Physical Infrastructure recommended a grant of permission. Planning Authority was satisfied with the revised information;
- Masterplan: Application included a masterplan for development of applicant's E1 lands as provided for in Development Plan Section 13.5. Louth & Meath County Councils commenced preparation of a Joint LAP for Drogheda & Environs. There is no breach of RSES obligations;
- EIA: EIA issues including cumulative development have been comprehensively addressed in Section 6.0 of Planner Report (21/05/25). Proposed development considered sub-threshold for purposes of Schedule 7 (under 10ha); there is no real likelihood of significant effects on environment. EIAR is not required;
- Flood risk: Issues in relation to flood risk were addressed;
- Carbon: Planning Authority satisfied with the Carbon Footprint Report submitted;
- Ecology: The Ecological Appraisal Report was submitted and assessed. It was noted 1 badger sett was identified on site but no development is to take place within 50m of it so there will be no destruction as suggested.

7.3. Observations

7.3.1. One valid observation was received by the Commission, from Eilís de Buitléir-Kearney, Eugene Kearney & Sadbh de Buitléir-Kearney, summarised as follows.

- Procedure: Concerned with procedural errors, incl. further information, time for submissions, public notices, and engagement with observations;

- Construction & operation times: Requests conditions in the interests of residential amenity;
- Masterplan: Concerned with lack of masterplan for the area.

7.3.2. Observation refers to an annex however none is attached.

7.4. Further Responses

7.4.1. None.

8.0 Assessment

8.1.1. Having regard to the foregoing; having examined the application, appeal, Planning Authority reports, and all other documentation on file including all of the submissions received in relation to the application and appeal; and having inspected the area in and around the site; and having regard to relevant local, regional and national policies, objectives and guidance, I consider the main issues in this case are:

- Land use and principle of development;
- Roads, access, traffic & transportation;
- Masterplan;
- Flood risk;
- Related matters raised in the course of the appeal.

8.2. Land use and Principle of Development

8.2.1. The public notices describe the proposed development as including a warehouse and ancillary office area. The further information response (Item 1) stated the type of warehouse proposed is 'Warehousing (General)'. Having reviewed the information on file, including the proposed layout, I am satisfied the nature of the proposed development is as stated. Having regard to the provisions of the Development Plan, including the E1 land use zoning objective for the area, I am satisfied the proposed use is acceptable in principle in this area, subject to the considerations below.

- 8.2.2. In relation to references to a data centre use, the revised masterplan makes multiple references to data centres (that is, data centre, data storage and data halls) in the 'Market Assessment' chapter. In its analysis of the Drogheda property market it states: *"The proposed units will allow flexibility in terms of individual occupier spatial requirements and provide modern high bay warehouse facilities with generous circulation and loading space to suit operators in the logistics and distribution sector as well as data centre providers"*. Having reviewed the information submitted, I am satisfied that data centre use does not form part of the development proposed.
- 8.2.3. I note the third-party points, the applicant response, and the assessment of the Planning Authority in this regard. I am satisfied this matter was addressed by the Planning Authority who stated that no data centre use was proposed or assessed as part of the application. I generally concur with the Authority in this regard, and I am satisfied the proposed use is acceptable. In the interests of clarity, I consider that a condition confirming the use and nature of any development permitted is warranted.

8.3. Roads, Access, Traffic & Transportation

Proposed connections to R166 and R168

- 8.3.1. Both appellants, and Observers on the application, make the point that the development proposes accesses onto the R166 and R168 which are Protected Regional Roads, and that the proposed development does not meet the exemption criteria for new accesses onto regional roads set out in Policy Objective MOV56.
- 8.3.2. The proposed development generally comprises a warehouse and a road which is to connect the R166 and R168. The R168 is to the west of the site; the proposed road is to connect to the R168 by a new arm to the existing roundabout which is located at the entrance to the M1 Retail Park. The R166 is to the north of the site; the proposed road is to connect to the R166 at a new T-junction at this point. The proposed warehouse is to be accessed from the proposed road.
- 8.3.3. Policy Objective MOV56 seeks to safeguard the capacity and safety of the National and Regional Road network by restricting further access onto National Primary, National Secondary, and Protected Regional Roads in accordance with the details set out in Tables 7.9 and 7.10. Table 7.10 indicates that both the R166 and R168 are

Protected Regional Roads. Table 7.10 sets out restrictions and exemptions for access onto protected regional roads.

- 8.3.4. In the interests of clarity, I note that all of the parties refer to the R166, however in some instances the parties also refer to that road as the N51. As noted above, that road is currently signed as the N51 as far as the R132 (to the east of the site), and some publicly available aerial photography and mapping refer to the road as both the N51 and R166. However, the Roads Act 1993 (Classification of National Roads) Order 2012 indicates the N51 ends at the M1 in Mell townland (Junction 10). The Roads Act 1993 (Classification of Regional Roads) Order 2012 indicates the R166 runs from its junction with the R168 to the west of the site to the R132 to the east of the site. Accordingly, I am satisfied the road to the north of the site is the R166 and is a regional rather than national road. I address this point as it is relevant in relation to differences in how the Development Plan treats developments on national primary and secondary roads versus protected regional roads. It is also relevant in relation to the applicability of the Spatial Planning and National Road Guidelines for Planning Authorities 2012 to this case. Further in the interests of clarity, I also note Development Plan Maps 3.2 'Rural Policy Zone Map', 7.2 'Road Network' and 2.1 'Core Strategy Map' add some discrepancy in this regard by showing the R168 as a Protected Regional Road, but the R166 as a Regional Road.
- 8.3.5. The Planning Authority Planner report, Place Making & Physical Infrastructure report and planning application documentation do not substantively address Policy Objective MOV56 or Tables 7.9 and 7.10. In their response to appeal, the applicant addresses this matter and states the proposed development does not access these road classifications. It goes on to state that as the applicant's entire lands are of a relatively large scale and appropriately zoned, development on the lands would constitute a major development of regional and local importance and therefore should be exempt from Development Plan restrictions onto the R166 and R168.
- 8.3.6. I consider the primary difference between the positions of the parties is whether the proposed road connections to the R166 and R168 constitute accesses as referenced in Policy Objective MOV56.
- 8.3.7. I note the road would connect two public roads; is not proposed to be gated; and provides for future connections within the applicant's landholding and to third-party

lands. I also note the road is privately proposed; is on private lands; would serve private development; is not publicly funded; and that proposals for taking in charge were not submitted or conditioned by the Planning Authority.

- 8.3.8. Having regard to the foregoing, I consider the proposed development represents road infrastructure which the proposed warehouse would be accessed off, rather than an access onto a regional road. I note the development description refers to ‘2 *no. site accesses*’ and an ‘*internal access through road*’. However, having regard to the nature of development as set out in the application, in particular the proposed 516m approx. of a road which would connect at either end to existing public roads; which would not be gated; and which the proposed warehouse would be accessed off, I am satisfied the development should be assessed in this regard as new public road infrastructure in the first instance as described in Development Plan Policy Objective MOV45, which the proposed warehouse would be accessed off. As such I am satisfied the proposed development generally complies with relevant provisions of the Development Plan, subject to the considerations below, including regarding impacts on the safety and efficiency of Protected Regional Roads and wider network.

Traffic impact

- 8.3.9. I note the appellant and observer points in this regard, including regarding traffic, congestion, impact on the M1 Motorway, Junction 10, and the wider network; and suitability of the TTA. I am satisfied the applicant, Planner Reports, and Place Making & Physical Infrastructure report address these matters in detail.
- 8.3.10. I have reviewed the submitted TTA and Updated TTA; Outline Construction Environment Management Plan; Planning Statement; Masterplan; Stage 1 Road Safety Audit & Accessibility Audit; and related engineering drawings. The Updated TTA and appeal response address the impact of both the development proposed as part of this application and potential future development indicated in the masterplan.
- 8.3.11. Regarding the appropriateness of the TTA, I have reviewed the submitted information in detail. I note the points made by the parties, in particular the applicant’s engineers, the Place Making & Physical Infrastructure report, and technical points made by James Carroll in their further response regarding methodological issues with the TTA. Having regard to the information submitted, and relevant provisions of the Traffic and Transport Assessment Guidelines 2014, I am

generally satisfied the information and analysis is sufficiently robust and appropriate for the nature, scale and extent of development indicated.

- 8.3.12. Regarding the envisaged impacts on the road network, noting the reasonably minor scale of development proposed as part of this application, in broad terms I am satisfied the applicant has demonstrated the envisaged impacts on the adjacent and wider network would be reasonably modest. I note in particular the existing capacity within the nearby road network, junctions and roundabouts; and the relatively modest impact expected as a result of the proposed development and masterplan area as set out in the revised TTA and appeal response (that is, the expected reduction in traffic on the R166/R168 roundabout and a projected peak hour increase of up to 1.2% on the R166). I am also satisfied as to the impact envisaged on the operation of the M1 and Junction 10 (that is, less than +2.55% in the design year).
- 8.3.13. The previous reason for refusal on the site (application Reg. Ref. 20188) was refused in part (Refusal reason 2) on account of significant deficiency in the TTA submitted, which the refusal reason stated was devoid of analysis of the potential impact on M1 Junction 10. Having reviewed the information submitted in the subject case, including the revised TTA which addresses the envisaged impact of the development and potential future masterplan area on the M1 and Junction 10, I am satisfied this previous shortcoming and refusal reason have been addressed.

PANCR

- 8.3.14. Observers to the application raised potential impacts of the proposed development on the Port Access Northern Cross Route (PANCR). The PANCR is identified in the Development Plan to run through Drogheda Northern Environs to the east of the site. It is to provide direct access from the M1 to Drogheda Port whilst enabling development of the Northern Environs and regeneration of key town centre sites. This matter was raised by the Planning Authority in the further information request and addressed by the applicant in their revised Masterplan, TTA and RSA. The response was deemed acceptable by the Place Making & Physical Infrastructure report in this regard. Given the extent of development proposed, and the information in the revised Masterplan and TTA, I am satisfied the proposed development would not have a significant detrimental impact on delivery of the remaining phases of the PANCR or future operation of the route.

Active Travel

8.3.15. One observer raised issue with potential impacts on the emerging Drogheda Active Travel Scheme. The design relationship of the proposed development to the Active Travel Scheme was addressed in the submitted layout, TTA and RSA. Revisions to the layout in this regard were submitted in response to further information, including incorporation of bus stops and provision for cyclists on the R166. The Place Making & Physical Infrastructure report considered this matter and recommended permission be granted subject to condition. I am satisfied with the proposal in this regard.

Road Safety

8.3.16. I have had due regard to the impact of the proposed development in terms of road safety. I have had regard to the submitted Road Safety Audit findings and recommendations. Overall, I am satisfied the design and layout of the development as proposed, including the proposed road, connections to R166 and R168, proposed warehouse access layout, and envisaged impact of potential future development areas in the masterplan are on balance acceptable as regards road safety.

8.3.17. Regarding road safety impact assessment, Development Plan Section 13.16.15 states that a Road Safety Impact Assessment (RSIA) is a strategic assessment of the impact of different planning options for a new road, or for substantial modifications to an existing road, on the safety performance of the road network. It states that a RSIA is required for such projects on the national road network, and that a RSIA is recommended for similar schemes on local and regional roads. Accordingly, I am satisfied that a RSIA is not required for the subject proposal.

Road design and layout

8.3.18. I have reviewed the design and layout of the proposed road, warehouse access and parking. The application proposes a new arm to the M1 Retail Park roundabout on the R168, and a T-Junction to the R166. Dedicated cycle and pedestrian connections are proposed. I note the additional road width proposed by the applicant to facilitate heavy goods vehicles, and the Planning Authority Place Making & Physical Infrastructure report acknowledgement of same. Whilst the proposed development would not itself increase permeability/connectivity to adjoining lands, spurs are proposed to facilitate potential future road links to lands within the applicant's landholding and the potential for road connectivity to third-party lands to

the south is indicated. I also note that a potential future access to permitted development Reg. Ref. 19/78 is indicated. I further note that provision for bus connectivity (bus stops along the R166) are indicated. Overall, I am satisfied with the road design and layout proposed as part of the application.

Services

8.3.19. Regarding services, I note the submissions from An Taisce regarding potential environmental impacts from excessive lighting. The submission recommended light-spill be contained within the site, and referred to Development Plan Policies ENV8, ENV10 and ENV11 in this regard. The application included a Preliminary Ecological Appraisal Report which addressed habitats and biodiversity within and around the site, including bats and badgers. It addressed light-spill, and recommended lighting should be kept to a minimum, and that recommendations from Bat Conservation Ireland and the Institution of Lighting Professionals should be followed. Also submitted were a Construction Environment Management Plan; an External Lighting Report which addressed obtrusive lighting; and an Outdoor Lighting Report which set out related technical details. The site predominantly comprises agricultural lands with the boundaries comprising mature trees. A badger sett was identified in the application, as was potential use by bat populations in the vicinity. Having regard to the foregoing, I am satisfied the development as proposed is acceptable in this regard subject to conditions, including in relation to biodiversity mitigation.

Parking

8.3.20. A total of 33 no. car parking spaces are proposed incorporating 2 no. disabled and 7 no. electric vehicle charging spaces. Appropriate provision for cycle parking is proposed. Having regard to the relevant Development Plan requirements I am satisfied the proposal is acceptable in these regards.

Previous refusal reasons

8.3.21. Further in relation to the previous reasons for refusal on the site, application Reg. Ref. 20188 was also refused in part (Refusal reason 1) on account of the absence of a masterplan, and that the proposal was for a roundabout and access road in the absence of any proposed development. The refusal reason stated that the application was unjustified and represented piecemeal and haphazard development. The subject application includes the development of a warehouse, and includes a

masterplan which indicates potential future development of the applicant's lands. I am satisfied that the previous reason for refusal does not apply to the subject case.

Roads conditions

8.3.22. The Planning Authority Place Making & Physical Infrastructure report recommended permission be granted in these regards subject to conditions. Having regard to the foregoing I am satisfied the proposed development is acceptable subject to revised conditions. Regarding conditions, I note the following:

- Condition 4 of the Planning Authority decision required agreement of signage. The submitted elevations indicate the general location and dimension of elevational signage. Drawings indicating road signage are submitted. Condition 7 required details of road signage. I consider that similar conditions relating to road and warehouse elevational signage are warranted;
- Condition 5 of the Planning Authority decision required the undergrounding of services. A standard condition in this regard is warranted;
- Condition 6 of the Planning Authority decision was a bespoke condition requiring agreement of design details for the connections to the R166 and R168. Condition 7 required these connections to be operational prior to occupation of the warehouse. Given the nature and location of development I consider these conditions are warranted;
- Condition 8 of the Planning Authority decision required the proposed street lighting to be operational prior to occupation of the warehouse. I consider this condition is warranted subject to amendment in relation to the mitigation measures set out in the submitted preliminary ecological assessment;
- Condition 11 of the Planning Authority decision placed responsibility for repair of the public road on the applicant. I consider that a standard condition in this regard is warranted.

8.4. Masterplan

8.4.1. Both appellants make a number of points regarding the submitted masterplan which I have set out in detail above. I note again the Observer comments in this regard. The

applicant addresses this matter in their appeal response. I have reviewed the masterplan as revised in response to further information.

- 8.4.2. The Development Plan sets out a number of provisions in relation to masterplans, including in relation to the area within which the site is located. Development Plan Section 5.12.4 'Undeveloped Employment Lands' requires a masterplan for the employment lands in the vicinity of the M1 Retail Park. Similarly, Policy Objective EE 37 refers to the lands in the northern part of the town adjacent to the M1 Retail Park, and states that development shall only take place in areas where a Masterplan has been agreed in writing with the Planning Authority in accordance with the requirements set out in Section 13.5 'Masterplans'.
- 8.4.3. Development Plan Section 13.5 goes on to state that the written agreement of all landowners in a Masterplan area is normally required, but that where this cannot be achieved consideration may be given to the preparation of a Masterplan in a specific location within the overall land parcel of the masterplan area. It sets out the grounds for this to be considered, which require a rationale for why a masterplan for the entire land parcel cannot be considered; demonstration that the proposed approach would not undermine the development of the wider Masterplan area; demonstration of the relationship of the subject lands with the wider lands in the overall Masterplan area; and the setting out of future access points, services, and utilities connections to ensure a co-ordinated and holistic approach to the future development of the lands.
- 8.4.4. The applicant addresses these provisions within the revised Masterplan submitted in response to Further Information (Section 1.2.1 of the Masterplan report). As per Development Plan Section 13.5, the masterplan relates to the applicant's lands within the E1 zone. It sets out why the Masterplan for the entire land parcel is not considered; in this regard it states the applicant engaged in consultation with the Planning Authority and several landowners and that it was not possible to secure agreement. As per Section 13.5, I am satisfied there are not multiple land use zoning objectives involved, and that the build out of the lands does not require the provision of a range of infrastructure (e.g. social, community, transport or water services infrastructure in tandem with employment and/or residential development). I am also satisfied the Masterplan demonstrates the relationship of the application lands with the wider lands in the Masterplan area and clearly sets out future access points, service and utilities provision and connections.

- 8.4.5. The Planning Authority Planner Reports addressed this matter, as does the Planning Authority response to appeal. The Planning Authority response states the applicant included a masterplan for their E1 lands as provided for in Development Plan Section 13.5. The Planning Authority were generally satisfied the proposed approach would not undermine the development of the wider Masterplan area.
- 8.4.6. There are no submissions or observation on the file from neighbouring landowners disputing or challenging the masterplan/application. One observation from a neighbouring landowner is in support of the application.
- 8.4.7. In broad terms I am satisfied the application and masterplan generally comply with Development Plan provisions, including Sections 13.5 'Masterplans' and 13.13.1 'Business Parks and Industrial Estates'. The proposed development includes a road connecting the R166 and R168 providing for future road and services connecting to other lands including outside the applicant landholding. The Masterplan likewise addresses these matters and provides for access and service connections for the applicant's lands and third-party landholdings. Whilst I acknowledge the appellants' concerns, having regard to the provisions of the Development Plan, I am generally satisfied the submitted masterplan provides for the integration of the site and masterplan area with the wider E1 lands. I am also satisfied the application has demonstrated due consideration of the broader site context, including sufficient forward planning context for the site and future integration of neighbouring lands.
- 8.4.8. Regarding the appellant point that SEA is required, I am satisfied the submitted masterplan is not subject to SEA as it does not meet the criteria of a plan or programme as per Planning & Development (Strategic Environmental Assessment) Regulations 2004 as amended Article 9 / Planning & Development Regulations 2001 as amended Article 3. I consider EIA and AA screening elsewhere in this report.
- 8.4.9. Regarding previous reasons for refusal, planning application Ref. 20/188 was refused in part (Refusal reason 1) on account of the absence of a masterplan. The refusal reason stated that application represented piecemeal and haphazard development. Having regard to the masterplan submitted in the subject case, and the provisions of the current Development Plan, I am satisfied the previous reason for refusal does not apply to the subject case.

Joint Urban Area Plan / Local Area Plan

8.4.10. I note the appellants' related points regarding the Joint Urban Area Plan (JUAP) / LAP for Drogheda. I have set out above details of Development Plan Section 2.13.1 'Joint Urban Area Plan'; Section 5.12.5 Employment Areas in the Southern Environs of Drogheda'; and Section 7.5.1 'Local Transport Plans' in particular. I note related provisions in Policy Objective MOV5, CS7, CS9, and CS13, and Sections 1.1, 1.2.1 and 14.2.1. Having reviewed the provisions of the Development Plan, I see no grounds requiring the JUAP/LAP to be prepared ahead of the subject development, or for considering the proposed development premature in the absence of the JUAP/LAP. The masterplan is not in lieu of the JUAP/LAP. Having regard to the provisions of the Development Plan, the nature of development proposed, the extent of the masterplan submitted, and issues addressed in both the Development Plan and submitted masterplan, I am satisfied the development proposed is acceptable.

8.5. Flood risk

- 8.5.1. The appellants state the application does not adequately consider flood risk, including regarding the Mell stream, which poses a risk to the site and adjoining lands.
- 8.5.2. The Louth County Development Plan indicates the application area is in Flood Zone C. The closest source of fluvial flood risk is the Mell stream which is located approx. 210m to the north-west on the far side of the R168/R166/L6322 roundabout. Areas of Flood Risk A and B extend only to lands immediately adjacent the stream. I am satisfied the development proposed as part of this application is not at significant fluvial flood risk.
- 8.5.3. At further information stage the Planning Authority raised the specific matter of pluvial flood risk within and adjacent the site. It referenced a portion of the site in the south-western corner adjacent the R168 as being vulnerable to pluvial flooding which coincided with the originally intended detention pond location. Application Drw. No. 5157280-ATK-ZZ-ZZ-DR-AR-010004 indicated the detention pond in the south-west of the site generally between the R168 and proposed access road.
- 8.5.4. The further information response considered pluvial flooding in more detail. An accompanying engineering report was submitted. Drawing No. 5157280-ATK-Z0-DR-C-960502 Rev.1 indicated the extent of area prone to pluvial flooding. I note this

is generally a low point within the site. The areas at risk indicated are predominantly within the subject site but extend across the R168 to lands to the west. A revised stormwater and SuDS strategy for the development was submitted which showed a revised layout and proposed an infiltration pond outside the area that was indicated as prone to pluvial flooding, in closer proximity to the proposed road.

8.5.5. In the interests of completeness, I note the submitted masterplan also addresses flood risk, potential sources of flooding, and nearby surface water features including the Mell stream which flows through the masterplan area at the north-west corner. The masterplan layout shows a green buffer along the Mell stream between the stream and the future potential development indicated (masterplan Figure 10).

8.5.6. The Planning Authority appeal response stated issues in relation to flood risk were addressed in the course of the application. The Planning Authority granted permission subject to related conditions in this regard.

8.5.7. Having regard to the information submitted, I am generally satisfied flood risk has been satisfactorily addressed, and that the proposed development would not lead to a significant increase in flood risk within or outside the site, including in relation to pluvial flood risk. I am satisfied the proposed development generally complies with the Development Plan including Policy Objectives IU26, IU27, IU31, and IU33 and the Flood Risk Management Guidelines 2009 subject to conditions.

8.5.8. Regarding conditions, the layout of the infiltration pond closely follows the extent of area shown as prone to pluvial flooding. In this context, whilst I am generally satisfied with the arrangement shown, I acknowledge the appellant's point regarding the potential impact of the proposed works on flood risk both within and outside the site, including on the R168 and third-party lands to the west from potential impact on flood storage volumes within the site. I consider that detailed design of the infiltration pond requires agreement with the Planning Authority. In this regard, Condition 13 of the Planning Authority decision required all proposed site drainage measures to be agreed in writing with the Planning Authority; I am satisfied the above provision can be incorporated into a revised condition in this regard. I am satisfied this complies with the provisions of the Flood Risk Management Guidelines Sections 5.19-5.22.

8.6. Related matters raised in the course of the appeal

Application procedure

- 8.6.1. The appellants and observers raise a large number of issues regarding the application procedure, which I set out above in detail. The applicant response to appeal sets out details in these regards, as does the Planning Authority response.
- 8.6.2. In terms of procedural matters and alleged irregularities, I note these matters were addressed and stated in the Planning Authority appeal response as being acceptable. The Planning Authority was satisfied regarding the validity of the application and in relation to engagement between the Planning Authority and developer; in relation to the correct procedures and timeframes including in relation to the Planning & Development Regulations 2001 as amended; and that all of the issues raised in third-party submissions were comprehensively addressed.
- 8.6.3. Whilst I acknowledge the issues raised by the parties, having reviewed the available information, and having reviewed the provisions of the Planning & Development Act 2000 and Planning & Development Regulations 2001, both as amended; and having regard to the Development Management Guidelines for Planning Authorities 2007, for the purposes of assessing and considering the subject appeals I am satisfied the matters raised did not unduly inhibit the concerned parties from making representations, and I see no information on the case file which would prevent the Commission for progressing to decision including granting permission in relation to the subject appeals. For clarity my assessment represents a *de novo* consideration of all planning issues material to the proposed development.

Quality of submitted information

- 8.6.4. A related matter raised by the appellants is that of discrepancies, errors and inaccuracies in the application. I have reviewed the application and appeal documentation in detail and concur with the appellants as to some issues in these regards (for example, uses referenced in the masterplan, the accuracy of the site notices, and the proposed yard areas stated in the application and drawings). Whilst the applicant appeal response states they do not accept any errors, they also acknowledge and address this matter and set out corrections in specific regards (for example within the masterplan and size of the proposed yard). They also state that discrepancies, including in relation to the site notice reference to a NIS and the time

available for submissions, had no material bearing on the decision and did not prejudice the public concerned or decision of the Planning Authority.

- 8.6.5. Whilst I acknowledge these matters, I do not consider these issues to be of such extent or significance to have materially affected assessment or consideration of the proposed development. I am satisfied that permission can be granted in this regard.

Archaeology

- 8.6.6. I note the appellants' and observer's points in relation to archaeology. No archaeological impact assessment was submitted with the application. The Planning Authority raised no issue in this regard, however further information was requested in response to the first Dept. of Environment Development Applications Unit (DAU) submission. That submission recommended an archaeological impact assessment be submitted by further information, to include test excavations.
- 8.6.7. In response the applicant provided an Archaeological Geophysical Survey. The DAU submission in response to further information stated the results of the geophysical survey did not satisfy the recommendations of the DAU for archaeological test trenching prior to planning decision, and that a programme of test excavation shall be carried out. The final Planner Report noted the DAU recommendation and the findings of the Archaeological Geophysical Survey, however concluded that the matter could be dealt with by condition. Condition 14 of the Decision required the applicant to undertake an archaeological impact assessment.
- 8.6.8. The applicant response to appeal addresses this matter. It sets out details and states the conditions for testing attached to the decision ensure the applicant will deal with potential finds by preservation in situ or by record. The submission also indicates that the proposed development works are removed from 'Anomaly No. 14'.

Assessment

- 8.6.9. I acknowledge the DAU reference to identified and previously unidentified features in the area, and that the site is within the Boyne Valley landscape. The site however is approx. 1.3km outside the Brú na Bóinne World Heritage Site Buffer Zone as shown in Development Plan Section 9.3.5 Map 9.2. The site is not within a Zone of Archaeological Potential as per Development Plan Section 9.3.1. There are no sites on the Record of Monuments & Places, Registered Historic Monuments, or National Monuments on or adjacent the site. The closest known areas of archaeological

interest are Record of Monuments & Places Ref. LH024-010001 (Ritual site, holy well) and Ref. LH024-010002 (Ritual site, holy-saint's stone) which are approx. 185m to the south. I note Ref. LH024-050 (Fulacht fia) is approx. 440m to the north-west, and LH024-089 (Ringfort, rath) is approx. 480m also to the north-west.

8.6.10. As such, no known features or defined locations of archaeological interest are identified in or adjacent the site. I also note that no known areas of archaeological interest are in or adjacent the masterplan area. One area of potential archaeological interest was identified by the submitted Archaeological Geophysical Survey within the site, however no works are proposed in or adjacent that location.

8.6.11. I acknowledge the information submitted in response to further information comprised an Archaeological Geophysical Survey rather than an Archaeological Impact Assessment as recommended by the DAU. I also acknowledge that no test excavations were carried out on the site prior to decision. However, having reviewed the available information, and given the absence of known archaeological areas of interest in and around the site, and that the proposed works are outside the location of potential archaeological interest identified within the site, on balance I concur with the Planning Authority that outstanding matters in this regard can be appropriately resolved by standard condition for archaeological assessment and monitoring, to include test trenching prior to commencement.

Environmental Impact Assessment (EIA)

8.6.12. Refer to Section 6.0 of this report in relation to EIA screening.

8.6.13. I note the numerous points on the file from the interested parties in relation to EIA. I have had regard to the points made, and I have had regard to the Provisions of the Planning & Development Regulations 2001 as amended, including Schedule 5.

8.6.14. The proposed development is for a road measuring approx. 516m and a warehouse for warehouse (general) use of approx. 3,347sqm all on a site of approx. 3.38ha. Given the nature of the application, I consider the proposed development to be an industrial estate development project (Schedule 5, Part 2, 10(a)) for the purposes of Part 10 of the Regulations and to be well below the relevant threshold. I have also considered whether Schedule 5, Part 2, 10(dd) – private roads exceeding 2000m in length - applies to the proposed development. Regardless of whether the road was private or not, it would fall well short of 2km and as such would be sub-threshold.

- 8.6.15. Regarding project splitting, I note the extent of the applicant's lands and the masterplan submitted. The applicant states that currently no other development is envisaged; the proposal is not functionally or legally dependent on further development; no project splitting can arise where the proposed development is a standalone single indivisible project; and there is no requirement, and it would not be possible in any event, to cumulatively assess unknown potential future development.
- 8.6.16. The areas of the applicant's landholding and masterplan outside the planning application red line area do not form part of the proposed development. I am satisfied those lands are not integral parts of the subject project which is not dependent on or reliant on those lands, and that therefore they should be treated as separate projects and not as a single development for EIA purposes. I am satisfied the proposed development can be properly screened and assessed under the EIA Directive and developed independently of the remaining lands within the applicant's landholding and masterplan area. Any subsequent projects/developments can be screened should they come forward.

Climate and carbon

- 8.6.17. One appellant states the submitted carbon report is unfit for development of this scale. Also, at application stage, a submission from *An Taisce* stated the masterplan indicated an intention for a data centre, and that the Carbon Footprint Report submitted failed to include assessment of data centre operational greenhouse gas emissions; the submission raised a number of issues in this regard including in relation to clarity as to the nature of the proposed use.
- 8.6.18. The applicant appeal response states the carbon impact assessment was prepared by practitioners experienced in carbon calculation and lifecycle analysis to industry standards, guidance and methodologies. It states that having regard to the measures which demonstrate commitment to the Climate Action Plan that are incorporated into the proposed development, and the submitted climate impact assessment, a grant of permission is consistent with the Commission's obligations in the Climate Action Plan & Low Carbon Development Act 2015 as amended Section 15.
- 8.6.19. The Planning Authority appeal response stated satisfaction with the Carbon Footprint Report submitted.

8.6.20. Having reviewed the information on the file, including the proposed layout (Drw. No. 5157280-ATK-ZZ-ZZ-DR-AR-011001) I am satisfied, as addressed above, that the application is for warehouse (general) use and does not include a data centre use. The Development Plan treats warehouse (general) and data centre as separate uses, with data centre open for consideration in this land use zone and 'warehouse (general)' as a 'generally permitted' use. As set out above, the submitted masterplan makes reference to data centres, however I am satisfied that a data centre is not proposed as part of the application. This matter was addressed by the Planning Authority, and I generally concur with the Authority in this regard. I am satisfied the concerns raised by An Taisce in this regard are addressed.

8.6.21. In relation to the suitability of the submitted carbon report, I have reviewed the report and the proposed development in the context of the requirements of the Development Plan in this regard, including Chapter 12 'Climate Action', Strategic Objective SO4, SO15, Policy Objectives CA1 and CA3, and Policy Objective EE63 which requires that all applications for industrial and enterprise development include a carbon footprint calculation and demonstrate how new buildings and processes/activities seek to achieve the targets set out in the Climate Action Plan 2019 or any amendments to targets. The submitted report addresses the requirements of the Development Plan and Climate Plan, and sets out a carbon footprint calculation, as well as sustainable development design and mitigation measures for the construction, operational and decommission phases aimed at achieving the targets set out in the Climate Action Plan.

8.6.22. Accordingly, I am generally satisfied the proposed development meets the requirements of the Development Plan in this regard, and that granting of permission meets the Commission's obligations under the Climate Action Plan 2025 Climate Action and Low Carbon Development Act 2015 as amended.

Ecology and biodiversity

Badger sett

8.6.23. I note the detailed points made by the appellants and observers in this regard. I consider that the core point made by the appellants relates to the robustness of the ecological survey and assessments, particularly that a walkover survey is not sufficient, and also in relation to the appropriate legal procedure for any sett

destruction and whether responsibility in this case rests with the National Parks & Wildlife Service or the Planning Authority. A final point that I consider is being made is whether destruction of a sett triggers requirement for EIA.

- 8.6.24. The application included a Preliminary Ecological Appraisal Report which identified a badger sett adjacent the hedgerow along the R166 within the application red line area. The Assessment was prepared by the applicant's environmental consultant and stated that during a site walkover a single-entrance sett was identified, with some evidence of activity but no signs of fresh digging. I note that whilst a map showing the location of the sett was referenced in the report, none is evident on the Commission case file. ITM Coordinates were given which fall within the red line area.
- 8.6.25. I note that the Planning Authority Planner Report stated that no development was proposed within 50m of the sett and so there will be no destruction as suggested. Having considered the coordinates provided, and having reviewed the revised site layout, I am satisfied that the proposed development would directly impact the sett.
- 8.6.26. The applicant appeal response sets out further details in this regard, including in relation to the regulatory context and proposed sett closure methodology. The response is prepared by the applicant's environmental consultant and is based on the findings of the Preliminary Ecological Appraisal. It states that the Wildlife Act Section 23(7)(e)(iv) provides that if a licence or planning permission has been received then further permission from the NPWS is not required for works affecting badgers. The response states that as project re-design was not possible, it must be ensured that badgers are evacuated and excluded from the sett prior to commencing works. It states that as the sett was assessed to be an outlier sett, there is no requirement for construction of an artificial sett. The response states the Commission has sufficient information to grant permission and invites a condition on requirements for sett evacuation and destruction.
- 8.6.27. Having regard to the information submitted, I am satisfied that the procedural points made by the applicant are in principle correct and that sett closure in this case may occur on the basis of planning permission. Regarding assessment methodology, I have had due regard to the related provisions of the Wildlife Act and Development Plan in this regard. I have had due regard to the Preliminary Ecological Appraisal submitted, and related proposals set out in the applicant appeal response. I note the

Assessment is based on a site walkover; considers alternative layouts; and sets out details of the proposed sett closure methodology. Given the foregoing, and given the location and nature of the sett identified and extent of change to the proposed development that would be required to retain the sett and provide sufficient buffer space, I am satisfied with the proposals provided and impacts of the proposed development, subject to a condition requiring application of the proposed mitigation as per Section 4.6 and Section 5.0 of the Preliminary Ecological Appraisal and as updated by Section 4.4 of the appeal response from SLR Consulting.

- 8.6.28. Regarding EIA, having regard to the above in relation to impacts on the badger sett, and the assessment above in relation to EIA and EIA Screening, I am satisfied that this matter alone or alongside the environmental impact of the development overall, be it cumulative or in isolation, do not trigger requirement for EIA.

Bats

- 8.6.29. Regarding bats, the Preliminary Ecological Appraisal report stated the site has moderate suitability for commuting and foraging habitats for bats. It stated the boundary treelines, hedgerows, and ditch provide commuting and foraging corridors. It refers to nearby foraging habitats. It stated no bat potential roost features were recorded on the site. It also stated no record of bats were returned during the National Biodiversity Data Centre or National Parks & Wildlife Service databases search.
- 8.6.30. In terms of impact, the report stated there is potential for disturbance of foraging and commuting bats from the proposed development, and disturbance to roosting bats through the removal of woodland.
- 8.6.31. Mitigation is set out in Section 4.5 and 5.0 of the report. The report stated the lighting strategy should avoid light spill onto dark corridors where bats may be foraging/commuting. It stated that where lighting is unavoidable, recommendations from Bat Conservation Ireland and the Institution of Lighting Professionals should be followed. Regarding tree disturbance, the report stated that a winter potential roost feature survey should be carried out on any trees designated to be removed to ensure no roosting bats are harmed. The report also stated compensatory foraging and commuting habitat should be provided.
- 8.6.32. I note the submission from An Taisce in relation to light spill.

8.6.33. Having regard to the information on the case file, and to the nature of the site in relation to bat habitats, and to the nature of development proposed, I am satisfied the proposed development is acceptable in this regard subject to conditions.

Surface water

8.6.34. The proposed surface water management strategy is stated as being designed to accommodate the development area and also lands outside the red line area in the applicant's landholding between the R166 and R168, but does not address the broader masterplan area. Surface water for the remainder of the masterplan lands is considered in the masterplan (Section 7.0).

8.6.35. The proposed strategy splits the site into two parts. The northern part is to drain to an existing surface water sewer at the R166. The southern part will drain by the proposed road to the proposed infiltration pond within the site. The site is to discharge at a restricted flow rate of 2.0l/s/ha.

8.6.36. Sustainable urban drainage features are proposed and incorporate pre-treatment prior to discharge. These are stated as including permeable asphalt in the car parking areas; underground attenuation tanks within the proposed yard and north of the proposed warehouse; filter drains under porous pavements; swales either side of the proposed road; rainwater harvesting from the warehouse roof; hydrobrakes; petrol interceptors; and a detention/infiltration pond. Soakaway test locations are indicated. Calculations are provided. I note the appeal response addresses a discrepancy in the stated area of the proposed yard, and confirms the correct yard area and that the updated drainage calculations are based on that figure.

8.6.37. I note the area prone to pluvial flooding is indicated as being outside the development area. I do not consider the area at risk of pluvial flooding is in close proximity to known waterbodies. The nearest surface waterbody is the Mell stream which is approximately 210m to the north-west on the far side of the R168/N51/L6322 roundabout. I also note the appellants reference karst features in the area including near the Mell stream. The applicant appeal response addresses this matter and states site investigations carried out indicated no evidence of karst in the vicinity of the proposed infiltration pond. During my site visit I observed no karst open or surface features on or adjacent the site. In this regard EPA maps indicate the site is located within the karstic area around Drogheda. The development is also

identified as being in an area of moderate and high groundwater vulnerability. Whilst the site is located in a wider area identified as being karstic in terms of its geology, I am satisfied that no surface karst features are identified within or adjacent the site, with the closest identified being adjacent the Mell stream over 200m to the west.

8.6.38. Having regard to the information submitted, and to the nature of the development, I am satisfied with the proposal in this regard, subject to conditions.

8.6.39. I note one Observer's points in relation to potential impacts on group water schemes in the area. EPA mapping indicates the site is outside identified public supply source protection areas and group scheme protection areas. The proposed foul drainage is to connect to the existing mains. The proposed surface water drainage is to connect to nearby mains for part of the site, with the remainder to infiltrate to ground after pre-treatment through the proposed SuDS system. Uisce Eireann Confirmation of Feasibility stated capacity is available and that connection is acceptable subject to upgrade. Refer to Appendix 2 in relation to WFD. I am satisfied the proposal is acceptable in this regard.

Appropriate Assessment

8.6.40. Refer to Section 9 and Appendix 2 of this report in relation to screening. For completeness, I note the appellant points that submission of a NIS was referenced in the public notices. A NIS is not submitted with the application or appeal, however an Appropriate Assessment Screening report was submitted. I have had due regard to the information submitted and considered the application accordingly.

Conditions

8.6.41. I set out above recommended conditions. In addition, I consider the following:

- Regarding construction management, Conditions 3, 10, 12, 15 and 16 of the Planning Authority decision related to construction management. I note issues in this regard raised in the Observation submitted to the Commission, including in relation to construction noise and hours of construction. Given the nature and location of development and issues raised I consider that conditions for the agreement of Construction Management Plan and a Construction Traffic Management Plan are warranted to replace Conditions 3 and 10 as attached by

the Planning Authority. A CEMP was submitted; a condition requiring agreement and implementation of the CEMP is also required;

- Condition 16 of the Planning Authority decision related to requirements regarding operational noise impacts. I note the issues of operational noise and hours of operation stated by the Observers to the Commission, and the submission in this regard from the applicant which set out the proposed hours of operation. Given the nature and location of the development, and the submissions made, I do not consider this condition is warranted;
- Condition 17 of the Planning Authority decision related to landscaping. Noting the submitted landscaping proposals, which include for the retention of existing trees along the R166 with the exception of the proposed road connection, given the size of the site, the extent of planting proposed, and the potential visibility of the site, I consider that a standard condition in this regard is warranted;
- Condition 9 of the Planning Authority decision required that prior to the occupation of the warehouse unit, the proposed car parking spaces were to be constructed and laid out to the satisfaction of the Planning Authority. Given Condition 1, and the information submitted with the application, I do not consider this condition is necessary;
- Uisce Eireann: The applicant provided a Confirmation of Feasibility confirming that water and wastewater connections can be facilitated subject to upgrades. Details of the required upgrades are provided. Foul drainage will discharge to the existing foul sewer in the R168. Water Supply will be provided from an existing Uisce Eireann watermain in the R168. The application states internal mains will be laid within the site and be sized for future growth demand. A standard condition is required in this regard.

Contributions

8.6.42. Section 48 contributions apply. No supplementary or special contributions apply.

9.0 Appropriate Assessment screening

9.1.1. Refer to Section 8 and Appendix 2 of this report.

9.1.2. In accordance with Section 177U of the Planning and Development Act 2000, as amended, and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites including the River Boyne and River Blackwater SAC; River Boyne and River Blackwater SPA; Boyne Estuary SPA; and Boyne Coast and Estuary SAC in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is therefore not required. This determination is based on the nature of the proposed works and the location and distance from nearest European site and lack of connections.

10.0 Water Framework Directive

- 10.1.1. The site comprises part of an agricultural field adjacent a built-up area. The topography is sloping. The soil in the area comprises very poorly draining gleys. The remainder of the field extends to the north-west, south and east. The application red line area is stated as 3.38ha. The site boundary comprises mature trees, hedges, and fencing. The Mell stream (IE-EA-07T270880) is approx. 210m to the north-west. The site is approx. 240m from unnamed lake Ref. 07_286, and approx. 365m from unnamed lake Ref. 07_328. The River Boyne and River Blackwater SAC is approx. 895m to the south-west; the River Boyne and River Blackwater SPA is approx. 1.25km to the south-west; the Boyne Estuary SPA is approx. 3.75km to the east; and the Boyne Coast and Estuary SAC is approx. 4.80km to the east.
- 10.1.2. The proposed development comprises a road, warehouse, yard, and associated site works including surface water drainage and sustainable urban drainage systems. Water deterioration concerns in relation to the Mell stream and nearby karst areas were raised in the planning appeals. I have assessed the warehouse and road project 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 & ground water waterbodies in order to reach good status, and prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively, or otherwise jeopardise any water body in reaching its WFD objectives. The reason for

this conclusion are: the nature of the road, warehouse and related works including SuDS prior to discharge to the local surface water drainage network and discharge to ground via the proposed infiltration pond; the reduction in agricultural area and existing soil type; and the location-distance to other nearest waterbodies and lack of hydrological connections. I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1.1. I recommend permission be **Granted**, subject to conditions, for the reasons and consideration below.

12.0 Reasons and Considerations

Having regard to the nature and extent of the proposed warehouse and road development; to the nature of the site; and to the existing and permitted pattern of development in the area, it is considered the proposed development generally complies with the Policies and Objectives of the Louth County Development Plan 2021-2027, including having regard to the 'E1' land use zoning objective of the area, and Policy Objectives CS11, EE3, and MOV45, and would not impact unduly on the amenities of the area, on the safety and efficiency of the road network, on traffic or on public health. It is considered therefore that the proposed development generally accords with the County Development Plan 2021-2027 and the proper planning and sustainable development of the area, subject to the conditions set out below.

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 2 nd May 2025, except as may otherwise be required in order to comply with the following conditions. Where such
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	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. For the avoidance of doubt, this permission shall not be construed as approving any development shown or referenced on the plans, particulars and specifications, the nature and extent of which has not been adequately stated in the statutory public notices. Reason: In the interest of clarity.
2	The use of the building shall be for Warehousing (General), and all office use within the development shall be ancillary to the main use of the unit. For the purposes of clarity, no data centre use is hereby permitted. Reason: In the interest of clarity and to regulate the development.
3	Details of the proposed elevation signage shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development. Reason: To protect visual amenities.
4	All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure with the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works. Reason: In the interests of visual amenity.
5.	The applicant shall submit for the written approval of the Planning Authority prior to the commencement of any development on the site, detailed design drawings for the two new road connections from the R166 and from the M1 Retail Park Roundabout. The submitted information shall include detailed Civil and M&E design drawings inclusive of specifications/ programming of works for the new junction onto the R166/N51 and the road (arm) onto the M1 Retail Park Roundabout from the development site. All works (Civil/ M&E) associated with the provision of these new junctions onto the R166/ N51/ R168, inclusive of bus stops, footpaths, power connections, traffic light controllers, street lighting, etc are to be

	borne by the applicant and shall be operational prior to occupation of the subject general warehouse unit. Reason: In the interest of traffic safety and orderly development.
6	Prior to occupation of the subject general warehousing unit, both new road connections from the R166 and from the M1 Retail Park Roundabout shall be constructed and fully operational, and all roadways and footpaths serving the said unit shall be finished with a permanent durable surface course. The roadway shall be applied with line marking and road signage shall be as erected in compliance with the submitted drawings. Reason: In the interest of traffic safety and orderly development.
7	Lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided and operational prior to the occupation of the general warehouse unit. Reason: In the interest of amenity, public safety and the protection of habitats.
8	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site upon cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Coimisiún Pleanála for determination. Reason: To ensure satisfactory reinstatement of the site.
9	The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit design and layout details for the disposal of surface water from the site for the written agreement of the planning authority. Reason: To prevent flooding and in the interests of sustainable drainage.
10	The landscaping scheme shown on drawing number 501.000456.064727, as submitted to the planning authority on the 5th day of September 2024 shall be

	carried out within the first planting season following substantial completion of external construction works. In addition to the proposals in the submitted scheme, the following shall be carried out: (a) Submission for the written agreement of the Planning Authority of plan to scale of not less than 1:500 showing - (i) Existing trees and 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 and which shall not include prunus species; (iv) Details of screen planting which shall not include cupressocyparis x leylandii; (v) Details of roadside/street planting which shall not include prunus species; (vi) Hard landscaping works, specifying surfacing materials, furniture [play equipment] and finished levels; (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment; (c) 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 until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. Reason: In the interest of residential and visual amenity.
11	The mitigation measures contained in Section 4.0 and Section 5.0 the Preliminary Ecological Appraisal Report prepared by SLR Consulting submitted to the Planning Authority on 5th September 2024, as updated by Section 4.4. of the appeal response from SLR Consulting submitted to the Commission on the 11th

	July 2025 shall be implemented. Reason: To protect the environment, habitats and biodiversity.
12	The developer shall engage a suitably qualified (license eligible) archaeologist to carry out an Archaeological Impact Assessment (AIA) in advance of any site preparation works and groundworks, including site investigation works/topsoil stripping/site clearance/dredging and/or construction works. The AIA shall involve an examination of all development layout/design drawings, completion of documentary/cartographic/ photographic research and fieldwork, the latter to include, where applicable - geophysical survey, metal detection survey and archaeological testing (consent/licensed as required under the National Monuments Acts), visual impact assessment. The archaeologist shall prepare a comprehensive report, including an archaeological impact statement and mitigation strategy, to be submitted for the written agreement of the planning authority in advance of any site preparation works, groundworks and/or construction works. Where archaeological remains are shown to be present, preservation in-situ, establishment of 'buffer zones', preservation by record (archaeological excavation) or archaeological monitoring may be required and mitigatory measures to ensure the preservation and/or recording of archaeological remains shall be included in the AIA. Any further archaeological mitigation requirements specified by the Local Authority Archaeologist, following consultation with the National Monuments Service, shall be complied with by the developer. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer. REASON To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.
13	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these

	times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority. Reason: In order to safeguard the amenities of property in the vicinity.
14	The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including: (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (f) Measures to obviate queuing of construction traffic on the adjoining road network; (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works; (i) Provision of parking for existing properties at [specify locations] during the construction period; (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels; (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater; (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

	(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains. (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority; (o) During construction, artificial lighting shall not overspill onto adjoining areas. Reason: In the interest of amenities, public health and safety and environmental protection
15	Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: [collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures]. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development. Reason: In the interest of environmental protection amenities, public health and safety and environmental protection.
16	A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site. Reason: In the interest of traffic safety and convenience.
17	Prior to the commencement of development the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and/or wastewater collection network. Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

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

Dan Aspell
Inspector
25th September 2025

APPENDIX 1

Form 1: EIA Pre-Screening

Case Reference	ABP-322759-25
Proposed Development Summary	Permission for development comprising a warehouse, road, and all site works
Development Address	Mell, Drogheda, Co. Louth
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	
	☒ Yes, it is a 'Project'. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required.	
☒ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(a) Industrial estate development project.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☐	Screening Determination required (Complete Form 3)
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ **Date:** __ 23rd September 2025__

Form 2: EIA Preliminary Examination

Case Reference	ABP-322759-25
Proposed Development Summary	Permission for development comprising a warehouse, road, and all site works
Development Address	Mell, Drogheda, Co. Louth
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development	The proposed development comprises a warehouse and road on agricultural land within the town boundary of Drogheda. The proposed development has a modest footprint, requires minimal demolition works, does not require the use of substantial natural resources, or give rise to production of significant waste, significant risk of pollution, or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, human health or is vulnerable to climate change. Noting the submitted masterplan, the proposed development comes forward as a standalone project.
Location of development	The development is located on agricultural land within the town boundary of Drogheda. The receiving location is not particularly environmentally sensitive and is removed from sensitive natural habitats, designated sites, and identified landscapes of significance in the County Development Plan. Noting the findings of the Archaeological geophysical survey, the site is of not of significant historic and cultural significance or near Protected Structures, Sites of archaeological interest, or in an Architectural Conservation Area. Given the scale and nature of development and mitigation proposed there will be no significant environmental effects arising. I have considered other proposed developments, including planning applications and permissions in close proximity. In this regard the application red line area for planning application Reg. Ref. 2460766 overlaps the subject application along the R166. That application is for 5 no. wind turbines, including all associated wind farm underground electrical and communications cabling connecting the turbines and meteorological mast to the proposed onsite electrical substation including cabling in the public road corridor. The primary interaction of these applications relates to services in the public road along the R166. The majority of the remainder of development proposed as part of that application is some distance away to the north and west. As such I consider that very limited in combination effects arise.
Types and characteristics of potential impacts	Having regard to the characteristics and modest nature of the proposed development, the sensitivity of its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ **Date:** 24th September 2025 _____
DP/ADP: _____ **Date:** _____

APPENDIX 2

Screening for Appropriate Assessment - Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project		Permission for development comprising a warehouse, road, and all site works		
Brief description of development site characteristics and potential impact mechanisms		Site measures 3.38ha and comprises grassed agricultural land. The River Boyne and River Blackwater SAC is approx. 895m to the south-west; the River Boyne and River Blackwater SPA is approx. 1.25km to the south-west; the Boyne Estuary SPA is approx. 3.75km to the east; and the Boyne Coast and Estuary SAC is approx. 4.80km to the east		
Screening report		Yes		
Natura Impact Statement		No		
Relevant submissions		Planning Authority screening		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connection	Consider further in screening Y/N
The submitted Appropriate Assessment screening report from SLR identifies a large number of European Sites within a 15km zone of influence. It concludes that the proposed project does not pose a rise of likely significant effects on European Sites either alone or in combination with other plans or projects. I identify the following Sites on grounds the source-pathway-receptor model. These European Sites were also considered and discounted in the submitted Appropriate Assessment screening report.				
River Boyne and River Blackwater SAC (002299)	https://www.npws.ie/protected-sites/sac/002299	0.895km approx.	No feasible connection.	No
River Boyne and River Blackwater SPA (004232)	https://www.npws.ie/protected-sites/spa/004232	1.25km approx.	No feasible connection.	No
Boyne Estuary SPA (004080)	https://www.npws.ie/protected-sites/spa/004080	3.75km approx.	No feasible connection.	No
Boyne Coast and Estuary SAC (001957)	https://www.npws.ie/protected-sites/sac/001957	4.80km approx.	No feasible connection.	No
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites				
AA Screening matrix				
Site name Qualifying interests		Possibility of significant effects (alone) in view of the conservation objectives of the site*		
		Impacts	Effects	
River Boyne and River Blackwater SAC (002299) 1099 River Lamprey Lampetra fluviatilis 1106 Salmon Salmo salar 1355 Otter Lutra lutra 7230 Alkaline fens		No direct, indirect, ex situ or in combination impacts.	No significant effects likely.	

91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) The Conservation Objectives for the SPA are to maintain and restore the favourable conservation conditions of the identified Qualifying Interests. I consider the project would not compromise the objective of restoration or make restoration more difficult.		
No	Likelihood of significant effects from proposed development (alone): No	
No	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
No	Possibility of significant effects (alone) in view of the conservation objectives of the site No	
	Impacts	Effects
River Boyne and River Blackwater SPA A229 Kingfisher Alcedo atthis The Conservation Objectives for the SPA are to maintain the favourable conservation conditions of the identified Qualifying Interests.	No direct, indirect, ex situ or in combination impacts.	No significant effects likely.
No	Likelihood of significant effects from proposed development (alone): No	
No	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Boyne Estuary SPA (004080) A048 Shelduck Tadorna tadorna A130 Oystercatcher Haematopus ostralegus A140 Golden Plover Pluvialis apricaria A141 Grey Plover Pluvialis squatarola A142 Lapwing Vanellus vanellus A143 Knot Calidris canutus A144 Sanderling Calidris alba A156 Black-tailed Godwit Limosa limosa A162 Redshank Tringa totanus A169 Turnstone Arenaria interpres A195 Little Tern Sterna albifrons A999 Wetlands The Conservation Objectives for the SPA are to maintain the favourable conservation conditions of the identified Qualifying Interests.	No direct, indirect, ex situ or in combination impacts.	No significant effects likely.
No	Likelihood of significant effects from proposed development (alone): No	
No	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
	Impacts	Effects
Boyne Coast and Estuary SAC (001957) 1130 Estuaries	No direct, indirect, ex situ or in combination impacts.	No significant effects likely.

1140 Mudflats and sandflats not covered by seawater at low tide 1310 Salicornia and other annuals colonizing mud and sand 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritimae) 1410 Mediterranean salt meadows (Juncetalia maritimi) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with Ammophila arenaria ('white dunes') 2130 *Fixed coastal dunes with herbaceous vegetation ('grey dunes') The Conservation Objectives for the SPA are to restore the favourable conservation conditions of the identified Qualifying Interests. I consider the project would not compromise the objective of restoration or make restoration more difficult.		
No	Likelihood of significant effects from proposed development (alone): No	
No	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on European site(s) including the River Boyne and River Blackwater SAC; River Boyne and River Blackwater SPA; Boyne Estuary SPA; and Boyne Coast and Estuary SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		

Appendix 3

WFD IMPACT ASSESSMENT STAGE 1: SCREENING							
Step 1: Nature of the Project, the Site and Locality							
An Bord Pleanála ref. no.	ABP-322759-25	Townland, address	Mell, Drogheda, Co. Louth				
Description of project.	Construction of a warehouse, yard, road, connections to R166 and R168 with all associated site works including surface and foul water drainage infrastructure.						
Brief site description, relevant to WFD Screening.	The site comprises part of an agricultural field adjacent a built-up area. The topography is sloping. The soil in the area comprises very poorly drained gleys. The remainder of the field extends to the north-west, south and east. The application red line area is stated as 3.38ha. The site boundary comprises mature trees, hedges, and fencing. The Mell stream (IE-EA-07T270880) is approx. 210m to the north-west. The site is approx. 240m from unnamed lake Ref. 07_286, and approx. 365m from unnamed lake Ref. 07_328. The River Boyne and River Blackwater SAC is approx. 895m to the south-west; the River Boyne and River Blackwater SPA is approx. 1.25km to the south-west; the Boyne Estuary SPA is approx. 3.75km to the east; and the Boyne Coast and Estuary SAC is approx. 4.80km to the east.						
Proposed surface water details	Surface water drainage from the warehouse, yard, and road will be collected and diverted to the north of the site where it will be discharged to an existing mains surface water drainage pipe and also diverted to a proposed infiltration pond.						
Proposed water supply source & available capacity	Existing Uisce Eireann mains in R168 (capacity subject to upgrades).						
Proposed wastewater treatment system & available capacity, other issues	Foul connection to existing manis along R168 (capacity subject to upgrades).						
Others?	Not applicable						
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 Waterbody	210m	Mell stream (IE-EA-07T270880)	Moderate	Under review	None identified	Site not hydrologically connected to waterbody.	
Lake (Not identified as waterbody for WFD)	240m	unnamed lake Ref. 07_286	N/A	N/A	N/A	Site not hydrologically connected to lake.	
Lake (Not identified as waterbody for WFD)	365m	unnamed lake Ref. 07_328	N/A	N/A	N/A	Site not hydrologically connected to lake.	
Groundwater waterbody	Underlying site	Drogheda (IE_EA_G_025)	Good	At Risk	Agriculture	Very poorly drained	
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	Water body 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 - Watercourse	Mell stream (IE-EA-07T270 880)	No	Silt / sediment, Hydrocarbon Spillages	Standard Construction Measures / Conditions. CEMP.	No	Screened out
2.	Surface - lake	unnamed lake Ref. 07_286	No	Silt / sediment, Hydrocarbon Spillages	Standard Construction Measures / Conditions. CEMP.	No	Screened out
3.	Surface - lake	unnamed lake Ref. 07_328	No	Silt / sediment, Hydrocarbon Spillages	Standard Construction Measures / Conditions. CEMP.	No	Screened out
4.	Ground	Drogheda (IE_EA_G_025)	Yes - drainage	Silt / sediment, Hydrocarbon Spillages	Standard Construction Measures / Conditions. CEMP.	Yes – ground waterbody type (karstic), groundwater vulnerability (moderate and high) warrant assessment	Screened in

OPERATIONAL PHASE

5.	Surface - Watercourse	Mell stream (IE-EA-07T270 880)	No	Hydrocarbon Spillages, heavy metals	Mains surface water connection. SUDS. Conditions.	No	Screened out
6.	Surface - lake	unnamed lake Ref. 07_286	No	Hydrocarbon Spillages, heavy metals	Mains surface water connection. SUDS. Conditions.	No	Screened out
7.	Surface - lake	unnamed lake Ref. 07_328	No	Hydrocarbon Spillages, heavy metals	Mains surface water connection. SUDS. Conditions.	No	Screened out
8.	Ground	Drogheda (IE_EA_G_025)	Yes - drainage	Hydrocarbon Spillages, heavy metals	Mains surface water connection. SUDS. Conditions.	Yes – ground waterbody type (karstic), groundwater vulnerability (moderate and high) warrant assessment	Screened in

DECOMMISSIONING PHASE

5.	NA	NA	NA	NA	NA	NA	NA
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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: <u>Surface Water</u> Prevent deterioration of the status of all bodies of surface water	Objective 2: <u>Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	Objective 3: <u>Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good	Objective 4: <u>Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a
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			ecological potential and good surface water chemical status	losses of priority substances	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	N/A	N/A	N/A	N/A	YES
Stormwater drainage	N/A	N/A	N/A	N/A	YES
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	Objective 1: Groundwater Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	Objective 2: Groundwater Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	Objective 3: Groundwater Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	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:		
Construction Works	Standard construction mitigation methods (construction environment management plan – materials storage, sediment flow control, silt fences, vehicle washing sump, waste management, fuel storage; plant & management)	Standard construction mitigation methods (construction environment management plan – materials storage, sediment flow control, silt fences, vehicle washing sump, waste management, fuel storage; plant & management)	Reduction in agricultural area.	YES	
Stormwater drainage	Adequately designed SUDs features (permeable asphalt; attenuation tanks; filter drains; porous pavements; swales; rainwater harvesting; hydrobrakes; petrol interceptors; and infiltration pond)	Adequately designed SUDs features (permeable asphalt; attenuation tanks; filter drains; porous pavements; swales; rainwater harvesting; hydrobrakes; petrol interceptors; and infiltration pond)	Reduction in agricultural area.	YES	