



An
Bord
Pleanála

Board Direction 17.RL3584

The submissions on this file and the Inspector's report were considered at a Board meeting held on August 16th 2018.

The Board decided, as set out in the following Order, that the storage of raw material, by-products and waste material both within and outside a designated area at Tarstone Ltd, Deanhill, Navan, Co. Meath is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the storage of raw material, by-products and waste material both within and outside a designated area at Tarstone Ltd, Deanhill, Navan, Co. Meath is or is not development or is or is not exempted development.

AND WHEREAS John McGrane and Declan Barry c/o Ger Fahy Planning of Annaghdown, Pagestown, Kilcloon, Co. Meath, requested a declaration on this question from Meath Council, and the Council issued a declaration on the 4th day of May 2017 stating that the matter is exempted development.

AND WHEREAS John McGrane and Declan Barry c/o Ger Fahy Planning of Annaghdown, Pagestown, Kilcloon, Co. Meath referred this declaration for review to An Bord Pleanála, on the 18th day of May 2017.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 22 of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended,
- (d) The planning history of the subject site, and in particular planning permission register reference number NA/40011, planning permission register reference number NA/50503 (An Bord Pleanála reference number PL17.218071), and retention planning permission register reference number NA/130290 (An Bord Pleanála reference number PL17.242496), and,
- (e) The report of the Inspector, including of her inspection of the subject site.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The storage of raw material, by-products and waste constitutes development within the meaning of Section 3 of the Planning and Development Act, 2000, as amended, including the statutory definition under Section 3 (2)(b);
- (b) The storage of raw materials, by-products and waste that has taken place, based on the evidence of the inspection by the Board's Inspector, includes storage within an area which, under condition number 3 of retention planning permission register reference number NA/130290 (An Bord Pleanála reference number PL17.242496), was to have been reinstated to agricultural use during the first planting season following the grant of that planning permission:

- (c) The storage of raw material, by-products and waste has the potential to come within the exempted development provisions of Class 22 of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended, but in this instance, as such storage is not entirely within the curtilage of an industrial building but is predominantly within in an area which was to be reinstated to agricultural use, it cannot avail of this exemption, since such area is not authorised to be within the curtilage of the industrial buildings on the site, and such storage would be inconsistent with the use of this area as specified in the planning permission in question, and would contravene condition 3 of that permission. The development would, therefore, not be exempted development pursuant to Article 9 (1)(a)(i) of the Planning and Development Regulations, 2001, as amended.
- (d) There are no other provisions, in the Act or Regulations, by which such storage would constitute exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the storage of raw material, by-products and waste material both within and outside a designated area at Tarstone Ltd, Deanhill, Navan, Co. Meath is development and is not exempted development.

Board Member

Date: 21st August 2018

Philip Jones