

Board Order PL 17.249045

Planning and Development Acts 2000 to 2017 Planning Authority: Meath County Council Planning Register Reference Number: TA/160910

Appeal by Lars and Mary Christoffersen and others care of Ger Fahy Planning of "Annaghdown", Pagestown, Kilcloon, County Meath against the decision made on the 18th day of July, 2017 by Meath County Council to grant subject to conditions a permission to O'Reilly Oakstown Limited care of Declan Clabby and Associates of Haggard Street, Trim, County Meath.

Proposed Development: Construction of a new two storey mono-pitch roof office building to replace the existing single storey offices on site, staff and customer parking to side, signage, together with connection to an existing on site wastewater treatment system which will also be upgraded as part of the proposed development. The development also includes retention permission for the existing wastewater treatment system and percolation area, four mono-pitch steel frame slat production shed, partially paved production/storage yard, refurbishment and relocation of the existing concrete batching plant on site tougher with all associated site works at Oakstown, Trim, County Meath, as amended by the further public notice received by the planning authority on the 23rd day of June, 2017.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

- 1. Taking into consideration the existing history on the site and the retention permission for light industry granted under planning register reference number 82/562 and the submissions made in connection with the planning application, the Board is not satisfied that the current nature of the industrial operation on the site, for which an extension is being sought, has the benefit of planning permission. Thus, it appears to the Board that the proposed development would facilitate the expansion and intensification of unauthorised development. Accordingly, it is considered that it would be inappropriate for the Board to consider a grant of permission for the proposed development in such circumstances.
- 2. The site is located in a rural area. It is the policy of the planning authority, as set out in the Meath County Development Plan 2013-2019, to permit business enterprises in the countryside in limited circumstances, where it represents an expansion of an existing authorised enterprise or where the proposed use has locational requirements that can more readily be accommodated in a rural area (POL ED 20 and POL ED 21 refer). This policy is considered to be reasonable. The Board is not satisfied on the basis of the information submitted with the planning application that the proposed development is within the bounds of what is envisaged by the Development Plan as being appropriate for this rural location and in turn in compliance with policy ED POL 20 and policy ED POL 21 of the Development Plan. The proposed development would, therefore, contravene development plan policy and would be contrary to the proper planning and sustainable development of the area.

- 3. The site is accessed from the R154 a heavily trafficked Regional Road at a location where the maximum speed limit applies. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would be likely to generate on a rural road at a point where sightlines are restricted. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- 4. The Board is not satisfied, on the basis of the information provided with the application and appeal and in the absence of a Natura impact statement, that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the River Boyne and River Blackwater Special Area of Conservation (Site Code 002299) and the River Boyne and River Blackwater Special Protection Area (Site Code 004232) in view of the site's conservation objectives. In such circumstances, the Board is precluded from granting permission.
- 5. The issue of noise, light and dust emissions and general disturbance from traffic and other activities on site has not been adequately addressed in the submitted information. The Board, therefore, is not satisfied that noise and general disturbance from a facility of the scale proposed would not impact unduly on the character and amenity of the surrounding rural area.

Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.

Dated this day of 2018