



Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 22866

APPEAL by Johanna and Sean Harding and others care of Frank Burke and Associates of Baldara, Trim Road, Navan, County Meath and by Noel Foley of Liscarton, Kells Road, Navan, County Meath against the decision made on the by Meath County Council to grant, subject to conditions, a permission to BCL Elite Limited care of Thornton O'Connor Town Planning of Number 1 Kilmacud Road Upper, Dundrum, Dublin, in accordance with the plans and particulars lodged with the said Council:

Proposed Development: The development which will have a gross floor area of 20,849 square metres, will consist of the construction of eight number warehouse units with ancillary office and staff facilities and associated development as follows: warehouse unit number one will have a maximum height of 15.45 metres with a gross floor area of 4,636 square metres comprising warehouse area (4,242 square metres) with ancillary office (181 square metres) and staff facilities (213 square metres); warehouse unit number two will have a maximum height of 15.45 metres with a gross floor area of 5,120 square metres comprising warehouse area (4,648 square metres) with ancillary office (260 square metres) and staff facilities (212 square metres); warehouse unit numbers three and four will each have a

maximum height of 15.15 metres with a gross floor area of 970 square metres comprising warehouse area (798 square metres) with ancillary office (61 square metres) and staff facilities (111 square metres); warehouse unit numbers five and six will each have a maximum height of 15.75 metres with a gross floor area of 1,458 square metres comprising warehouse area (1,268 square metres) with ancillary office (67 square metres) and staff facilities (123 square metres); warehouse unit number seven will have a maximum height of 16.3 metres with a gross floor area of 3,373 square comprising warehouse area (3,068 square metres) with ancillary office (114 square metres) and staff facilities (191 square metres); warehouse unit number eight will have a maximum height of 16.15 metres with a gross floor area of 2,864 square metres comprising warehouse area (2,572 square metres) with ancillary office (106 square metres) and staff facilities (186 square metres). The development will also include: the provision of a vehicular and pedestrian access to the site from the R147 road; an internal estate road with internal access/egress spurs; footpaths and pedestrian accesses and gates; 212 number car parking spaces including EV and accessible parking spaces; bicycle parking; HGV marshalling yards and associated sliding gates; level access goods doors; dock levellers; lighting; ESB substations; plant including wastewater treatment plant external canopies; boundary treatments; hard and soft landscaping and all associated site and development works above and below ground, at Listcartan, Navan, County Meath. The proposed development was revised by further public notices received by the planning authority on the 8th day of March 2023.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. The Board noted Section 6.9 (Wastewater) of the Meath County Development Plan, 2021-2027, outlining that for larger developments, the requirements for wastewater treatment plants are set out by the Environmental Protection Agency (EPA) Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (1999) and EPA Guidance on the Authorisation of Discharges to Groundwater (EPA 2011). It is an objective of the Meath County Development Plan, 2021-2027 (INF OBJ 13) 'To ensure that septic tanks, proprietary effluent treatment systems and percolation areas are located and constructed in accordance with the recommendations and guidelines of the EPA and the Council, in order to minimise the impact on surface water of discharges'. Having regard to the totality of the documentation on file, including the Site Characterisation Form, it has not been adequately demonstrated that the site and wastewater treatment system can effectively treat and dispose of foul water. It is considered that the proposed development would be prejudicial to public health by way of groundwater contamination and contrary to Objective INF OBJ 13 of the Meath County Development Plan, 2021-2027, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. In light of the requirements of Section 177V of the Planning and Development Act, 2000, as amended, an Appropriate Assessment of the proposed development has been carried out by the Board considering the Inspector's assessments in the original and addendum reports. Having regard to the totality of the documentation on file the Board is not satisfied it has not been adequately demonstrated that the site, and wastewater treatment system, can effectively treat and dispose of foul water given the location of the wastewater treatment system relative to

the existing drainage ditch to the north-west, where a hydrological connection exists to the River Blackwater. The Board therefore cannot be certain that significant effects to the hydrologically connected River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232) can be ruled out. The proposed development would therefore be contrary to Objective HER OBJ 33 of the Meath County Development Plan, 2021-2027, the Section 28 Ministerial Guidelines '*Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities, 2009*' and would, therefore, be contrary to the proper planning and sustainable development of the area.



Mick Long

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 15th **day of** January **2025.**