



An
Bord
Pleanála

Board Order
PL 17.248960

Planning and Development Acts 2000 to 2017

Planning Authority: Meath County Council

Planning Register Reference Number: TA/170520

Appeal by Damien Harper of Tobertynan House, Tobertynan, Rathmoylon, County Meath against the decision made on the 5th day of July, 2017 by Meath County Council to grant subject to conditions a permission to Desmond Keegan care of McKenna and Associates of High Street, Trim, County Meath in accordance with plans and particulars lodged with the said Council:

Proposed Development: Provision of a new water abstraction and bottling facility. The works include the upgrading of the existing vehicle entrance, extension of the existing yard area and the provision of a new single-storey building to the rear of the existing workshop within the site. The proposed building shall contain a water bottling facility, water bottle storage area, ancillary office and toilet facilities. Permission is also sought for a septic tank and percolation area to serve the development and all associated site works and services, all at Cloncowan, Longwood, County Meath.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

The policy of the planning authority as set out in the Meath County Development Plan 2013-2019 actively supports rural enterprises such as that proposed, particularly through Policies ED POL 19 which states support for rural enterprises and Policy ED POL 22 which states support of the development of micro businesses in rural areas. It is considered that, subject to compliance with the conditions set out below, and having regard to the nature, scale and extent of the proposed development, the proposed development would not adversely affect the hydrological or hydrogeological environment, would not seriously injure the visual or other amenities of the area, would not be prejudicial to public health and would not constitute a threat to water pollution or give rise to an unacceptable traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European site, in view of the sites' conservation objectives.

Environmental Impact Assessment Screening

In completing the screening for environmental impact assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report and was satisfied that the proposal would not be likely to have significant effects on the environment, either by itself or in combination with other plans or projects in view of the site's conservation objectives. The Board, therefore, concluded that the submission of an environmental impact assessment or the preparation of an environmental impact assessment report are not required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2.
 - (a) The proposed facility shall be for the abstraction and bottling of water only. No sale of bottled water to members of the public shall occur on site.
 - (b) The water abstraction regime shall comply with the details set out in the planning application documentation including the hydrology report and the water abstraction shall not exceed quantities of 10 cubic metres per day and 50 cubic metres per week. Any deviation from this abstraction regime shall be the subject of a separate application for planning permission.
 - (c) The quantity of water being abstracted shall be monitored and the results of this monitoring shall be submitted to the planning authority on a bi-annual basis.

Reason: In the interest of orderly development.

3. The recommendations for the protection of the groundwater source as outlined in the hydrological report submitted to the planning authority on the 12th day of May, 2017 shall be implemented.

Reason: In the interest of protection of the water source.

4. The construction of the development shall be managed in accordance with a detailed Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development.

Reason: In the interest of residential and visual amenity.

5. The visibility triangle shall be cleared of all vegetation for a distance measuring 160 metres at a 2.4 metre set back distance within the red line site boundary area. Any hedgerow to be removed shall be replaced with a timber post and rail fence back planted with trees/hedgerow or native species.

Reason: In the interest of traffic safety.

6. A plan containing details of the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To ensure the provision of adequate refuse storage.

7. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-
 - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the amenities of property in the vicinity of the site.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

9. (a) The septic tank and percolation area shall be located, constructed and maintained in accordance with the details submitted to the planning authority with the application on the 12th day of May 2017, and in accordance with the requirements of the document entitled 'Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. \leq 10)' – Environmental Protection Agency, 2009. Only domestic effluent from the office, wc's and canteen facilities shall be directed to the septic tank and no system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

- (b) Within three months of the first operation of the facility, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.
- (c) A maintenance contract for the treatment system shall be entered into for a minimum period of five years from the first operation of the development and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Any proposals for the water treatment of the source waters, together with proposals for the disposal of any waste products arising from this process, shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health.

- 10. The external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. External cladding shall be dark green in colour.

Reason: In the interest of visual amenity.

