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**Planning and Development Acts 2000 to 2017**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: AA/17/0313**

**Appeal** by Eugene Duff of Cookstown, Ashbourne, County Meath against the decision made on the 11<sup>th</sup> day of December, 2017 by Meath County Council to grant subject to conditions a permission to James Heavey care of Shay Scanlon of Kilmore, Kilcock, County Meath in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of an enterprise centre consisting of 8 number light industrial units with workshop/storage and office at ground floor, office, and mezzanine areas at first floor, new vehicular entrance to the public road, in lieu of the existing entrance, internal access road, car parking, footpaths, boundary treatment, free standing directory sign and associated signage, along with all associated services, to include a pumping station and surface water attenuation, service connections, site development & landscape works; demolition of the existing single storey dwelling on site Cookstown (ED Kilbrew), Ballybin Road, Ashbourne, Co. 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**

Having regard to the zoning objective governing the subject site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to the planning authority on the 15<sup>th</sup> day of November 2017, 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 the 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. The development permitted shall be used only for industrial or warehouse uses, and, in particular, shall not be used for any form of retailing use

**Reason:** To delimit the extent of the permitted development in the interests of orderly development and clarity.

3. The site access arrangements shall be developed in accordance with the site layout drawing number 2150 2P 201 submitted to the planning authority on the 15<sup>th</sup> day of November, 2017 unless otherwise agreed with the planning authority.

**Reason:** In the interest of traffic safety.

4. 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.

5. Details of the proposed external finishes to the proposed industrial units including details in respect of colour, texture and materials shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

6. Site development and building works shall be carried out only between the hours of 0800 hours to 1900 hours Monday to Friday inclusive, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviations from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interests of sustainable waste management.

8. The construction of the development shall be managed in accordance with a Construction 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, including noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

9. The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

10. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. Any proposed public lighting along the northern boundary of the site shall be cowled towards the site so as to ensure that light spillage into the adjoining site to the immediate north is minimised. Details of the nature of the proposed cowling shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of residential amenity and public safety.

11. During the construction phase, the developer shall provide adequate off-street car parking facilities for all traffic associated with the proposed development including delivery and serviced vehicles and trucks. Details shall be agreed in writing with the planning authority prior to the commencement of development. There shall be no parking along the public road.

**Reason:** In the interest of traffic safety.

12. The proposed directory sign shall not be internally illuminated. Apart from this sign, no advertisement or advertising structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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**Terry Ó Niadh**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2018.**