



An
Coimisiún
Pleanála

Inspector's Report

ACP-323672-25

Development

The proposed development consists of a retail warehouse park comprising of five units, the construction of a new pedestrian and vehicular entrance and all associated site development works.

Location

Cavan Road, Townparks, Kells, Co. Meath.

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

2560665

Applicant(s)

The Woods Family c/o Billy Woods

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Parties vs. Grant

Appellant(s)

1. Peter & Maeve Caffrey
2. John Callaghan
3. Ciaran O'Kelly (Kells Anglers)

Observer(s)

1. Inland Fisheries Ireland
2. An Taisce
3. Friends of the Irish Environment

Date of Site Inspection

17th of November 2025

Inspector

Stephen Ward

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1.0 Site Location and Description

- 1.1. The site is located on the western periphery of the built-up area of Kells, at the junction of the Cavan Road (R147 (to the north)) and the Dundalk-Mullingar Road (N52 (to the west)). The surrounding area is characterised by a mix of uses including residential (to the northeast and southeast), agriculture (to the north and west), and commercial/retail and educational uses (to the east).
- 1.2. The site itself is undeveloped and is comprised of 2 fields divided by mature hedging/trees. The northern and western boundaries bound onto the R147 and N52 respectively and are characterised by dense hedging/trees along adjoining off-road pedestrian/cycle routes. A narrow strip of the site boundaries extends eastward along the R147 for a distance of c. 300 metres. The southern end of the site bounds onto the rear of 2 detached dwellings and a small agricultural field/access. The eastern side of the site (at its northern end) bounds onto an Aldi supermarket and adjoining parking area (at a significantly lower level), which is separated by a substantial retaining wall structure and fencing. At its southern end, the eastern boundary is formed by mature hedging/trees, and the adjoining land is undeveloped. The site levels generally fall from east to west, including significant level drops of >10 metres across the site.

2.0 Proposed Development

- 2.1. The proposed development consists of a retail warehouse park as follows:
 - Five retail warehouse units including office space, toilets, canteen, circulation areas, and goods storage, comprising Unit 1 (944.1 sq.m), Unit 2 (955.6 sq.m), Unit 3 (955.6 sq.m), Unit 4 (1090.9 sq.m), and Unit 5 (3670.2 sq.m).
 - Construction of a new pedestrian and vehicular entrance on Cavan Road (R147).
 - Gated service yard, MV ESB Substation and switch room.
 - Totem signage, site lighting, boundary treatments, and landscaping.
 - New connections to the existing foul and storm drainage system (surface water ditch to the north of the site), watermain.
 - Car parking, EV charging spaces, cycle parking spaces.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 20th of August 2025, MCC made a decision to grant permission subject to 22 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Report

The assessment outlined in the Planner's Report can be summarised under the headings below.

Principle

- The proposal is acceptable in accordance with the 'B2 – Retail Warehouse Park' zoning as per the Meath County Development Plan 2021-2027.
- Chapter 4 of the CDP 'Economy and Employment Strategy' outlines how the site has been zoned to contribute to the employment needs of Kells.
- The CDP (KEL OBJ 3) supports the development of the lands for retail warehouse uses.
- Based on the above, the proposal is acceptable in principle.

Siting, Design & Layout

- Individual units do not exceed the 6,000m² floorspace cap outlined in the Retail Planning Guidelines and are acceptable.
- CDP objective (DM OBJ 61) outlines development assessment criteria for proposed manufacturing developments. Based on the information submitted, the proposed development is generally compliant.
- Signage details are acceptable subject to agreement by condition.
- The size, scale and design of the proposed units are also acceptable having regard to existing and proposed planting/landscaping.

- Relocation of the development further away from residences to the south (as suggested in the third-party submissions) would result in the development becoming more obtrusive in the landscape.

Neighbouring Amenities

- The proposed setback and screening between the development and adjacent sensitive receptors is sufficient to alleviate any concerns regarding overbearing and/or obtrusiveness on the streetscape and/or the privacy and amenity of nearby residences.
- The Landscape and Visual Impact Assessment satisfactorily demonstrates that the impact of the development will not be so material as to render the landscape unrecognisable or visually displeasing.
- There will be negligible impacts upon the streetscape and residential amenity in the vicinity.

Access, Traffic & Parking

- The MCC Transportation Department raised no objection to the proposed development subject to a number of conditions being attached.
- The Traffic Impact Assessment (TIA) indicates that junctions would operate within capacity for the 2027 scenario (Opening Year) and for the 2042 scenario (Opening +15 Years) during both peak hours, and that blocking back effects are not expected. The Planning Authority is satisfied with the assessment provided.

Site Services

- It is proposed to connect to public watermains, wastewater, and surface water systems.
- The MCC Environment Section raised no flooding issues. A number of items of further information have been requested with regard to surface water treatment and disposal, but these issues can be rectified by way of condition.

Appropriate Assessment

- The proposed development (entire project), by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant

effect on European Site(s). In light of this, it is considered that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required.

Environmental Impact Assessment

- The proposed development is not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations 2001-2025 nor is it considered a sub-threshold development for the purposes of Schedule 7 Planning & Development Regulations 2001-2025 and will not on its own or cumulatively with other projects result in significant effects on the environment and as such an EIAR is not required.

Development Contributions

- The applicable contributions (€235,338) have been calculated against Class 1 of Non-Residential Development of the Meath DCS 2024-2029 at a floor area of 7,591.6 sq.m.

Recommendation

- The report recommends that permission should be granted subject to 22 conditions, and this forms the basis of the MCC decision.

3.2.2. Other Technical Reports

- Transportation: No objection subject to conditions requiring agreement on:
 - Design for the new access junction, including the right turn lane, demonstrating compliance with TII Publication DN-GEO-03060.
 - Design for the new access roadway demonstrating that HGV's do not have to cross the centre line of the road.
 - Road Safety Audit.
 - Bicycle parking at the north of the car parking area to be relocated adjacent to the building.
- Environment Flooding-Surface Water: The development is within Flood Zone C and is acceptable in terms of flood risk. Further information is sought regarding proposals for collection, treatment, and disposal of surface water in accordance with relevant guidance/standards.

- Public Lighting: Requests further information in the form of proposals to comply with MCC specifications.
- Broadband Officer: Adequate provision should be made for telecommunications delivery to each unit.

3.2.3. Conditions

The conditions of the permission are largely standard in nature. However, notable conditions can be summarised as follows:

2. Agreement on appointment of a community liaison officer.
3. Goods to be sold to be limited to 'bulky goods'.
5. Details of signage to be agreed.
- 7(d). Public art feature or financial contribution in lieu to be agreed.
9. Outlines a range of construction related standards and limits for dust, noise, vibration, water protection, waste management, etc.
11. Surface water details to be agreed (as per s. 3.2.2 above).
12. Transportation details to be agreed (as per s. 3.2.2 above).
18. Pre-development archaeological testing to be completed.
20. Development contribution of €54,127.00 towards social infrastructure.
21. Development contribution of €174,150.00 towards public roads and public transport infrastructure.
22. Development contribution of €7,061.00 towards surface water drainage.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII): Considers that the proposal it is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network.

Health Service Executive (EHO): Requests further information on the need/demand for the proposed development. It also recommends that operating hours and associated noise should be clarified; all buildings implement energy efficient and green technologies; a designated waste storage area should be provided; and drinking water shall be from the rising mains.

Inland Fisheries Ireland:

- Highlights the need to protect surface water status in accordance with the WFD and the 2009 Surface Water Regulations.
- Raises concerns about the existing SWO (SW003) from the sewer network at Blackthorn Close via a gravity outfall. This overflow discharges to the Newrath Stream which in turn discharges to the Blackwater (Kells)_110 ca. 860m downstream. WW Network SWO SW003 does not meet the criteria as set out in the DoEHLG 'Procedures and Criteria in Relation to Storm Water Overflows', 1995. Wastewater from this new development may result in the overflows at SW003 becoming more frequent.
- Design of the WwTP is 9,800 p.e., while the current p.e. based on the 2024 collected loads is 8,319 p.e (Organic Capacity). It is unclear what p.e. will be generated by this application as this cannot then be analysed to assess the effect of the development on the wastewater treatment plant and subsequently the receiving waters of the Kells Blackwater.

DAU (Archaeology): Recommends that a condition pertaining to pre-development testing be included in any grant of planning permission that may issue.

Uisce Eireann: Confirms that water and wastewater connections are feasible subject to upgrades and standard conditions.

3.4. Third Party Observations

The planning authority received 4 submissions, including one from each of the appellants in this case. A submission was also received on behalf of Aldi Stores (Ireland) Limited, which did not object to the principle of the development but highlighted the need to address traffic issues. The issues raised in the submissions

are largely covered in the grounds of appeal (see section 6 of this report). Any additional issues can be summarised as follows:

- Excessive building scale and unsuitable design/finishes.
- Concerns about noise associated with the service yard/road (CDP policies DM POL 10 and DM POL 20 are cited).
- The site would be more suitable for housing development.
- Concerns about light pollution.
- EV charging (DM OBJ 94 and DM OBJ 95).

4.0 Planning History

There would not appear to be any relevant history relating to the appeal site. The following applications relate to the adjoining lands to the east.

P.A. Reg. Ref. KA190537: On the adjoining Aldi site to the east, permission was granted (30th July 2019) for alterations to the existing car parking layout including the provision of an additional 39 no. car parking spaces.

ABP Ref. 301669 (P.A. Reg. Ref. KA171335): On 28th of May 2019 the Board granted permission to Michael McKeon for the construction of a new two storey service station with ancillary retail and food court and all associated site works on the site (Park Ri) to the east of the Aldi site.

ABP Ref. PL17.226508 (P.A. Reg. Ref. KA60768): On 2nd July 2008 the Board granted permission to Michael McKeon for the construction of a licensed discount foodstore, 98 car parking spaces, new access road and all associated landscaping and site works on what became the Aldi site.

ABP Ref. PL17.220439 (P.A. Reg. Ref. KA60117): On 2nd July 2008 the Board granted permission to Michael McKeon for the construction of 3 ground floor retail warehouse units with first floor mezzanine storage and 7 ground floor light industrial units and associated facade signage, and all ancillary site works on adjoining lands to the east (excluding the Aldi site).

5.0 Policy Context

5.1. National/Regional Policy & Guidance

- 5.1.1. The National Planning Framework (NPF), First Revision, April 2025 is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. Key elements of the NPF include commitments towards 'compact growth', 'sustainable mobility', 'strong economy', 'sustainable management of environmental resources', 'transition to a carbon neutral and climate resilient society', and 'enhanced amenity and heritage'. It supports Town Centre First - A Policy Approach for Irish Towns, which provides a co-ordinated, whole-of-government policy framework to address the decline in the health of towns across Ireland and supports measures to regenerate and revitalise them.
- 5.1.2. The Climate Action Plan 2025 builds upon and should be read in conjunction with the Climate Action Plan 2024. It refines and updates the measures and actions required to deliver carbon budgets and sectoral emissions ceilings and provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050. All new dwellings will be designed and constructed to Nearly Zero Energy Building (NZEB) standard by 2025, and Zero Emission Building standard by 2030. In relation to transport, key targets include a 20% reduction in total vehicle kilometres travelled, a 50% reduction in fossil fuel usage, and significant increases to sustainable transport trips and modal share. The Commission is required to perform its functions in a manner consistent with the Climate & Low Carbon Development Act.
- 5.1.3. The National Biodiversity Action Plan 2023-2030 includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local Level and is taken into account in decision-making having regard to the Habitats and Birds Directives, EIA Directive, Water Framework Directive and

Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable. Biodiversity is considered in sections 9 and 10 of this report.

5.1.4. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the submissions received, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Retail Planning – Guidelines for Planning Authorities, 2012 (hereafter referred to as the '*Retail Planning Guidelines*').
- Spatial Planning and National Roads - Guidelines for Planning Authorities (January 2012) – Department of Environment, Community & Local Government.

5.1.5. Other relevant national Guidelines include:

- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Guidance for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

5.1.6. The primary statutory objective of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 (RSES) is to support implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework. In the retail hierarchy for the region, Kells is identified as a Level 3 'Town And/Or District Centres & Sub-County Town Centres (Key Service Centres)'.

5.2. Meath County Development Plan 2021-2027 (Inc. Variations 1-3)

- 5.2.1. Volume 1, the written statement, contains the policies and objectives of the Development Plan and comprises 11 chapters.
- 5.2.2. Chapter 2 outlines the Core Strategy and identifies Kells as a 'Self-Sustaining Growth Town'. It outlines that Kells had a population of 6,135 in 2016 and projects a growth of 1,000 to 7,135 by 2027. Objective CS OBJ 9 is to prepare new local area plans for a number of settlements, including Kells.
- 5.2.3. Chapter 4 'Economy and Employment Strategy' sets out the economic vision for the County. Relevant provisions can be summarised as follows:

S. 4.7.3.3 states that Kells acts as a major economic development centre in the north of the County.

ED OBJ 45 - To further develop the indigenous enterprise, logistics, manufacturing and retail base in Kells.

S. 4.21 outlines that in terms of retail warehouse development, the County is well served with two large retail warehouse parks in Navan and a further retail park in Ashbourne. Vacancy levels have been reduced in Navan but remain high in Ashbourne. The retail strategy has outlined that there is no current need for additional floorspace of this type within the County. A very cautious approach will be taken regarding further such development over the period of the Plan other than completion of existing parks and existing areas identified in Volume 2.

Table 4.3 outlines an Indicative Comparison Floorspace Potential in Kells of 1,000-1,500.

S. 4.22 outlines that retail proposals will be assessed in accordance with the Retail Planning Guidelines and the sequential approach of promoting town centres.

- 5.2.4. Chapter 5 'Movement Strategy' outlines the need to develop a sustainable transport system and promote measures to increase the use of public transport, while also increasing the modal share for walking and cycling in towns and villages. It recognises that some essential travel will continue to be made by cars and goods vehicles and facilitates improvement in road infrastructure. Relevant provisions can be summarised as follows:

MOV OBJ 3 - To ensure that design for cycle infrastructure for all relevant developments shall be carried out in accordance with the Greater Dublin Area Cycle Network Plan, other relevant design standards or any successor documents.

MOV OBJ 44 - To safeguard the capacity and efficiency of the national road network drainage systems for road drainage purposes, save in exceptional circumstances.

MOV POL 32 - To ensure the protection of the existing roads infrastructure while improving the capacity and safety of the road network to meet future demands.

5.2.5. Chapter 6 'Infrastructure Strategy' aims to ensure that future growth is facilitated by the provision of the required water, wastewater, and other infrastructure. Relevant provisions include the following:

INF POL 2 - To utilise the existing water supply in an efficient and equitable manner and in the best interests of the proper planning and sustainable development.

INF OBJ 2 - To liaise and work with Irish Water to ensure that an adequate supply of drinking water for domestic, commercial, industrial and other uses is available.

INF POL 11 - To liaise and work with Irish Water in the provision, upgrading or extension of wastewater collection and treatment systems to serve existing and planned future populations and enterprise.

INF POL 14 - To co-operate with the EPA and other authorities in the continued implementation of the EU Water Framework Directive.

INF POL 16 - To ensure that all planning applications for new development have regard to the surface water management policies provided for in the GDSDS.

INF POL 17 - To liaise and work with Irish Water in the implementation of the Memorandum of Understanding (MOU) for surface water drainage and flood management, including the separation of foul and surface water drainage networks where feasible and undertake drainage network upgrades to help remove surface water misconnection and infiltration.

INF OBJ 15 - To require the use of SuDS in accordance with the Greater Dublin Regional Code of Practice for Drainage Works for new developments.

INF POL 33 - To protect recognised salmonid water courses (in conjunction with Inland Fisheries Ireland) such as the Boyne and Blackwater catchments.

5.2.6. Chapter 8 'Cultural and Natural Heritage Strategy' highlights the exceptional heritage value of the county and its relevance to development proposals. Relevant provisions can be summarised as follows:

HER POL 1 - Protects sites, monuments, places, areas, objects of stated categories.

HER POL 2 - To protect all sites and features of archaeological interest discovered subsequent to the publication of the Record of Monument and Places.

HER POL 3 - To require archaeological impact assessments, geophysical survey, test excavations or monitoring as appropriate.

HER POL 4 - To require, as part of the development management process, archaeological impact assessments, geophysical survey, test excavations or monitoring as appropriate, where development proposals involve ground clearance of more than half a hectare or for linear developments over one kilometre in length; or developments in proximity to areas with a density of known archaeological monuments and history of discovery as identified by a suitably qualified archaeologist.

HER OBJ 2 - To ensure that development in the vicinity of a Recorded Monument or Zone of Archaeological Potential is sited and designed in a sensitive manner with a view to minimal detracting from the monument or its setting.

HER OBJ 3 - To protect important archaeological landscapes from inappropriate development.

HER POL 16 - To protect the setting of Protected Structures and to refuse permission for development within the curtilage or adjacent to a protected structure which would adversely impact on the character and special interest of the structure, where appropriate¹.

HER POL 31 - To ensure that the ecological impact of all development proposals on habitats and species are appropriately assessed by suitably qualified professional(s) in accordance with best practice guidelines – e.g. the preparation of an Ecological Impact Assessment (EclA), Screening Statement for Appropriate Assessment,

¹ The Tower of Lloyd (to the west of the site) is a Protected Structure.

Environmental Impact Assessment, Natura Impact Statement (NIS), species surveys etc. (as appropriate).

HER POL 52 - To protect and enhance the quality, character, and distinctiveness of the landscapes of the County in accordance with national policy and guidelines and the recommendations of the Meath Landscape Character Assessment (2007)².

HER OBJ 49 - To ensure that the management of development will have regard to the value of the landscape.

HER OBJ 50 - To require landscape and visual impact assessments as appropriate.

HER OBJ 56 - To preserve the views and prospects listed in Appendix 10, in Volume 2 and on Map 8.6³.

5.2.7. Chapter 11 sets out the 'Development Management Standards and Land Use Zoning Objectives' to be applied in the assessment of planning applications. Relevant provisions include the following:

11.6.1 – Retail Development

11.6.6 – Retail Warehousing

DM OBJ 59 - To ensure that retail warehousing is only permissible on lands identified in Volume 2 of this Development Plan. All planning applications for retail warehousing shall set out clearly in the planning documentation how the proposal complies with the Retail Planning Guidelines 2012, this Development Plan and the Retail Strategy.

DM OBJ 60 - Any retail warehousing development shall be restricted to 'bulky goods' as defined by Annex 1 of Retail Planning Guidelines (2012). Ancillary products shall not exceed 20% of the total net retail floorspace of the relevant retail unit.

11.9.1 – Parking Standards

dm obj 89 - Car parking shall be provided in accordance with Table 11.2 and associated guidance notes.⁴

² The site is within the 'Lowland Landscape', which is of 'moderate' value and sensitivity.

³ Includes View No. 13 (Tower of Lloyd) and No. 14 (along R163).

⁴ Retail Warehousing car-parking standard is 1 per 20m².

DM OBJ 94 - All car parks shall include the provision of necessary wiring and ducting to be capable of accommodating future Electric Vehicle charging points, at a rate of 20% of total space numbers.

DM OBJ 95: In any car park in excess of 20 spaces where public access is available, four fully functional charging points for Electric Vehicles shall be provided in accordance with IEC 61851 Standard for Electric Vehicle Conductive Charging Systems.

DM OBJ 96 – Requires cycle parking in accordance with Table 11.4⁵.

DM OBJ 105 - Advertisement structures will not be permitted where they give rise to a potential traffic hazard. In accordance with the Spatial Planning and National Roads and the Guidelines on the provision of Tourism and Leisure Signage on National Roads (2011), advertisement structures will not be permitted at roundabouts, at traffic signalised junctions, at locations where they obstruct sight lines, compete with other traffic signs, give rise to confusion for road users or endanger traffic safety.

11.14.6 – Land Use Zoning Categories – The objective for ‘B2 Retail Warehouse Park’ is ‘To provide for the development of a retail warehouse park’.

11.15 – Masterplans – References MP 25-28 are included for Kells.

5.2.8. Volume 2 of the CDP contains the ‘Written Statement and Maps for Settlements’.
The following provisions are relevant to Kells.

5.2 – ‘Backlands’ and ‘Frontlands’ - To the east and west of Bective Street there are two large parcels which are a critical element of the long-term growth strategy due to their potential to deliver a range of uses including, commercial, residential, community, and recreational uses in proximity to the town centre.

5.2.1 - Future Retail Requirement in Kells – Recognises a 2010 10-year permission on the ‘Backlands’ including over 15,000m² of commercial and retail floorspace is unlikely to be implemented due to changed circumstances. The County Retail Strategy identified a requirement for 1,000-1,500m² comparison floorspace in Kells up to 2027. The quantum of floorspace granted in the Backlands is significantly in

⁵ No specific standards for Retail Warehousing are stated.

excess of that required to meet the retail needs of the town and the objectives for Backlands and Frontlands will be updated to reflect current/future needs.

5.3 – Economy and Employment – The zonings, including lands to the rear of the Aldi food store off the Cavan Road zoned for a retail warehousing use, are adequate lands available to meet the employment needs of Kells for the plan lifetime.

5.4 – Water Services - There is capacity in the Kells/Oldcastle water supply to accommodate growth during the lifetime of the Plan. However, there are localised network constraints. Capacity at the Wastewater Treatment Plant is currently limited. Irish Water plans to upgrade this treatment plant from its present capacity of 8,000 p.e. to 13,500 p.e. It is anticipated that this upgrade will be completed during the lifetime of this Plan.

6.0 – Masterplans – Identifies 4 Master Plan areas (MP25-28).

KEL OBJ 7 - To encourage and support the appropriate development of the town centre retail core including adaptive reuse of historic buildings as the primary focus for all retail development.

KEL OBJ 21 - To require that new development proposals have regard to the history, heritage and architectural importance of the town in order to protect and enhance these qualities.

Appendix 04 Retail Strategy (s. 7.3.2 Criteria for Assessment of Retail Development) outlines that there should be a presumption against the further development of out-of-town retail parks and a preference for sites in or adjacent to town centres to ensure the potential for linked trips and commercial synergy. Key criteria for the assessment of retail warehouse applications include scale and design, appropriate vehicular access, and the quantitative need for such development. The Retail Planning Guidelines state that individual retail units should not be less than 700sq.m and not more than 6,000sq.m in size. It is essential that the range of goods is restricted by planning condition to bulky household items.

5.3. Natural Heritage Designations

The closest Natura 2000 sites are the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA, both located c. 1km northeast of the site.

6.0 The Appeals

6.1. Grounds of Appeal

The MCC decision to grant permission has been appealed by Peter & Maeve Caffrey (Cavan Road, Kells (prepared by ILTP Consulting Engineers)), John Callaghan (Oldcastle Road, Kells), and Ciaran O'Kelly (Carlanstown, Kells (on behalf of Kells Anglers)). The individual appeals share common concerns, which can be cumulatively summarised as follows.

Principle of Development

- The peripheral site location undermines NPF objectives in relation to compact growth, integrated transport planning, and the 'town centre first' approach, which may undermine Kells' vitality.
- The HSE submission notes that demand for the development is unclear.
- The proposal is contrary to:
 - The CDP Retail Strategy and Economic Objectives for Kells (s. 5.2.1 – Future Retail Requirement in Kells').
 - National policy for self-sustaining growth towns.
 - The Greater Dublin Area Strategic Development Plan.
 - The Eastern & Midland RSES 2019-2021.
 - The DECLG Retail Planning Guidelines (Chapter 4 and 3.3).
- The entire lands zoned 'B2' should be developed in accordance with a masterplan to ensure appropriate integration and sustainable development. This is a CDP requirement (KEL OBJ 4) and the development should be refused in the absence of same.
- There has been a failure to produce the legally required LAP for Kells in accordance with MCC commitments, which would clearly underline the unsuitability of such a development.

Traffic and Transportation

- The access is too close to the N52 roundabout (in breach of TII DN-GEO-03060 standards, figure 5.3/Table 5.2 (no relaxation allowed)); the available right-turn lane length is insufficient; and there would be clustering with the existing Aldi access; which would result in queuing back to the roundabout and traffic hazard.
- A new access should only be considered in exceptional circumstances with no alternatives. Access could be facilitated via the existing Aldi access as envisaged by Condition no. 6 of the Aldi permission (KA/60768) and Objective KS 6 of the 2001 Kells Development Plan. The proposal contravenes the CDP (Vol. 5, Kells Written Statement, Objective KEL OBJ 10) 'To promote the integration of retail developments' and increases traffic hazards and impacts on residential amenity. Condition No. 6 is not severable from the grant of permission⁶.
- The development adjoins existing and proposed pedestrian/cycle routes, and the proposed access onto the R147 has no provision for crossing facilities. The DMURS statement fails to demonstrate sustainable travel principles.
- The MCC Planner's Report does not adequately consider the concerns raised in the TII submission and erroneously classifies the traffic increase as being negligible and imperceptible.
- The planning authority had a responsibility to seek clarity on traffic issues rather than apply condition no. 12 of the decision (prevents further public participation).
- The planning authority has previously restricted development in the area on grounds of road safety.
- The proposed totem signage violates the CDP (DM OBJ 105) by obstructing sightlines.
- A mandatory Road Safety Audit (as per TII GE-STY-01024 (Table 2)) is absent, thereby undermining compliance with the Spatial Planning and National Roads Guidelines (2012).
- Comments on the applicant's TTA include:

⁶ The judgements in Donegal County Council v Planree Limited (IEHC 193 & IECA 300) are cited.

- Traffic data was collected in early 2023 when some post-COVID impacts may have persisted. Up-to-date data would be preferable.
- It assumes a constant and even flow of traffic and does not assess the impact of a cluster of vehicles on the geometric layout.
- No due regard to existing/planned cycle routes or the Cycle Design Manual.
- Kells HGV restrictions were not considered and would result in larger numbers of right-turning HGVs in a sub-standard layout.
- The Swept Path Analysis is inadequate and there would be clear conflicts between large vehicles turning 'left out' and 'right in'.
- The proposed access gradient is not ideal.
- There is no integration with adjacent development to promote sustainability.
- The level of the development would lead to higher levels of traffic noise.

Water Services

- Based on the Uisce Eireann (UE) submission regarding wastewater infrastructural capacity, the potential to prejudice additional housing or commercial development in the town centre has not been considered.
- The impact on Kells Blackwater SAC is uncertain in light of the wastewater infrastructural deficit. Kells relies on an extensive combined sewer network which discharges to the Blackwater and which provides drinking water for a great number of people.
- Wastewater and surface water concerns raised in the Uisce Eireann and MCC Water Services report were not referenced in the decision and conditions.
- Despite MCC identifying concerns in 2007, no upgrades to the Kells WWTP or collection system have since been completed. It is on the verge of collapse with serious risks to public health, which will be exacerbated by the proposal.
- A 2020 report commissioned by MCC and Uisce Eireann highlights the need for significant upgrades to the WWTP and associated network, including the system serving the appeal site, but none of these works have been carried out.

- UE has confirmed that there are no plans for any WWTP or collection system upgrades prior to 2050, despite MCC projections of population growth from 7,000-9,500 by 2050.
- The sewerage pump station serving the adjoining Park Rí results in continuous overflow and odour problems in all connected housing estates.
- Records from sources including the Census, MCC and UE indicate an excess untreated sewerage overload of 2,500 PE, which is directed into the Newrath Stream, a tributary of the Blackwater via SWO No. 3, and directly into the Blackwater via SWO No. 2. SWO No. 3 is unlicensed and has been operating illegally since 2015 in direct breach of the WWTP license, Habitats and Urban Wastewater Directives, and the conditions of the fines derogation (*sic*) for the Blackwater River under the WFD.
- UE and MCC have acknowledged water supply limitations, but commercial development is illogically being prioritised over existing customer needs.
- There are continuing failures at the Lough Bane and Blackwater (Clavin's Bridge) water abstractions (as evidenced by EPA audits) and there are no certain plans for the necessary upgrades/improvements.
- The planning authority failed to apply Regulation 43 of the Wastewater Discharge Regulations 2007 and failed its obligation to consult with the EPA.

Neighbouring Amenities

- There will be disruption for local agricultural land and dwellings due to extensive earthworks and rock-breaking (as evidenced from the previous development of adjoining lands), including noise, vibration, dust and health impacts. Subsurface investigations (geotechnical / geophysical) are required prior to any grant of permission in order to establish the nature and extent of excavation/fill⁷.
- One of the appellants (John Callaghan) has a home within 50m of the site and his appeal highlights noise levels from percussive rock breaking. It contends that

⁷ The High Court judgement in Balcadden Road Residents Association v. ABP [2020] IEHC 572 is referenced regarding the need for precise descriptions, including subterranean structures.

mitigation measures could drop noise levels to 70-85 dB(A) within 50-100m of the site, which would still be disruptive without further mitigation.

Archaeology & Heritage

- Deferring testing (Condition 18) without prior ground investigation (e.g. geophysical) risks heritage damage despite the proximity to Kells' historic core.
- The approach to archaeological protection (i.e. condition no. 18) is a procedural flaw as it fails to align with the Government publication 'Framework and Principles for the Protection of Archaeological Heritage' and CDP policies (HER POL 1 & HER POL 3), which prioritise early assessment to avoid impacts.
- The lack of archaeological information about the site frustrates any competence in screening impacts on cultural heritage in accordance with the EIA Directive.
- The scale of the development will detract from the setting of national monuments, particularly at the Tower of Lloyd and protected views (View 13 Tower of Lloyd Panorama of national importance).

Environmental Impact Assessment Screening

- The OPR Practice Note PN02 (Section 3.0) mandates a preliminary EIA screening for this sub-threshold project (Schedule 5, Part 2, Class 10(b)(iv)) given cumulative impacts with Aldi (0.8ha) and Park Rí (1ha).
- The above developments are linked via condition no. 6 of Planning Ref. KA/60768 as part of a wider proposed development, and the Cavan Road Framework Plan 2013 exceeds the 5-hectare threshold under S.I. No. 383/2023 for rural land restructuring.
- The need for preliminary screening is further necessitated by the development's scale; its greenfield transformation; location within Kells Lowlands Landscape Character Area; the need for subsurface investigations; and proximity to historic / potential archaeological features.
- Significant earthworks associated with the Aldi and Park Rí excavations have been disposed adjacent to residential areas without evident planning controls for waste or drainage, which has altered the site's baseline in respect of potential contamination, hydrology (affecting the Kells Blackwater SAC), and dust

emissions. The Construction Management Plan / Preliminary Waste Management Plan suggest further such dumping of soil on adjoining lands and a comprehensive ground investigation report is required to clarify the nature and extent of contamination, cut/fill, bedrock, waste disposal etc.

- Failure to request an EIA fails to comply with the EIA Directive.

Appropriate Assessment

- Impacts on the Boyne SAC cannot be excluded with the necessary level of confidence as per Kelly v An Bord Pleanála [2014] IEHC 400.
- There is insufficient information for the screening of appropriate assessment.
- Cumulative impact with adjacent development should be considered.
- The overloaded Kells WWTP is polluting the Blackwater River SAC/SPA.
- There is no water abstraction limit on the Blackwater River SAC/SPA at Clavin's Bridge, which is an abuse of Habitats Directive protections, and there is a continuing dependence on the supply from Lough Bane SAC/SPA.
- Failure to request an EIA fails to comply with the Habitats Directive.
- The AA Screening inaccurately refers to 51 homes rather than the actual 58 homes (*sic*).
- The AA Screening report makes no reference to the water supply shortages and the wastewater system constraints and fails to consider the impact of the development and other developments on same.

Other Issues

- The application does not clearly define the applicant(s), which does not comply with Article 22 of the Regulations⁸.
- Failure to erect a site notice.
- The development cannot be assessed in isolation from the adjacent Aldi and Park Rí sites which form a contiguous retail/enterprise cluster under the Cavan Road Framework Plan. The proposal would represent non-compliance with

⁸ Legal cases are referenced – Dalton v ABP [2020] IEHC 27 & Monaghan UDC v Alf-a-Bet Promotions Ltd. [1980] I.L.R.M. 64.

condition no. 6 of the Aldi permission (KA/60768) and both sites involved extensive earthworks, which are not severable and render the entire permission unauthorised. Legal cases are referenced in the context of establishing that (i) permissions are unitary, not divisible, (ii) deviations requiring EIA/AA (like unassessed waste) invalidate the whole, necessitating substitute consent, and (iii) further works on non-compliant sites constitute unauthorised development.

- The consent for inclusion of MCC lands is a conflict of interest and breach of proper planning and sustainable development and public trust.
- The online file contains no observations from MCC Transport Section or TII.
- The conditions of the decision require an excessive range of issues to be agreed, which lacks clarity and prevents public participation. A similar approach by MCC in another permission has resulted in non-compliance with conditions, which is likely to happen again in this case.
- Inappropriate late zoning changes in the preparation of the CDP (relating to lands adjoining the Cloisters housing estate to the southeast) were carried out with the sole intention of providing access to this inappropriate retail warehousing.
- The development has been granted in contradiction of Paragraphs 1-10 and 15-19 of the PDA Act, s. 191, Fourth Schedule 'Reasons for the Refusal of Permission which Exclude Compensation'.

6.2. Applicant Response

A response to the appeals has been submitted on behalf of the applicant. The response deals with the issues raised collectively, which can be summarised under the headings below.

Traffic & Transport

- The entrance location was agreed in principle with MCC prior to the application. The MCC Transport Section has no objections subject to conditions and the applicant has no objection to the condition attached.

- The proposal takes full account of existing and proposed pedestrian and cycle facilities, and the application drawings (Waterman Moylan Nos. 130 & 195) provide safe crossing points and tie-ins along the road.
- There will be no obstruction within the required visibility splay.
- A detailed response from Waterman Moylan (WM) Consulting Engineers outlines the following:
 - The applicant has tried to secure access via the adjoining development to the east in accordance with Condition No. 4 of ABP Ref. PL17.226508, but this has not been facilitated. Legal advice (enclosed with the response) indicates that the condition is not enforceable.
 - Following discussions with MCC it was agreed that access from the R147 could be provided under exceptional circumstances. It was recognised that the distance from the roundabout is slightly less than recommended but could be facilitated with a layout in accordance with TII publication DN-GEO-03060. The response includes examples of other developments around the country where access was permitted in close proximity to the National Road network.
 - The TTA indicates no congestion issues at the junctions assessed.
 - The existing safety island has been considered as part of the new junctions. It will be retained in its current position and to enhance pedestrian safety it is proposed to increase the width of the road markings in line with the proposed right-turn lane.
 - The proposed access will be subject to a Road Safety Audit at all stages, and the junction will be designed to ensure safety for all users.
 - The TTA junction modelling results indicate that a maximum queue of 1.1 PCUs is expected in the right-turn lane during the worst-case scenario in 2042, which is well within acceptable limits.
 - It is not intended to provide pedestrian or cycle crossing facilities on the R147. Pedestrian and cycle access is provided on the south side of the R147 from existing infrastructure.

- The DMURS Statement submitted with the application demonstrates how the proposal incorporates and encourages active and sustainable transport.
- The TTA uses 'Junction 9' modelling software and was carried out in accordance with best practice as per the CDP and the TTA Guidelines from the TII (2014). Although traffic data from 2023 was used, 'central growth rates' were applied for future scenarios in accordance with TII guidance. These rates provide a robust basis for assessment when compared to the 'Alternative Future Demand Sensitivity Scenario'.
- The appeal concerns about the need for the TTA to consider shorter periods and a cluster of vehicles arriving at the junction are unfounded. Modelling considers a realistic distribution of traffic flow, including localised peaks within each peak hour.
- The Swept Path Analysis considers a westbound articulated vehicle turning into and out of the development as a worst-case scenario and demonstrates successful navigation. It does not suggest that deliveries would arrive via Kells, although HGVs could do so under the *Kells, Heavy Goods Vehicles (HGV) Traffic Restriction Byelaws 2016*. Prior to opening, the management company will prepare a Service Delivery Management Strategy, including timing and routes.
- The appeal misinterprets site levels. The level of the R147 is at 75.5 OD at the centreline and 75.6 OD at the vehicular access point. The internal access road has a gradient of less than 1%, rising gently towards the retail units.
- Regarding TII concerns about the scale of the development and advertisement structures distracting drivers, reference is made to the LVIA.
- Visibility sightlines are based on a design speed of 60km/hr on the R147, resulting in a required Stopping Sight Distance (SSD) of 59m. In addition, a ghost island will facilitate right-turning movements within a safe waiting area.
- The proposed priority T-Junction was designed in accordance with current standards, including TII DN-GEO-03060 Geometric Design of Junctions, DMURS, and the Cycle Design Manual.

- Section 6 of the TTA assesses trip rates using the TRICS database, which accurately reflects customer behaviour.

Environmental Impact Assessment

- The MCC report concluded that an EIAR is not required.
- Under Article 109(2)(a) of the Regulations the Commission is required to carry out a preliminary examination. If there is significant realistic doubt in regard to the likelihood of significant effects on the environment, it shall request the applicant to submit the information specified in Schedule 7A for screening determination.

Appropriate Assessment Screening

- The planning authority reviewed the applicant's AA screening report.
- The AA screening report acknowledges the potential pathways to the River Boyne and River Blackwater SAC and SPA but concludes that no significant effects on the qualifying interest of the SAC are likely.
- Surface water will be managed as per the application drawings and documents.
- There are no watercourses within or adjoining the site.
- ACP is the competent authority in this case and there is sufficient information to make an AA screening determination.
- Taking account of the precautionary approach and the absence of mitigation measures, the AA Screening report concludes that no further AA is required.

Infrastructure Constraints

- Uisce Eireann confirms that connection to water and wastewater networks are feasible subject to upgrades relating to network capacity (not the WWTP).
- The upgrades consist of surface water offsetting. Infiltration works may also be undertaken which will repair sections of the existing network that are letting water into the system. The works being undertaken will result in a 'two times' increase in the flow being freed up in the network post connection.
- The UE Annual Environmental Report (AER) for 2023 on the WWTP confirms a capacity of 9,800 PE and a collected load of 8,347 PE, and that the remaining capacity will not be exceeded within the next 3 years.

- The 2023 AER confirms that UE received 8 environmental complaints, all of which were reported to the EPA and relate to a stormwater overflow (SO3) on the Newrath Stream, a tributary of the Blackwater. While SW3 does not meet DoEHLG guidance, it is included within the Programme of Improvements with upgrade plans currently at planning stage. The report records the WFD Ecological Status of the Kells Blackwater River as 'good' both upstream and downstream of the WWTP (as opposed to the 'moderate' status of 2021), as does the River Q values by the EPA in Q4 of 2024. This suggests that, notwithstanding the overflows from SW3, the discharge from the WWTP does not have an observable negative impact on water quality.
- According to UE capacity register data published in August 2025, the Kells WWTP has available capacity, as does the Kells Business Park WWTP. The Kells-Oldcastle water resource zone also has potential capacity to meet 2034 population targets.
- Assessments are undertaken by UE on an individual basis with additional analysis of pre-connection enquiries and connection applications. It has been assessed as being feasible to connect to the water supply.
- The applicant is happy to accept a condition regarding UE connection agreements.
- The application includes a detailed surface water drainage assessment aimed at minimising impacts, which will be implemented as per condition no. 13. No connection to National Road drainage is proposed. Any changes required to the surface water network are minor enough to be agreed at compliance stage.
- The applicant has used an older document (Kells 2007-13 Development Plan) to highlight outdated issues with the wastewater network, while the 2013-2019 Development Plan confirms that optimisation works have increased the WWTP capacity from 8,000 PE to 9,800 PE, which will not be reached until 2050 based on the population projections cited in the appeal.
- The UE Confirmation of Feasibility raises no water supply capacity issues.

Construction Impacts

- The MCC decision includes conditions (Nos. 2, 8, 9, 19) relating to a community liaison officer; a Construction and Environmental Management Plan (CEMP); restrictions on noise, vibration, dust, water and waste; and construction hours. The applicant has no objection to these conditions.
- The site is zoned for development, and it is inevitable that there will be temporary construction disturbance, which will be adequately mitigated.
- A Noise Impact Assessment is included and outlines recommendations which will be included in the CEMP. It outlines that:
 - Construction noise impacts will not exceed the BS 5228 requirements without any mitigation for the assessment on the average location of noise.
 - The assessment considered specifically the worst-case impact for No. 10 The Cloisters, Oldcastle Road, including the closest assumed location of the noisiest works (rock breaking). With mitigation the impact is predicted to achieve the BS 5228 requirements.
 - In addition to the mitigation measures, noise and vibration monitoring should be carried out to assess compliance with recommended limits.
- The appeals contain an inaccurate reference to section 9.8 of the Preliminary Waste Management Plan. It is standard for surplus soil to be removed off site as part of an Article 27 application. The application drawings show existing and proposed levels and there is no uncertainty in this regard.

Visual Impact

- The Landscape Visual Impact Assessment (LVIA) accompanying the application outlines that the value and quality of the area is 'medium', which correlates with the 'moderate' value characterisation as per the CDP.
- The LVIA identified Viewpoint No. 13 (Tower of Lloyd) and No. 14 (R163) as the closest views and prospects in the CDP. It assessed the Tower of Lloyd viewpoint and concluded that effects would be negligible. Views from the roundabout and Oldcastle Road will not present a visually dominant feature.
- Building heights will be consistent with the existing retail units to the east.

Archaeology

- In accordance with the recommendation of the DHLGH, pre-development testing will be undertaken under licence and the findings reported.
- The archaeological impact assessment submitted with the application considered the site to have moderate potential for the survival of archaeological sites/features.
- There are no recorded features with a requirement for preservation in-situ.
- The assessments required by condition no. 18 will be carried out before any further groundworks, leaving sufficient time for mitigation measures. This is in line with best practice as outlined in the Framework and Principles for the Protection of the Archaeological Heritage and the CDP.

Retail Policy

- The proposed development is fully in keeping with the B2 zoning objective.
- The CDP acknowledges the economic importance of the Kells area and various sources point to a high residents/job ratio (including the NPF stated ratio of 0.62 in 2022).
- Kells is one of 5 strategic employment centres of employment identified for growth in the Economic Development Strategy for Meath 2014-2022, which is supported by the CDP.
- A strategic employment site is designated in Kells, it is an important centre for local enterprise and employment, and the designation of the Municipal District as a Regional Economic Development Zone (REDZ) has had a positive impact.
- The development will support Kells as a service centre and strategic employment centre in support of ED POL 34 and ED OBJ 45.
- Kells is at Level 3 of the hierarchy in the County Retail Strategy, which is described in Table 4.1.
- The County Retail Strategy (Table 29) sets out broad guidance on the type and amount of floorspace required and a key objective is to reduce leakage of comparison expenditure from the county.

- The CDP promotes retail development at an appropriate scale on key sites, with considerations including pipeline floorspace, location, and prioritisation of town centre lands.
- S. 11.6.6 of the CDP notes there is limited need for additional retail warehouse floorspace, while at the same time s. 4.21 notes that the retail floorspace potential figures in the CDP are not 'upper limits' and are 'indicative'. The planning authority has clearly decided that the development is necessary and acceptable in this context.
- The CDP retail baseline data/projections are outdated.
- There are no retail warehouse parks in Kells and there is considerable leakage to Navan, Ashbourne and beyond. The site is the only site zoned for retail warehousing and the town centre is constrained by built/natural heritage.
- There are no objections from existing retailers in Kells.
- DM OBJ 59 is cited, and it is highlighted that below the levels of Regional Growth Centre and Key Town, Ashbourne and Kells are the only settlements with lands zoned 'B2'. Since the preparation of the CDP, Ashbourne has experienced significant reductions in vacancy rates in the retail park and more generally.
- S. 4.22 and ED POL 36 are cited with regard to the sequential approach. The town centre is of historic/heritage importance and is not suited to facilitate this type of development.
- The CDP identified two development areas (MP25 (Backlands) and MP 26 (Frontlands)) that extend out from the town centre. The zoning objectives for these areas do not facilitate retail warehousing and are affected by visual and heritage considerations.
- A retail warehouse park would not be expected to locate in the town centre. It is not 'out of town' given its proximity and links, and sequentially it is considered the most appropriate retail warehouse park location. Any future expansion to the west would be limited by the N52 road and zonings for open space/tourism.

Masterplan & Local Area Plan

- The CDP includes a written statement and zoning map for Kells. The objective (CS OBJ 9) to prepare a Local Area Plan is acknowledged but the CDP is the statutory plan until an LAP is in place.
- KEL OBJ 4 was revised to KEL OBJ 3 in CDP Variation No. 1 and facilitates development of lands subject to the preparation of a Master Plan, including (iii) 'Lands to the south of the Cavan Road zoned for Retail Warehouse uses'. However, the Kells zoning map (Sheet No:18(a)) or the written statement (Section 6) do not include the application site as a Master Plan area.
- A review of reports prepared during the making of the CDP confirm that the site was intended to accommodate a retail warehouse park and the MCC Planner's report confirms that there is no CDP requirement for a Master Plan.

Validity and Procedures

- A letter of consent was issued by MCC which clearly outlines that it does not represent consent for development or a predisposition to grant permission.
- The applicant has sufficient interest to make the application, and the planning system is not a mechanism for resolving any such disputes.
- Section 34(13) of the PDA 2000 confirms that a person is not entitled solely by reason of permission to carry out development.
- The application was comprehensive and included all necessary information without the need to request further information.
- Conditions (and reasons for same) have been attached to the permission in accordance with the PDA Act and OPR guidance.
- No potential objectors/appellants have been disadvantaged by the process.

Planning Precedents and the Aldi Development

- Each case must be considered on its merits and the TTA and associated drawings have demonstrated that the development can be accommodated on the Cavan Road.

- Access through the Aldi development has not been facilitated by the adjoining landowner in accordance with Condition No. 4 of ABP Ref. 226508.
- Although ABP Ref. 226508 has expired, condition no. 4 did not ‘mandate’ use of the Aldi entrance, nor could it place a condition on lands outside the site boundary. The Framework Plan referred to in the condition has also expired and the most recent grant on the Aldi site (KA190537) was for a southerly extension of the car park. There is no provision for access to the application site and no condition requiring such a connection.

6.3. Planning Authority Response

The planning authority is satisfied that the proposal was appropriately considered and requests that the Commission upholds the MCC decision to grant permission.

6.4. Observations

Inland Fisheries Ireland

In summary, the submission asks the Commission to bear in mind the following:

- The requirements of the EU Water Framework Directive to protect water bodies and prevent deterioration.
- The requirements of the Surface Water Regulations 2009 protect/restore the status of water bodies. The site is in proximity to the Kells Blackwater (an SAC) and wastewater will discharge to the Kells WWTP.
- The Kells Blackwater is currently at ‘good’ status (2025). The river is a prominent game and course fishing facility with prominent stocks of Atlantic Salmon, Brown Trout, eels and lamprey.
- One of the most persistent and notable issues with the Kells WWTP infrastructure is the stormwater overflow (SW3) on the Newrath tributary of the Kells Blackwater at the back of Grand Priory housing estate. This overflows on a regular basis due to heavy rains and the combined sewerage system. Uisce Eireann (UE) has added a basket to the outfall, but it is not sufficient to treat the discharge of contaminated wastewater to the Newrath tributary (which has limited dilution). Any further additions to this line will only severely exasperate this problem.

- The licence stated that upgrading of SW3 was due to completed by 2014, but this is now not due until 2028.
- UE has informed IFI that the capital upgrade for Kells WWTP has been suspended and an estimated restart date is not available.
- The CJEU⁹ has held that member states are required, unless a derogation provided for by the WFD is granted, to refuse projects that may cause a deterioration of the status of a surface water body or where it jeopardises the attainment of good surface water status or good ecological potential and good surface water chemical status by the date laid down by the WFD.
- It is requested that the Commission refuses the application as it stands unless and until the long-awaited capital work to Kells Wastewater treatment plant have been completed.

Friends of the Irish Environment

The submission outlines observations on the appeal by Kells Anglers Association (KAA), which can be summarised as follows.

- EIA is required based on the site area (3.17ha) exceeding the 2ha threshold for urban development.
- In view of wastewater capacity deficiencies and the location in relation to the catchment of the River Blackwater (part of the Boyne Blackwater SAC), a review of AA screening should be carried out.
- Capacity for wastewater treatment and water supply precludes permission.
- Overloading of the WWTP causes odours in and around new housing schemes.
- There is no committed timeframe to upgrade the WWTP.
- KAA has pursued legal action about the biological health of the Boyne Blackwater SAC, including challenges to UE decisions of October 2019, March 2021, and October 2023.
- In Case C301/10 the European Court established definitions of permitted storm overflows and controls which Ireland has not met.

⁹ Case C – 461/13 Bund für Umwelt und Naturschutz Deutschland eV v Bundesrepublik Deutschland

- A significant submission was made by Inland Fisheries Ireland and MCC has systematically failed to resolve IFI concerns.
- The submission from UE is generic apart from a reference to a required 360m of rising mains to connect to the UE wastewater network. The submission is systematically deficient in addressing:
 - The existing PE capacity of the existing level of PE discharge to the WWTP.
 - The PE of development with permission but not yet connected.
 - The PE estimate for the proposed development.
 - The significant water supply constraint which primarily relies on abstraction from the Lough Bane SAC/SPA and the River Blackwater SAC. There is a constraint with any increase of abstraction from these locations.
- The location and quantum of development exceed the sustainable retail capacity of Kells having regard to the Retail Planning Guidelines 2012.
- The number and complexity of issues to be addressed by condition is excessive.

An Taisce

The submission refers particularly to the Kells Anglers appeal. It contends that the appellants have raised a range of significant issues (land use, infrastructure and service capacity, design deficiency) warranting comprehensive refusal. Otherwise, it raises similar issues to other observers, which can be summarised as follows:

- EIA screening should be reviewed.
- Failure to meet the principle of 'town centre first' in sequential development phasing and the sustainable capacity of Kells for retail development, having regard to the car-based nature and its location on the urban edge; the National Retail Planning Guidelines; and the quantum of retail development already permitted closer to the town centre.
- The overloading of the WWTP and concerns for impacts on the Blackwater SAC. There is no commitment for a timeframe for upgrading.
- Burdens on water supply and constraints on increases to abstractions.
- The number and complexity of issues to be addressed by condition is excessive.

6.5. Further Responses

A number of parties have responded to the applicant's response to the appeals. The contents of the submissions can be summarised as follows.

Meath County Council

The planning authority is satisfied that the proposal was appropriately considered and requests that the Commission upholds the MCC decision to grant permission.

Peter & Maeve Caffrey

The submission largely outlines that the applicant's response has not satisfactorily addressed the concerns raised in the appeal. Any additional points can be summarised as follows:

- The models used in the TTA are not dynamic models and do not consider vehicle kinematics, manoeuvrability, the impact of larger vehicles, adjacent junctions, or pedestrian/cycle movements.
- Consultants acting on their behalf (ILTP) have undertaken an AutoTURN assessment of the right-turn lane which shows that a single HGV preceded by one or two cars would not be able to access the right-turn lane and would block the R147. This would result in regular queuing back to the N52 roundabout and associated traffic hazard. There is no opportunity to extend the right-turn lane.
- The Kells HGV restrictions commence just east of the Aldi access, meaning that all HGV movement to and from the development (not arising from the town centre) must be via the N52. This was not assumed in the applicant's analysis.
- The applicant's consultants have numerous stated that a Road Safety Audit (RSA) will be carried out. They do not know what the RSA will recommend and RSAs do not and cannot make a sub-standard junction safe.
- All 6 access examples cited in the applicant's submission are either materially better or are not relevant compared to the proposed access, particularly in respect of the available right-turn lane provision.
- The applicant's position regarding the unavailability of access via the adjacent development to the east is incorrect. Correspondence is attached to the submission including direct correspondence with the adjacent owner (Mr.

McKeon, November 2025) regarding negotiations with the applicants; correspondence from Mr. McKeon's agent (Tierney Chartered Surveyors, April 2022) regarding negotiations with the applicants' legal representative; and a valuation report on the appeal site from 2021 (on behalf of Mr. McKeon, forwarded to agents acting for the applicants regarding a potential purchase). These correspondences clearly demonstrate that the Aldi access was and remains a valid and appropriate means of access.

- The applicants did not make any submissions on the Aldi application, which might indicate that they had no real intention of using any such access and are now seeking to say that there is no choice other than the creation of a new access.
- The applicants have not adequately progressed negotiations with the adjacent landowner on the issue of reasonable costs associated with access.

Ciaran O'Kelly (Kells Anglers)

The submission disagrees with the representations in the applicant's response. It is accompanied by numerous appendices and a copy of the Kells Sewerage Scheme Network Upgrade Report (prepared for Uisce Eireann & Meath County Council, January 2020). In addition to points previously raised, the relevant points in the submission can be summarised as follows:

- The MCC assessment was inadequate and should have resulted in refusal.
- An EIAR was required for numerous reasons including the cumulative impact of surrounding development/lands, water services infrastructures, and hydrological connections to sensitive areas.
- Any requirement for additional retail warehousing floorspace should be addressed in the next CDP.
- The applicant's response makes no reference to the latest 2024 Kells WWTP AER (stated to be the subject of Judicial Review) or its EPA licence (currently subject to EPA review).
- The submission outlines a range of allegations regarding the Kells Agglomeration & Kells WWTP (EPA Licence No. DO127-01), including the lack of adequate assessment, overloading, non-compliance with licence requirements, inadequate

operation, false information about upgrading works completed and lack of future upgrading plans, cover-up of pollution incidents in the collection network.

- The submission outlines allegations regarding a range of Storm Water Overflow failures associated with overflows SW2 and SW3.
- The submission outlines a range of allegations regarding the Lloyd Business Park WWTP and untreated overflow into Blackwater SAC/SPA, including overloading, failure to maintain and upgrade, and intentions to further develop the area under the CDP Masterplan MP 27.
- The submission outlines a range of allegations regarding over-abstraction of water from SACs/SPAs at Lough Bane and Blackwater River and water treatment plant failures.
- The submission outlines a range of allegations regarding intentional breaches of Article 6(2) of the EU Habitats Directive including failure of legal responsibilities by all responsible bodies; outdated environmental data in the CDP; failure to complete: the Kells LAP and associated SEA, upgrade of Kells and Lloyd WWTPs and associated collection systems; SAC/SPA Management Plans or supervision, the 3rd Irish River Basin Management Plan.

An Taisce

In addition to points previously raised, the submission can be summarised as follows:

- The application has not established how much of the projected retail turnover would be from the Kells area compared to a wider catchment.
- The applicant concedes that the separation distance from the roundabout is less than recommended and the other examples cited are sub-optimal.
- The response does not address the 2ha threshold for urban development locations within a business district. The appeal response refers to other developments which support the classification as a 'business district'.
- AA Screening must consider the WWTP discharge load. The correspondence from UE does not confirm that no adverse impact on the SAC/SPA is occurring.

John Callaghan

The submission reiterates some previously raised issues. It contends that the application lacks sufficient particulars (referring to several legal cases in support of this view) and outlines that additional information is required on issues previously raised, including:

- Applicant identity.
- Ground Investigations.
- Detailed structural construction.
- Rock-breaking methodology and spoil management.
- Final access junction design & Stage 1 Road Safety Audit.
- Environmental Impact Assessment Report.
- Water supply.

The MCC decision to grant permission despite an extensive wastewater infrastructure/investment deficit, and without a condition requiring upgrades prior to development, unacceptably curtails the Commission's discretion as the competent national authority under the Habitats Directive. It breaches statutory, policy, and international obligations, including:

- The mandate to attach such conditions under s. 34(4).
- The requirement for adequate wastewater capacity under INF POL 12.
- The need for robust Appropriate Assessment by the Commission under the Habitats Directive.
- The need for public drawings of the wastewater upgrade.

On the question of common access via the Aldi development, the submission raises points and legal cases relating to:

- Enforcement limitation periods for the breach of a condition.
- The revised Aldi Car Park layout.
- Conditions requiring public access must be of benefit or advantageous to the proposed development, and the Commission should take a view as to whether

the common access arrangement avails the interests of Mr McKeon in terms of increasing footfall.

- Section 50 of the Act of 2000 permits ACP to apply to the High Court to determine any matter of law.

The submission requests that ACP:

- Refuse permission to protect the River Boyne SAC and uphold its statutory role.
- Alternatively, remit to MCC for a condition and public disclosure of upgrade drawings, with ACP conducting the assessment.

Inland Fisheries Ireland

The response confirms that there is nothing further to add to the original submission.

7.0 Assessment

7.1. Introduction

7.1.1. I have examined the application details and all other documentation on file, including all of the submissions received in relation to the appeals, the reports of the local authority and prescribed bodies, and I have inspected the site and had regard to the relevant local/regional/national policies and guidance. I consider that the substantive issues to be considered in this appeal are as follows:

- Principle of Development
- Traffic & Transport
- Water & Wastewater
- Visual Amenity & Heritage
- Neighbouring Amenity
- Procedural Issues
- Water Framework Directive Screening (See section 8)
- Appropriate Assessment Screening (See section 9)
- Environmental Impact Assessment Screening (See section 10).

7.2. Principle of Development

Zoning and Retail Policy

- 7.2.1. Concerns have been raised by third parties and prescribed bodies about the need for the proposed development and its inappropriate peripheral location. On this basis, it has been contended that the proposal is contrary to the CDP and the Retail Planning Guidelines 2012.
- 7.2.2. In this regard, I note that there are varying provisions in the CDP.
- 7.2.3. Section 4.21 (Vol. 1) outlines that there is no current need for additional retail warehousing floorspace within the County and that a very cautious approach will be taken regarding further such development over the period of the Plan other than completion of existing parks and existing areas identified in Volume 2. I acknowledge that the appeal site is one such area identified in Volume 2 by virtue of its zoning as 'B2 – Retail Warehouse Park'.
- 7.2.4. Table 4.3 of the CDP (Vol. 1) outlines an 'Indicative Comparison Floorspace Potential' of 1,000-1,500m² for Kells, although it should be noted that, unlike the current proposal for 'bulky goods', this range relates to 'non-bulky' comparison goods as reflected by Table 39 of the Meath Retail Strategy. Indeed, the Meath Retail Strategy does not provide any additional requirements for 'bulky goods retail' given that there is an 'identified over-supply'. Section 7.3.2 of the Retail Strategy 'Criteria for Assessment of Different Development Types' also states that there should be a presumption against the further development of out-of-town retail parks and a preference for sites in or adjacent to town centres.
- 7.2.5. Regarding third-party suggestions that the development would be more appropriately located within the town centre, including the designated 'backlands' and 'frontlands', I consider that the CDP (Vol. 2, section 5.2) outlines that a greater mix of uses would be required at such locations. Accordingly, I would concur that the town centre would not be an appropriate location for such a development.
- 7.2.6. Having regard to the foregoing, I consider that there are inconsistencies within the CDP. On one hand, the Retail Strategy outlines that there is no need for such additional floorspace and recommends a general presumption against further development of out-of-town retail parks. On the other hand, while the CDP

acknowledges the need for a very cautious approach in this regard, it has zoned the appeal site to potentially accommodate significant additional retail warehousing floorspace at a peripheral edge-of-town location.

- 7.2.7. In light of the above inconsistencies, I would highlight that the Commission must also have regard to section 28 Ministerial Guidelines in the form of the Retail Planning Guidelines 2012. Section 4.11.2 of the Guidelines recommends that *‘there should, in general, be a presumption against further development of out-of-town retail parks’*. It recommends that the development plan and any relevant retail strategies should identify whether or not there is a need for the provision of additional retail warehouses. If a need for additional bulky format retailing is identified by the development plan on the basis of evidence from a relevant retail strategy, the size and potential location of the additional units should also be specified.
- 7.2.8. In considering the above recommendations of the Guidelines, I would highlight that the Meath Retail Strategy has not identified a need for additional retail warehousing. And while the CDP has indicated the suitability of the appeal site in terms of zoning, it has not provided an evidential basis for any such need and has not specified the size or location (other than by zoning) of the additional units.
- 7.2.9. I note that the application included a Retail Planning Report. Similar to the applicant’s appeal response, it acknowledges that the Retail Strategy did not anticipate a need for additional bulky goods retail during the lifetime of the development plan. However, it is contended that this conclusion was based on a high level of existing stock and a low level of available expenditure, and to a large degree, the consequence of a high level of outflow in 2017. It argues that the retail landscape has change significantly since the baseline analysis was undertaken for the Meath County Retail Strategy, including changing market conditions and reduced levels of retail vacancy. However, a retail impact statement has not been prepared for the application/appeal based on the view that the proposal complies with the development plan.
- 7.2.10. In conclusion, notwithstanding the ‘B2’ zoning of the site, I am not satisfied that the proposed retail warehousing development has been justified in terms of scale or location having regard to the recommendations of the Meath Retail Strategy and the Retail Planning Guidelines. And in the absence of such justification, I am not

satisfied that the proposed development would not adversely impact on Kells town centre and/or other town centres or other retail parks. I consider that the proposed development should be refused on this basis.

- 7.2.11. I acknowledge that market conditions would have changed since the preparation of the Retail Strategy. However, the application has not presented a convincing need for the proposed development, and I consider that the need for additional floorspace would be more appropriately considered in the review of the CDP (currently underway).

Local Area Plan (LAP) and Masterplan

- 7.2.12. Concerns have also been raised that the proposed development would be premature pending the preparation of an LAP and/or a masterplan for the area.
- 7.2.13. I acknowledge that CDP Objective CS OBJ 9 is to prepare new local area plans for a number of settlements, including Kells. However, I do not consider that this objective precludes the consideration of this appeal case prior to the completion of the LAP. The CDP is the operative plan for the area and Volume 2 of the CDP includes a written statement and associated zoning and other maps for Kells. I am satisfied that this is sufficient for the purposes of the Commission's decision.
- 7.2.14. I would acknowledge that the CDP is inconsistent in relation to the requirement for a masterplan. Volume 2 (KEL OBJ 3) is to facilitate the development of five stated land parcels subject to the preparation of a Master Plan, which includes the subject lands as *'(iii) Lands to the south of the Cavan Road zoned for Retail Warehouse uses'*. However, other provisions of the CDP, including Volume 1 (Section 11.15) and provisions for Kells in Volume 2 (Section 6.0 and Map Sheet No. 18(a)) outline requirements for a Master Plan for the other four sites but not the appeal site.
- 7.2.15. Notwithstanding these inconsistencies, I consider that KEL OBJ 3 is explicit in stating that the development of the appeal site will be facilitated subject to the preparation of a Master Plan. Therefore, in the absence of any such Master Plan, I consider that a grant of permission would materially contravene objective KEL OBJ 3. However, if the Commission is minded to do so, it may grant permission that would materially contravene the CDP in accordance with s. 37(2)(a) of the Planning and Development Act 2000, as amended. And in the event of a grant of permission, I consider that a material contravention would be justified given the relatively small area of

undeveloped land at this location and the fact that it is largely surrounded by existing development and roads. Accordingly, I do not consider that a Master Plan is necessary to assess development proposals on these lands.

7.3. Traffic & Transport

Means of Access

7.3.1. At the outset, third-party and prescribed body concerns (including TII) have been raised about the principle of a new access. It has been contended that any access to the site must be through the existing Aldi/Park Rí access to the east of the site.

7.3.2. I have considered the planning history of the area, and I note that under ABP. Ref. PL 17.226508 the Board granted permission (2nd July 2008) to Michael McKeon for the construction of a licensed discount foodstore, 98 car parking spaces, new access road and all associated landscaping and site works on what became the Aldi site. Condition no. 4 of the permission stated as follows:

The proposed internal access road and entrance shall be fully completed prior to the occupation of the Aldi discount foodstore. Road access and all essential services shall be made available at a reasonable cost to any future developers of adjoining lands to the west of the application site in accordance with the provisions of the adopted Framework Plan pursuant to objective KS 6 set out in the Kells Development Plan, 2001.

Reason: In the interest of orderly development and of the proper planning and sustainable development of the area.

7.3.3. I acknowledge that the intention of this condition was to ensure that the potential for access to the appeal site via the Aldi/Park Rí development was maintained. I further note that the Aldi permission (ABP. Ref. PL 17.226508) has since been altered through the extension of the car park as permitted under P.A. Reg. Ref. KA190537, although I am satisfied that the appeal site could still be accessed via the development to the east subject to further amendments and relevant consents as required. Notwithstanding this, I do not consider that any proposal for an alternative means of access as currently proposed is precluded by ABP. Ref. PL 17.226508 or otherwise. The Commission should note that the 'Framework Plan' referred to in

condition no. 6 of ABP. Ref. PL 17.226508 no longer forms part of the CDP. Therefore, the proposed access should be considered on its merits.

Access Design

- 7.3.4. One of the main third-party concerns about the proposed access relates to its proximity to the N52 roundabout and non-compliance with the TII publication 'Geometric Design of Junctions (priority junctions, direct accesses, roundabouts, grade separated and compact grade separated junctions) DN-GEO-03060 May 2023'. The MCC Transport Section also concluded that the proposed access did not comply with this document and has included a condition requiring revised proposals to comply with same.
- 7.3.5. I have reviewed document DN-GEO-03060 and I note that section 1.3 (Implementation) outlines that the Standard shall be used for the design of junction layouts on all new or improved national roads, and that the design of national, regional and local roads which are constructed or improved as part of a national road scheme shall also be developed in accordance with this standard. I note that the Standard is not specifically referenced in the CDP or the National Roads and Spatial Planning Guidelines. Therefore, while I do not consider that it has a mandatory application in this case, I do consider that the Standard is relevant and note that it has been used by the applicant as well as the planning authority and other parties.
- 7.3.6. Section 5.2.2 of DN-GEO-03060 outlines as follows:
- 'The provision of new priority junctions or direct accesses shall not be permitted within 90m of a roundabout or priority junction on National Roads. This may be reduced to 50m as a relaxation when the road is a Regional / Local Road. See Figure 5.3'.*
- 7.3.7. Figure 5.3 outlines that the 90m clearance applies if the 'Major Road' is National, while the 50m relaxation applies if the 'Major Road' is Regional/Local. I note that the proposed access in this case is onto Regional Road R147, which forms part of the adjoining roundabout with the National Road N52. However, it should be noted that section 1.5 (Definitions) of DN-GEO-03060 clarifies that the 'Mainline/Major Road' refers to *'The carriageway carrying the main flow of traffic (generally traffic passing through a junction or interchange)'*. Therefore, in this case I consider that the 'Major

Road' associated with the roundabout is the National Road N52 and that the 90m clearance applies accordingly.

- 7.3.8. The application (Traffic Impact Assessment Report) outlines that the centre point of the proposed junction is located 60m away from the roundabout, and the applicant's response to the appeals acknowledges that the separation distance from the roundabout is 'slightly less' than recommended. The response contends that a junction could be facilitated in accordance with DN-GEO-03060 but does not clearly demonstrate how this is to be achieved. The response mainly refers to other examples throughout the country where shorter separation distances have been permitted, but I consider that the proposed access should be considered on its merits and without reliance on any suggested precedent.
- 7.3.9. The applicant's response also contends that exceptional circumstances would support the proposed access. I acknowledge that section 1.4.2 of DN-GEO-03060 clarifies that in exceptional situations, TII may be prepared to agree to a 'Departure from Standards' where the standard, including permitted Relaxations, is not realistically achievable. However, based on the TII objection submitted to the planning authority, it is clear that any such 'departure' has not been agreed in this case. And having regard to my concerns about the principle of the development as outlined in section 7.2 of this report, I do not consider that there are exceptional planning merits to support the proposal.
- 7.3.10. Concerns have also been raised by third parties and the planning authority that the right-turn lane design is insufficient and that there would be clear conflicts caused by vehicles turning in and out of the proposed development.
- 7.3.11. Section 5.6.9 of DN-GEO-03060 deals with 'Design of Ghost Island Junctions'. It states that the 'turning length' shall be 10m long (measured from the centreline of the minor road) irrespective of the design speed or gradient, and that 'queuing length' shall be added as required. In addition to this (i.e. 10m plus queuing length), section 5.6.9.4 outlines that the overall length of a turning lane shall also include the 'deceleration length', which is 25 m for the applicable design speed of 60km/h. This results in a total right-turn lane length of 35 metres plus provision for queuing.
- 7.3.12. However, the applicant's appeal response confirms that the TTA modelled the junction based on a right-turn length of just 14 metres. When measured from the

centreline of the minor road in this case, I consider that the proposed right-turn lane has an overall length (including taper length) of c. 19 metres. However, in either case, the length is significantly less than the 35m requirement (even excluding additional queuing requirements).

- 7.3.13. The application includes a number of drawings demonstrating the 'swept path analysis' for a range of different vehicles. However, all analysis shows 'left-in' and left-out' movements and there is no analysis of 'right-turn' movements. This is an important consideration given the aforementioned concerns about the right-turn length and, as raised by the appellants, I would concur that HGV restrictions in the town centre would likely direct HGV access to the site from the N52 (i.e. right-turn from the west). Even so, the analysis shows that 'left' movements would also encroach on the right-turn lane, significantly so in the case of articulated vehicles.
- 7.3.14. I acknowledge that there is a significant level difference between the existing R147 road and the higher levels within the site. However, consistent with the applicant's response to the appeal, I would accept that there will be significant excavation along the access route to ensure that the access gradients will not be significant.
- 7.3.15. The application drawings show that sightlines of 59m will be provided at a point measured 2.4m back from the junction. I am satisfied that this would be acceptable in accordance with DMURS standards and that it is achievable in this case. I acknowledge that third parties have referred to CDP objective DM OBJ 105 regarding advertising structures and the creation of traffic hazard. However, in this case the proposed totem signage is setback c. 20m from the road and will not interfere with sightlines.
- 7.3.16. Concerns have also been raised that the proposed development fails to integrate with existing and planned infrastructure for pedestrians and cyclists. In this regard I note that there is existing pedestrian/cycle infrastructure along the R147 and N52, including an existing crossing island on the R147 near the proposed access. The applicant has outlined that existing infrastructure will be unaffected, and I acknowledge that the drawings show that the existing routes (including the crossing) will be largely retained. There will, however, be inevitable disruption to pedestrian/cyclist movement, particularly given the close proximity of the existing R147 crossing.

- 7.3.17. On the question of a Road Safety Audit (RSA), I note that the Engineering Assessment Report states that an RSA Stage 1 has been carried out and that the report can be found under a different cover. However, there would not appear to be any such report included with the application documentation. The applicant's response to the appeals confirms that a Road Safety Audit will be provided in accordance with the conditions of the MCC decision.
- 7.3.18. The CDP (Section 11.2.1) outlines that RSAs are required to accompany planning applications for major developments with significant potential to generate traffic and/or which could create a significant hazard or safety performance impact on a major road, particularly national roads. The threshold for 'major developments' is not specified for RSAs, although it is for Traffic and Transport Assessments and this includes retail and leisure development in excess of 1,000 sq.m. Similarly, the TII publication 'Road Safety Audit GE-STY-01024 May 2025' (Table A2) confirms that RSAs should be included for such developments, and I also note that the CDP (MOV POL 28) promotes the carrying out of RSAs in accordance with document GE-STY-01024. Having regard to the aforementioned concerns about the proposed access, I consider that an RSA should have been carried out prior to a determination of this appeal case.
- 7.3.19. In conclusion, having regard to the foregoing concerns about the proximity of the proposed access to the N52 roundabout and its substandard design, particularly the inadequate length of the right-turn lane and the potential for conflict both between vehicle turning movements and with other vulnerable road users, together with the absence of a Road Safety Audit for the project, I consider that the proposed development would pose an unacceptable risk of traffic hazard and congestion. I do not consider it appropriate to address this important issue by condition, and I recommend that the proposed development should be refused on this basis.

Road Capacity

- 7.3.20. In addition to the above concerns about the proposed access, concerns have been raised about the impact of the development on the capacity of the wider road network. The application is accompanied by a Traffic Impact Assessment Report (TIAR), but concerns have been raised about the timing of traffic surveys and that

the assessment has not adequately considered the impacts of a cluster of vehicles or the HGV restrictions in Kells town centre.

- 7.3.21. The TIAR outlines that it has been prepared in accordance with the requirements of the Traffic and Transport Assessment Guidelines published by Transport for Ireland (TII) / National Roads Authority (NRA) in May 2014. It outlines that the traffic survey was carried out on Tuesday 25th April 2023 and I am satisfied that this is a reasonable date on which to base traffic flows. In addition to this, traffic growth rates have been applied in accordance with TII guidelines for all periods up to 2042. TRICS software has been used to assess trip generation, and I would accept that this is an industry-standard approach. The TIAR combines the peak TRICS hours (12:00 to 13:00 and 13:00 to 14:00) to the peak traffic survey hours (08:00 to 09:00 and 17:00 to 18:00) to adopt a worst-case scenario, and trip distribution has been estimated based on surveyed flows and associated turning movements.
- 7.3.22. Junction assessments have been carried out using PICADY and ARCADY software, which again are recognised as industry-standard approaches. The assessments consider the operational capacity of the junctions using Ratio to Flow Capacity (RFC) and queue lengths. It assesses 4 junctions as follows: J1 (R147/N52 roundabout), J2 (R147/Rockford Hall), J3 (R147/Aldi access), J4 (Proposed access).
- 7.3.23. The modelling results indicate that the RFC for each junction will not exceed 0.85 for all periods, which is considered to be an acceptable ratio. The maximum queue lengths are predicted to be less than 2 vehicles in all cases, and the TIAR does not predict that this will result in any blocking effects. For the proposed access, the queue lengths recorded on both sides of the R147 are predicted to be a maximum of one vehicle and the TIAR concludes that the proposed dedicated right turning lane would accommodate the vehicle demand without any blocking back expected.
- 7.3.24. However, notwithstanding the limited vehicle queuing predicted at the proposed access in the TIAR, I have previously outlined that the right-turn lane length should include the predicted queuing length in addition to the 'turning' and 'deceleration' lengths. I am not satisfied that this has been achieved, and I consider that permission should be refused on this basis.

Parking

- 7.3.25. A total of 381 no. car parking spaces is proposed for the development. This equates to 1 space per 20m², which would be acceptable in accordance with CDP objective DM OBJ 89. The application confirms that 77 no. EV spaces (i.e. 20%) will be provided with charging points, which would comply with DM OBJ 94 and DM OBJ 95. Additionally, 20 no. accessible parking spaces are proposed which would exceed the minimum 5% requirement in accordance with s. 11.9.1 of the CDP.
- 7.3.26. A total of 50 no. cycle parking spaces is proposed on the basis that the CDP does not provide specifications for 'retail units'. I note that Table 11.4 of the CDP does not provide specifications for a retail warehouse, although it does specify 'other developments' at a standard of '1 bike space per car space, or 10% of employee numbers in general'. I consider that the proposed development would generate limited demand for cycle parking and that '10% of employee numbers' would be a more appropriate standard to apply. I am satisfied that this would be exceeded by the proposed 50 spaces.

7.4. Water & Wastewater

Water Supply

- 7.4.1. Third-party concerns include contentions that Uisce Eireann (UE) and Meath County Council have acknowledged water supply limitations but have prioritised commercial development over existing customer needs. It has been submitted that there are continuing failures at the Lough Bane and Blackwater (Clavin's Bridge) water abstractions and that there are no certain plans for the necessary upgrades.
- 7.4.2. Section 5.4 of the Kells written statement in Volume 2 of the CDP addresses 'Water Services Infrastructure'. It states that water supply from the Kells/Oldcastle supply has capacity to accommodate growth during the lifetime of the Plan but acknowledges that there are localised network constraints.
- 7.4.3. The Uisce Eireann submission to the planning authority confirms that a water connection is feasible subject to upgrades. The watermain network is to be made to the 100mm watermain to the east of the site and a Pressure Reducing Valve (PRV) is required on this connection main. The submission outlines that the applicant is

responsible for carrying out any extension works through third party / private lands and that standard connection agreements and terms shall apply.

- 7.4.4. Consistent with this submission, the Uisce Eireann Water Supply Capacity Register (August 2025)¹⁰ confirms that the Kells-Oldcastle supply serving Kells has potential capacity to meet 2034 population targets (level of service improvement required). This indicates that capacity constraints exist, and additional analysis of Pre-connection Enquiries and Connection Applications will be undertaken as required by UÉ on an individual basis considering their specific load requirements (as has occurred in the current appeal case). Improvement proposals will include but are not limited to leakage reduction and/or capital investment, and these proposals will be required to maintain/improve levels of service as demand increases. These proposals will be developed & prioritised through the National Water Resources Plan and investment planning process.
- 7.4.5. I do not consider that the proposed development would generate significant additional water requirements. The Engineering Assessment Report submitted with the application estimates that the total water requirement from the public supply would be 8.78 m³/day. According to the 2023 EPA Audit Reports, the Lough Bane WTP produces approximately 3,200 m³/day and the Clavin's Bridge WTP produces 1,050-1,100 m³/day. Therefore, the proposed development would account for a maximum of c. 0.2% of the water supply.
- 7.4.6. Having regard to the above information and the submission by Uisce Eireann as the relevant water authority, I am satisfied that there is adequate evidence of water supply capacity to serve the requirements of the proposed development, which would not be significant in comparison to the overall capacity. Any permission would be subject to future connection agreements in accordance with the terms and standards of Uisce Eireann, and accordingly I do not consider that a refusal of permission would be warranted on this basis.

Surface Water

- 7.4.7. It is proposed that surface water from the subject site will be diverted to an existing surface water ditch located to the north of the site (on opposite side of the R147 near

¹⁰ Uisce Eireann website accessed 27th November 2025

the roundabout). The proposed surface water drainage system has been designed as a sustainable urban drainage system (SUDS) and uses permeable paving, planter box, soakaway, and underground attenuation tank, together with a flow control device and petrol interceptor to: treat runoff and remove pollutants to improve quality; restrict outflow and to control quantity; and increase amenity value. Strict separation of surface water and wastewater will be implemented.

- 7.4.8. Runoff will be restricted to the equivalent of the existing greenfield runoff. It will discharge via a hydrobrake at a restricted rate of 8.2 l/s. Excess stormwater will be stored in underground Stormtech attenuation tanks. All SUDS measures included will be designed in accordance with the CIRIA SUDS Manual C753 as required by the GDSDS prepared by the Meath County Council and the other Local Authorities in the Greater Dublin Area.
- 7.4.9. Having regard to the above, I am satisfied that surface water proposals are generally satisfactory in accordance with CDP provisions, including INF POL 16 which requires that regard be had to the GDSDS policies, and INF OBJ 15 which requires the use of SuDS. I note that the MCC Environment Flooding-Surface Water Section requested that further information be sought regarding proposals for collection, treatment, and disposal of surface water in accordance with relevant guidance/standards, and I am satisfied that these details could be addressed as a condition of any permission.

Wastewater

- 7.4.10. Significant concerns have been raised by third parties and prescribed bodies (Inland Fisheries Ireland and An Taisce) about the capacity of the wastewater treatment plant and its associated combined wastewater/stormwater network to accommodate the proposed development. In particular, concerns have been raised about the impact of the stormwater overflow (SW3) which discharges to the Newrath stream and subsequently to the Blackwater River.
- 7.4.11. The Uisce Eireann submission to the planning authority confirms that a wastewater connection is feasible subject to upgrades. It notes that there are constraints in the wastewater network and states that the applicant should identify areas (in conjunction with the Local Authority) where stormwater separation/infiltration removal works to the wastewater network can be identified and removed, diverting them to surface water bodies or dedicated storm sewers which are not connected to any

Uisce Éireann wastewater / combined sewers. It states that Uisce Éireann will consider a new connection offset by storm separation works to remove storm runoff with a peak flow that is the equivalent of a 1 in 1 year storm event equalling no less than 3 times the peak dry weather flow for the new development for wastewater discharge. Approximately 360 metres of new rising main will be required for the connection to the Uisce Éireann wastewater network and the applicant will be required to fund these works. Septicity calculations are to be provided to Uisce Éireann for review at Connection Application stage to ensure that there is no detriment to the existing wastewater network. The applicant is further required to carry out a CCTV survey of the existing sewer to which they intend to connect to ensure that the network has the necessary capacity to cater for this development. The submission concludes by requesting that any grant of permission includes a condition outlining that standard connection agreements and terms shall apply.

7.4.12. Consistent with this submission, the Uisce Éireann Water Supply Capacity Register (August 2025)¹¹ confirms that the Kells WWTP has spare capacity available.

7.4.13. I do not consider that the proposed development would generate significant additional wastewater loading. The Engineering Assessment Report submitted with the application outlines that the total foul water discharge from the proposed development would be 19,305 l/d (or 19.305m³/day). According to the 2024 Annual Environmental Report (AER), Kells WWTP has a Peak Hydraulic Capacity of 5,720 m³/day. Therefore, the proposed development would account for only c. 0.33% of the Peak Hydraulic Capacity. As previously outlined, there will be no additional surface water discharge to the system.

7.4.14. The 2024 AER for the Kells WWTP was prepared in accordance with the requirements of the wastewater discharge licence. It further outlines that:

- The overall compliance status of the final effluent with the Emission Limit Values (ELVs) is 'Compliant'.
- The annual mean hydraulic loading is less than the peak Treatment Plant Capacity.
- The annual maximum hydraulic loading is less than the peak Treatment Plant Capacity.

¹¹ Uisce Éireann website accessed 27th November 2025

- The design of the wastewater treatment plant allows for peak values and therefore the peak loads have not impacted on compliance with ELVs.
- The discharge from the wastewater treatment plant does not have an observable negative impact on the Water Framework Directive status.
- The Organic Capacity (PE) (As Constructed) of 9800 exceeds the Collected Load (peak week) of 8319.
- The capacity will not be exceeded in the next three years.
- The Storm Water Overflow (SW3) is compliant with DoEHLG hydraulic criteria but is not compliant with all criteria. A basket type screen was installed on this SWO on 18th September 2019 to mitigate against debris entering the receiving waterbody, the Newrath Stream. In addition, there is a level sensor monitor on SW3 to record activations at times of high flows where the capacity of the network is exceeded. The SWO has no budget allocated for further upgrade or decommissioning in UÉ's Capital Investment Plan for Revenue Control period 4 (RC4) (2025-2029). As Kells WW agglomeration is not listed as an ECJ catchment identified on the EPA's Priority Action List (PAL) or identified as a significant pressure on the River Basin Management Plan (RBMP), it has not been allocated funding for RC4.
- Uisce Éireann issued a WW Discharge Licence Review Application to the EPA on 02/05/2025¹².

7.4.15. Having regard to the above information and the submission by Uisce Eireann as the relevant wastewater authority, I am satisfied that there is adequate evidence of wastewater network and treatment capacity to serve the requirements of the proposed development, which would not be significant in comparison to the overall loading or capacity. Any permission would also be subject to future connection agreements in accordance with the terms and standards of Uisce Eireann.

7.4.16. I acknowledge the significant concerns outlined by third parties and prescribed bodies about discharges associated with the Kells wastewater agglomeration, including non-compliance with licence requirements and potential downstream impacts on water quality. However, as outlined in the 2024 AER, I am satisfied with

¹² According to the EPA website (accessed 28th November 2025) no decision has yet been made.

the overall compliance status with ELVs and the absence of observable negative impact on the Water Framework Directive status of surface waters.

- 7.4.17. I note that the discharge licence is under review, and I consider this process to be outside the remit of the current appeal case. However, I am satisfied that the outcome of the discharge licence review will establish appropriate limits and standards to satisfactorily address wastewater emissions associated with the Kells agglomeration. Having regard to the foregoing, I do not consider that a refusal of permission would be warranted on the basis of wastewater capacity or treatment.

7.5. Visual Amenity & Heritage

- 7.5.1. Third-party concerns have been raised about the scale and design of the proposed development and its impact on protected views and the wider landscape. Concerns have also been raised about the potential for archaeological damage and adverse impacts on views to and from national monuments such as the Tower of Llyod.
- 7.5.2. The site is located within the 'Lowland Landscape' which is of moderate value and sensitivity according to the CDP and its accompanying Landscape Character Assessment. There are CDP-listed protected views in the surrounding area, including No. 13 (Tower of Llyod) and No. 14 (along the R163). Furthermore, there is a number of national monuments in the surrounding area, including the Tower of Llyod which is also included on the Record of Protected Structures.
- 7.5.3. I acknowledge that the proposed development is of significant scale and would be located at the interface of the urban and rural areas. However, having visited the site and considered the relevant surrounding viewpoints, I am satisfied that the proposed development would satisfactorily integrate with existing urban development to the east and would not seriously detract from the character of the landscape. Similarly, I do not consider that the proposal would detract from any protected views or that it would detract from the setting of any national monuments or protected structures, including the Tower of Llyod.
- 7.5.4. With regard to archaeological heritage, the application is accompanied by an Archaeological Impact Assessment Report. It does not attribute any recorded or potential archaeological features to the site. It concludes that the potential for the continued survival of buried archaeological sites or features is 'moderate' and

recommends additional pre-construction assessment in the form of a geophysical survey followed by licensed archaeological test trenching. Consistent with the recommendations contained in the DHLGH submission, the planning authority decision also includes a condition requiring pre-development archaeological testing.

- 7.5.5. The third-party views include concerns that the above approach risks damage to archaeological heritage and would not be in accordance with the Government publication 'Framework and Principles for the Protection of Archaeological Heritage' and CDP policies (HER POL 1 & HER POL 3).
- 7.5.6. I note that the 'Framework and Principles for the Protection of Archaeological Heritage' (s. 3.6.5) outlines that archaeological assessment should include test excavation where it is considered that a proposed development may have an impact on a known or suspected archaeological site or monument involving removal of, or interference with, archaeological deposits or features. However, s. 3.6.7 also acknowledges that there will be circumstances where it should be a condition of authorisation or approval of development that test excavation be carried out before the commencement of development works with a potential to affect archaeological deposits or sub-surface features.
- 7.5.7. Having regard to the absence of known or suspected archaeological sites or monuments on the appeal site, I am satisfied that a condition requiring pre-development testing would be acceptable in accordance with the 'Framework and Principles' document. Furthermore, I am satisfied that this approach would satisfactorily protect archaeological heritage in accordance with policies HER POL 1 and HER POL 3 of the CDP.

7.6. Neighbouring Amenity

- 7.6.1. Third-party concerns have been raised about construction-related impacts on surrounding land and residential properties. In particular, there are concerns about the need for extensive earthworks/rock-breaking and associated effects such as noise, vibration, and dust. It has been submitted that further site investigations are needed prior to any grant of permission in order to establish the nature and extent of excavation and fill.

- 7.6.2. In response to the appeal concerns the applicant has submitted a Noise Impact Assessment which outlines that construction noise impacts in a worst-case scenario (with mitigation) will comply with the requirements of BS 5228¹³. It also recommends that construction noise and vibration monitoring should be carried out to assess compliance with recommended limits. It has been confirmed that the proposed mitigation measures would be included in the Construction and Environmental Management Plan (CEMP).
- 7.6.3. I would accept that the construction stage would result in some level of disturbance and disruption for surrounding properties as a result of traffic and parking, noise & vibration management, excavation, waste, and dust & dirt impacts. However, these are inevitable and common features of urban development projects, and they are clearly temporary in nature. In this regard I note that condition no. 9 of the MCC decision outlined a range of construction related standards and limits for dust, noise, vibration, water protection, waste management, etc. Consistent with this approach, in the event of a grant of permission, I am satisfied that conditions requiring the agreement of a Construction Environmental Management Plan would satisfactorily address the construction stage impacts of the development. The agreement of a Resource Waste Management Plan would also ensure that any waste material is appropriately managed and disposed of in accordance with best practice and waste legislation.
- 7.6.4. Regarding rock-breaking and excavation requirements, I would again consider that these are not uncommon elements of urban construction. I do not consider that further assessment is required at planning stage, and I am satisfied that appropriate mitigation measures could be agreed after construction stage site investigations and construction methodologies are finalised.
- 7.6.5. Third-party concerns have also been raised about operational impacts, including noise related to traffic and the services yard and light pollution. However, having regard to the location of the site adjoining the existing built-up area including national and regional roads, I consider that the nature and scale of the development is to be reasonably expected. I do not consider that the nature or scale of associated traffic, servicing or lighting would be of such an extent that would seriously detract from the

¹³ British Standards Institution Code of practice for noise and vibration control on construction and open sites.

amenities of surrounding properties. The proposed buildings are well distanced from surrounding dwellings and will benefit from screening which would prevent any significant impacts on residential amenity.

7.7. Procedural Issues

- 7.7.1. The appeals and observations have raised a number of procedural concerns on the issues discussed below.

Applicant Identity

- 7.7.2. It has been submitted that the application does not clearly define the applicant(s) and does not comply with Article 22 of the P&D Regulations 2001 (as amended).
- 7.7.3. The applicant in this case has been stated as 'The Woods Family c/o Billy Woods'. The application form and other correspondence included with the application confirms that Billy Woods is the owner of the appeal site and an address has been provided for Mr Woods. On this basis I am satisfied that the applicant is identifiable and that there is sufficient legal interest to make the application.

Site Notice

- 7.7.4. I note that the MCC file includes photographs of the site notice inspection, and no objections were raised by the planning authority in this regard. I am satisfied that any perceived procedural irregularities did not prevent the concerned parties from making representations and participating in the application/appeal process. I am satisfied that this appeal case can be determined on the basis of the assessment outlined in this report.

Unauthorised development

- 7.7.5. It has been contended that the development cannot be assessed in isolation from the adjacent Aldi and Park Rí sites and that non-compliance with condition no. 6 of the Aldi permission (KA/60768)¹⁴ renders the entire permission unauthorised. On this basis, it has been contended that the proposed development cannot be favourably considered as it would extend an unauthorised development.

¹⁴ As superseded by Condition no. 4 of ABP Ref. PL 17.226508

- 7.7.6. As previously outlined in section 7.3 of this report, I do not consider that the proposed development is mandatorily linked to ABP Ref. PL 17.226508 by reason of condition no. 4 or otherwise, and I have no objection to its assessment and determination on its merits. Accordingly, I do not consider that any relevant issues of unauthorised development arise for the Commission.

Conflict of Interest

- 7.7.7. I note that MCC has given consent to make the application over part of the adjoining R147 Regional Road. Consent has been given in its capacity as owner and roads authority and not as a planning authority. The letter of consent outlines that the consent is without prejudice to the planning authority's views on the proposed development. This is common practice with such applications, and I am satisfied that no question of conflict of interest should arise for the Commission.

Availability of Documents

- 7.7.8. It has been submitted that the online file contains no observations from MCC Transport Section or TII. However, I can confirm that the MCC digital documents received by the Commission do include reports from MCC Transport Section and TII. I am satisfied that this did not prevent the concerned parties from making representations and participating in the application/appeal process, and there is adequate information available for the purpose of the Commission's decision.

CDP Preparation

- 7.7.9. It has been contended that inappropriate late zoning changes in the preparation of the CDP (relating to lands adjoining the Cloisters housing estate to the southeast) were carried out with the sole intention of providing access to this inappropriate retail warehousing development. I am satisfied that this is a matter which is outside the Commission's remit for the purpose of this appeal case.

8.0 Water Framework Directive Screening

- 8.1. The impact of the proposed development in terms of the WFD is set out in Appendix 3 of this report. There are no existing watercourses on or immediately adjoining the site. There is an existing drainage ditch on the opposite side of the R147 road. The nearest watercourse is the River Blackwater c. 1km to the north. The site is underlain by the Bailieborough groundwater body.
- 8.2. There is no significant flood risk associated with the development. The River Blackwater is part of the River Boyne and River Blackwater SAC/SPA. Lough Bane is part of the Lough Bane and Lough Glass SAC.
- 8.3. As per Appendix 3, I have outlined the potential pathways between the site and the relevant waterbodies and potential impacts at construction and operational stages. I have assessed the proposed development 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 (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project and associated mitigation measures, I am satisfied that it can be eliminated from further assessment because there is no residual risk to any surface and/or groundwater water bodies, either qualitatively or quantitatively.
- 8.4. The reasons for this conclusion are as follows:
- The nature and limited scale of the proposed works;
 - The distance between the proposed development and relevant bodies, and/or the limited hydrological connectivity;
 - The mitigation measures included as part of the application to address surface water and wastewater emissions.
- 8.5. I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal), either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise any water body in reaching its WFD objectives. Accordingly, the proposed development can be excluded from further assessment.

9.0 Appropriate Assessment Screening

9.1. Introduction

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

- Compliance with Article 6(3) of the EU Habitats Directive.
- Screening the need for appropriate assessment.

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

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

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

9.3. Screening the need for Appropriate Assessment

An AA Screening exercise has been completed (see Appendix 2 of this report for further details). 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 the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA, or the Lough Bane and Lough Glass SAC, in view of the conservation

objectives for the sites, which are therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed works and the standard operational practice measures that would be implemented regardless of proximity to a European Site.
- The limited connectivity between the application site and the nearest European Sites as a result of significant distance, dispersal and dilution factors.

The possibility of significant effects on any other European sites has been excluded on the basis of objective information.

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

10.0 Environmental Impact Assessment Screening

10.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in 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.

10.2. In carrying out this EIA Screening I have considered the submissions received from prescribed bodies and third parties. In response to the EIA issues raised, I would state the following in addition to Appendix 1:

- This is a standalone development which is not mandatorily linked to the Aldi, Park Rí, or any other project. Therefore, the size of the development/site should not be added to other developments for the purposes of assessing EIA thresholds. Cumulative impacts have nonetheless been considered.

- The Planning and Development Regulations 2001 (as amended) define a 'business district' as '*a district within a city or town in which the predominant land use is retail or commercial use*'. Having regard to the mixed-use nature of the area including substantial residential, agricultural, and community uses, together with the limited extent of commercial/retail use, I do not consider that this is a 'business district' where a 2-hectare threshold would apply under Part 2, Schedule 5, 10(b)(iv). I consider that it comes under 'other parts of a built-up area' where the 10-hectare threshold applies.
- I note contentions that unauthorised filling of adjoining lands associated with previous excavation has changed the environmental baseline. As previously outlined, I consider that the development should be assessed as a standalone project and that no issues of unauthorised development need arise.

11.0 Recommendation

Having regard to the foregoing, I recommend that permission should be **refused** for the reasons and considerations set out below.

12.0 Reasons and Considerations

1. The Meath Retail Strategy 2020-2026 contained within the Meath County Development Plan 2021-2027 supports the approach of the Retail Planning Guidelines for Planning Authorities (Department of Environment, Community and Local Government, 2012) in recommending a presumption against further development of out-of-town retail parks. Notwithstanding the zoning of the site as 'B2 – Retail Warehouse Park', the Commission is not satisfied that the Meath County Development Plan 2021-2027 identifies an evidential need for additional retail warehousing as recommended in the Retail Planning Guidelines for Planning Authorities. Having regard to the scale of the proposed development and its peripheral location, the Commission considers that the proposed development would be contrary to the Meath Retail Strategy 2020-2026 contained within the Meath County Development Plan 2021-2027 and the Retail Planning Guidelines for Planning Authorities, and is not satisfied that the proposed development would not negatively impact upon

the vitality and viability of retail development in Kells town centre and/or other retail parks. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development involves a car-based retail warehouse park on the periphery of Kells along the N52 National Secondary Road. Having regard to the proximity of the proposed access to the roundabout junction on the N52 National Secondary Road and the design capacity of the proposed access and turning lane, it is considered that the additional traffic turning movements likely to be generated by the proposed development would endanger public safety by reason of a traffic hazard and would interfere with the free flow, level of service, and carrying capacity of the adjoining road network, including the N52 National Secondary Road. The proposed development would be contrary to the provisions of the Spatial Planning and National Roads Guidelines for Planning Authorities (Department of Environment, Community and Local Government, 2012), the application of which is supported by policy RD POL 37 of the Meath County Development Plan 2021-2027, and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

Stephen Ward
Senior Planning Inspector

15th December 2025

Appendix 1

Form 1 - EIA Pre-Screening

Case Reference	ACP-323672-25
Proposed Development Summary	Retail warehouse park comprising of five units, the construction of a new pedestrian and vehicular entrance and all associated site development works.
Development Address	Cavan Road, Townparks, Kells, Co. Meath.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2. <input type="checkbox"/> 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)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> 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?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>1(a) - Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.</p> <p>10(b)(iii) - Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.</p> <p>10(b)(iv) - Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>

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 <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 1

Form 2 - EIA Preliminary Examination

Case Reference	ACP-323672-25
Proposed Development Summary	Retail warehouse park comprising of five units, the construction of a new pedestrian and vehicular entrance and all associated site development works.
Development Address	Cavan Road, Townparks, Kells, Co. Meath.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development involves the construction of a retail warehouse park (gross floor area 7,591.6 sq.m) with associated access and services. Although I have referenced Part 2, Schedule 5, 10(b)(iii) in Form 1 of this appendix, I would highlight that it relates to a 'shopping centre' rather than a retail warehouse park as proposed. Nonetheless, the proposal is comfortably below the 10,000m² threshold for a 'shopping centre'.</p> <p>The size of the site (c. 3.4 ha) is significantly below the relevant threshold of 10 hectares in the case of 'other parts of a built-up area and 20 hectares elsewhere'. I acknowledge that the site is at the interface of the urban/rural area and in the interests of completeness I have also considered the question of 'the restructuring of rural land holdings'. In any case, the site size/features would be comfortably below the relevant thresholds for field boundaries (4 kilometres), recontouring (5 hectares), and area of lands (50 hectares).</p> <p>It is a standalone development with no significant cumulative developments. The retail nature of the development is consistent with existing retail/commercial development to the east of the site.</p> <p>The development does not involve demolition works. The use of natural resources (water) and the potential production of waste, pollution, and nuisance would be typical of such outer urban development. The main emissions are surface water and wastewater which will be discharged to existing drainage systems.</p>

	<p>The project characteristics pose no significant risks to human health. The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The site is located on the western periphery of Kells, at the junction of the Cavan Road (R147) and the Dundalk-Mullingar Road (N52). The surrounding area is characterised by a mix of uses including residential, agriculture, commercial/retail, and educational uses. The site is currently undeveloped and is in agricultural grazing use. It is zoned for development in the Meath CDP 2021-2027 and is served by public water supply and wastewater services.</p> <p>The site and the immediate surrounding area are not of designated importance for biodiversity or nature conservation. The nearest Natura 2000 sites are the River Boyne and River Blackwater SAC and River Boyne and River Blackwater SPA, both located c. 1km northeast of the site.</p> <p>The site and immediate surrounding area are not of significant built or archaeological heritage value. The landscape is classified as only 'moderate' value/sensitivity in the CDP, although there are protected views from the Tower of Lloyd and the Oldcastle Road.</p> <p>There are no existing watercourses on or immediately adjoining the site. There is an existing drainage ditch on the opposite side of the R147 road. The nearest watercourse is the River Blackwater c. 1km to the north. There is no recorded or predicted flood risk associated with the immediate area.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The main resource requirements (water) and emissions (surface water & wastewater) have been addressed in sections 7.4 and 8 of this report. I am satisfied that there is adequate infrastructural capacity to serve the development without significantly impacting on water quality/regime.</p> <p>Related to water impacts, I have also considered the potential for hydrological impacts on Natura 2000 sites. And as outlined in section 9 of this report, I do not</p>

		<p>consider that there is potential for likely significant effects on any Natura 2000 sites.</p> <p>The proposed development will generate additional traffic volumes and movements in the area. Although section 7.3 of this report raises concerns about traffic safety and congestion, I do not consider that this has the potential for significant environmental effects.</p> <p>Although the proposed development is of significant scale, I am satisfied that it can be accommodated on the site without detracting from the quality or character of the landscape, protected views, or protected structures. Archaeological heritage can be suitably mitigated by condition in the event of a grant of permission.</p> <p>Section 7.6 of this report acknowledges the potential for impacts on neighbouring property. However, impacts would not be significant having regard to the nature, intensity, and complexity of the development. With particular regard to concerns raised about excavation and waste/filling requirements, I do not consider that further assessment is required at planning stage, and I am satisfied that appropriate mitigation measures could be agreed after construction and waste management plans are finalised.</p> <p>As outlined in section 7.2 of this report, I consider that this is a standalone development that is not mandatorily linked to any other development. Nonetheless, the potential for significant cumulative and/or in-combination effects with other plans and projects must be considered. Having considered other existing/permitted developments together with the CDP, including the Kells written statement and zoning maps, and how the CDP was subject to Strategic Environmental Assessment, I do not consider that there would be significant cumulative / in-combination effects on the environment.</p>
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: _____

Appendix 2

AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Retail warehouse park comprising of five units, the construction of a new pedestrian and vehicular entrance and all associated site development works.
Brief description of development site characteristics and potential impact mechanisms	<p>The site is located on the western periphery of the built-up area of Kells. The surrounding area is characterised by a mix of uses. The site itself is undeveloped, and levels fall significantly from east to west.</p> <p>There are no existing watercourses on or immediately adjoining the site. There is an existing drainage ditch on the opposite side of the R147 road. The nearest watercourse is the River Blackwater c. 1km to the north.</p> <p>Surface water will be diverted to the surface water ditch on the opposite side of the R147. This drainage ditch runs south, outfalls to the Toberultan Stream (c. 1.3km away), which ultimately joins the River Blackwater.</p> <p>Water supply will be provided from the Uisce Eireann public mains (the Kells/Oldcastle supply). The supply is from the combined sources of Lough Bane and the River Blackwater.</p> <p>Foul sewerage will connect to the existing Uisce Eireann collection system and will be treated at the Kells WWTP, which has discharges and stormwater overflows to the Newrath Stream. The Newrath Stream flows downstream to the River Blackwater.</p>
Screening report	Submitted with the application.
Natura Impact Statement	Not submitted.
Relevant submissions	<p>The MCC Planner's Report concludes that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required.</p> <p>The Commission received a number of submissions from prescribed bodies and third parties which raised concerns about water-related impacts on Natura 2000 sites. Concerns included issues relating to cumulative impacts, inadequate information, and water pollution and abstraction. See section 6 of this report for further details.</p>

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 connections	Consider further in screening Y/N
River Boyne and River Blackwater SAC (002299)	Site Synopsis, QIs and Conservation Objectives are listed at the following link: https://www.npws.ie/protected-sites/sac/002299	940 metres	Discharge / overflow from the Kells WWTP via Newrath Stream. Surface water discharge via existing ditch and Toberultan stream. Water supply for Kells/Oldcastle.	Yes
River Boyne and River Blackwater SPA (004232)	Site Synopsis, QIs and Conservation Objectives are listed at the following link: https://www.npws.ie/protected-sites/spa/004232	940 metres	As above.	Yes
Lough Bane and Lough Glass SAC (002120)	Site Synopsis, QIs and Conservation Objectives are listed at the following link: https://www.npws.ie/protected-sites/sac/002120	C. 18km	Water Supply for Kells/Oldcastle.	Yes

I note that there is a range of other Natura 2000 sites in the surrounding area, some of which have been considered in the applicant's AA Screening Report (e.g. Girley (Drewstown) SAC (C. 6.6km away) and Killconny Bog (Cloghbally) SAC (c. 7.6km away)). However, having considered the Source-pathway-receptor model and the nature and scale of the proposed development, I do not consider these or any other sites to be within the zone of influence due to lack of connectivity and/or significant distance/dilution factors.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

Construction Phase

During the Construction Phase, surface / ground water run-off containing silt/sediments or other pollutants could inadvertently flow into the existing drainage ditch, which flows south to the Toberultan stream and ultimately to the River Boyne and River Blackwater SAC/SPA. However, having regard to the nature and scale of the proposed works; the separation distance between the appeal site and the ditch itself; and the considerable separation and dilution factors along the ultimate hydrological route between the appeal site and the Natura 2000 sites (c. 10km), this potential pathway is considered insignificant.

Operational Phase

Surface water will be diverted to the existing drainage ditch after being treated and controlled to greenfield rates in accordance with standard surface water management practices. The ditch flows south to the Toberultan stream and ultimately to the River Boyne and River Blackwater SAC/SPA. However, having regard to the nature and scale of the proposed development including the proposed surface water management proposals, and the considerable separation and dilution factors along the ultimate hydrological route between the appeal site and the Natura 2000 sites (c. 10km), this potential pathway is considered insignificant.

Wastewater will be diverted to the existing collection system to be treated at the Kells WWTP. It is acknowledged that the combined wastewater system has overflows and discharges to the Newrath Stream, which subsequently flows into the River Boyne and River Blackwater SAC/SPA. However, as outlined in section 7.4 of this report, I am satisfied that there is adequate capacity in the WWTP and system. Accordingly, I consider that the potential for likely significant effects on these Natura 2000 sites as a result of the wastewater discharge can be excluded.

Water will be supplied via the Kells/Oldcastle scheme, which is sourced from Lough Bane (SAC) and the Blackwater (SAC/SPA). However, as outlined in section 7.4 of this report, I am satisfied that water supply requirements would not significantly affect these waterbodies and the associated Natura 2000 sites. Accordingly, I consider that the potential for likely significant effects on these Natura 2000 sites as a result of the water supply can be excluded.

I consider all proposed measures associated with the foregoing (i.e. surface water, wastewater, and water supply) to be standard practice and essential elements of the proposed development that would be implemented regardless of proximity to a European Site (i.e. they are not mitigation measures for AA Screening purposes).

Other Effects

Although the construction and operational stages will lead to some increased disturbance, I do not consider that any Natura 2000 sites are within the disturbance Zone of Influence.

Having regard to the nature and size of the appeal site and its significant separation distance from Natura 2000 sites, I do not consider that there is potential for significant ex-situ effects for any of the SCI species / qualifying interests.

As outlined in section 7.2 of this report, I consider that the proposed development is a standalone development that is not mandatorily linked to any other development. Nonetheless, the potential for significant cumulative and/or in-combination effects with other plans and projects must be considered. The applicant's AA Screening Report considers a wide range of other permitted developments. I have considered the effects of these and other existing developments, particularly in relation to the effects relating to water supply, surface water, and wastewater as discussed through this screening exercise. I have also considered the CDP, including the Kells written statement and zoning maps, and how the CDP was subject to Appropriate Assessment to protect the integrity of Natura 2000 sites. Having regard to the foregoing, I consider that there is capacity to accommodate the cumulative / in-combination effects while excluding the potential for likely significant effects on Natura 2000 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) <u>QI list</u> Alkaline fens. Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae). River Lamprey. Salmon. Otter. River Boyne and River Blackwater SPA (004232) <u>QI List</u> Kingfisher	<u>Direct:</u> None <u>Indirect:</u> Negative impacts (temporary) on surface/ground water quality due to construction related emissions including increased sedimentation and construction related pollution. Negative impacts (long-term) on surface / ground water quality due to operational run-off. Negative impacts on water quality at operational stage due to wastewater discharge. Negative impacts on water regime at operational stage due to water abstraction.	Significant construction effects as a result of surface water quality impacts are not likely having regard to the scale of the development and its significant separation from the SAC/SPA. Significant operational effects relating to surface water, wastewater, and water supply are not likely having regard to the limited scale of the development; the application of standard operational practice measures that would be implemented regardless of proximity to a European Site; and the significant distance, dispersal and dilution factors between the appeal site and the SAC/SPA.
Lough Bane and Lough Glass SAC (002120) <u>QI List</u> Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. White-clawed Crayfish.	<u>Direct:</u> None. <u>Indirect:</u> Negative impacts on water regime at operational stage due to water abstraction.	Due to its scale and requirements, the impact of the development on the water source would be insignificant. Therefore, significant water regime effects on the SAC are not likely.
	Likelihood of significant effects from proposed development (alone): 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 the River Boyne and River Blackwater SAC/SPA or Lough Bane and Lough Glass 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.

Screening Determination**Finding of no likely significant effects**

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 the River Boyne and River Blackwater SAC, the River Boyne and River Blackwater SPA, or the Lough Bane and Lough Glass SAC, in view of the conservation objectives for the sites, which are therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed works and the standard operational practice measures that would be implemented regardless of proximity to a European Site.
- The limited connectivity between the application site and the nearest European Sites as a result of significant distance, dispersal and dilution factors.

Appendix 3

Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Coimisiún Pleanála ref. no.	323672-25	Townland, address	Cavan Road, Townparks, Kells, Co. Meath
Description of project		The proposed development consists of a retail warehouse park comprising of five units, the construction of a new pedestrian and vehicular entrance and all associated site development works.	
Brief site description, relevant to WFD Screening		<p>The site is located on the western periphery of the built-up area of Kells, at the junction of the Cavan Road (R147 (to the north)) and the Dundalk-Mullingar Road (N52 (to the west)). It is currently undeveloped and in grazing use. The site levels fall significantly from east to west.</p> <p>There are no existing watercourses on or immediately adjoining the site. There is an existing drainage ditch on the opposite side of the R147 road. The nearest watercourse is the River Blackwater c. 1km to the north. The site is underlain by the Bailieborough groundwater body.</p>	
Proposed surface water details		Surface water will be diverted to an existing surface water ditch located on the opposite side of the R147. This drainage ditch runs south, outfalls to the Toberultan Stream, which ultimately joins the River Blackwater. The proposed surface water drainage system has been designed as a sustainable urban drainage system (SUDS) to treat runoff and restrict outflow to greenfield rates.	

<p>Proposed water supply source & available capacity</p>	<p>Water supply will be provided from the Uisce Eireann public mains (the Kells/Oldcastle supply). The supply is from the combined sources of Lough Bane and the River Blackwater.</p> <p>A review of the Uisce Eireann Capacity Register (Published August 2025) on 27/11/2025 confirms that the supply has potential capacity to meet 2034 population targets (level of service improvement required). See section 7.4 of this report for further details.</p>
<p>Proposed wastewater treatment system & available capacity, other issues</p>	<p>Foul sewerage will connect to the existing Uisce Eireann collection system via a new 360-metre rising main. Wastewater will be treated at the Kells WWTP, which has discharges and stormwater overflows to the Newrath Stream. The Newrath Stream flows downstream to the River Blackwater.</p> <p>A review of the Uisce Eireann Capacity Register (Published August 2025) on 27/11/2025 confirms that the Kells WWTP has spare capacity available.</p>
<p>Others?</p>	<p>The application is accompanied by a Flood Risk Assessment. Taking into account the proposed flood mitigation measures, the residual flood risk is deemed to be low/extremely low. I am satisfied that the development is acceptable & appropriate from a flood risk assessment perspective.</p> <p>The River Blackwater is part of the River Boyne and River Blackwater SAC/SPA. Lough Bane is part of the Lough Bane and Lough Glass SAC. The application is accompanied by an Appropriate Assessment Screening Report. See section 9 of this report for further details.</p>

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 (2019 – 2024)	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 (Blackwater)	c. 1km to north of site	Blackwater (Kells)_110 IE_EA_07B011500	Good	Not at risk	Not identified	Wastewater discharge.
River (Blackwater)	C. 2km to the northwest	Blackwater (Kells)_100 IE_EA_07B011200	Good	Not at Risk	Not identified	Water supply
River (Toberultan)	C. 1.3km to south	Toberultan_010 IE_EA_07T180970	Poor	At risk	Hydrological, Morphological, Nutrients	Surface water discharge
Lake (Lough Bane)	C. 18km to southwest	Bane Noggin Hill IE_EA_07_270	Good	At Risk	Hydrological, chemical, nutrients	Water supply
Groundwater	Underlying site	Bailieborough IE_EA_G_006	Good	Not at Risk	Not identified	Via the overlying soil and water features.

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	Toberultan_010	Surface water discharge via existing drainage ditch	Siltation, pH (Concrete), hydrocarbon spillages.	Preliminary Construction and Waste Management Plan (to be finalised).	No. Standard construction management practices will apply and there is a significant separation distance between the site and the subject watercourse.	Screened out.
2.	Ground	Bailieborough IE_EA_G_006	Via the overlying soil and water features.	As above.	As above. If groundwater is present, settlement tanks will be provided and monitored. Periodic laboratory testing of discharge water samples. Appropriate discharge licenses will be acquired from in respect of discharges from dewatering.	No. The proposed groundwater mitigation measures will ensure that groundwater is protected.	Screened out.

OPERATIONAL 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	Blackwater (Kells)_110	Wastewater discharge via the Newrath Stream	Pollution associated with wastewater discharge.	Compliance with Uisce Eireann (UE) wastewater requirements. Discharge licence conditions. See section 7.4 of report for further details.	No. As outlined in s. 7.4 of this report, I am satisfied that there is adequate capacity in the WWTP and system. There would be no significant impact as a result of the wastewater discharge.	Screened out.
		Toberultan_010	Surface water discharge via existing drainage ditch	Hydrocarbon spillage / pollution associated with surface water.	SUDs features and storm water management. See section 7.4 of report for further details.	No. As outlined in s. 7.4 of this report, I am satisfied that surface water run-off will be limited to greenfield rates and will be treated to protect water quality.	Screened out.

						There would be no significant impact as a result of the surface water discharge.	
		Blackwater (Kells)_100 Bane Noggin Hill IE_EA_07_270	Water supply via the Kells/Old castle supply	Water regime impacts associated with water supply / abstraction	Compliance with (UE) water connection requirements. Abstraction approval conditions. See section 7.4 of report for further details.	No. As outlined in section 7.4 of this report, I am satisfied that the water supply requirements would not significantly affect this waterbody.	Screened out.
2.	Ground	Bailieborough IE_EA_G_006	Via the overlying soil and water features.	Hydrocarbon spillage / pollution.	SUDs features, storm water management. See section 7.4 of report for further details.	No. As above, the operational surface water measures will adequately protect groundwater.	Screened out.
DECOMMISSIONING PHASE							
	N/A	N/A	N/A	N/A	N/A	N/A	N/A