



---

**Planning and Development Acts 2000 to 2019**

**Planning Authority: Meath County Council**

**Planning Register Reference Number: RA/191637**

**Appeal** by David and Catherine Molony of Clonross, Drumree, County Meath against the decision made on the 20<sup>th</sup> day of May, 2020 by Meath County Council to grant subject to conditions a permission to Geoff Daly on behalf of Farmec Limited care of Frank Burke and Associates of Baldara, Trim Road, Navan, County Meath in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of existing agricultural building and permission for change of use of existing building to a wholesale and distribution centre for farm machinery, incorporating provision of a wastewater treatment system and percolation area, closing up of existing agricultural entrance and relocation of same and all associated site works, at Clonross, Drumree, 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**

Having regard to the pattern of development in the area and to the location, nature and scale of the proposed use, it is considered that the proposed development and the development for which retention is sought would be in accordance with planning policy and objectives relative to supporting sustainable small scale rural enterprise and diversification in the current development plan for the area (Section 4.4.1 and supporting policies refer). It is considered that, subject to compliance with the conditions set out below, the development proposed for retention and the proposed change of use would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the rural agricultural area, would not be prejudicial to public health and would 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 on the 24th day of March 2020, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the site and building shall be restricted to use as a wholesale and distribution centre for farm machinery (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

**Reason:** To protect the amenities of the rural area and property in the vicinity.

3. Prior to commencement of use, the following details shall be submitted to and agreed in writing with the planning authority.
  - (a) Details of measures to control potential light spillage during the operational phase of the development;
  - (b) Details of receptacles for waste to be provided and available for use at all times on the premises.

**Reason:** In the interests of clarity and to protect rural and residential amenity.

4. The following shall be completed prior to commencement of use and shall comply with the requirements of the planning authority for such works:
  - (a) The existing vehicular entrance shall be closed off and the proposed entrance shall be relocated as shown on the plans submitted to the planning authority on the 24<sup>th</sup> day of March 2020.
  - (b) All works required to achieve clear and unobstructed sightlines of 90 metres on either side of the entrance.
  - (c) The proposed pull-in area between the road and the site boundary shall be completed and maintained clear and free of obstruction and shall not be used for parking.
  - (d) The lorry turning area and on-site parking area shall be surfaced and marked out and be in accordance with the requirements of the planning authority for such works.

**Reason:** In the interests of clarity and road safety.

6. The site shall be landscaped, using indigenous deciduous trees and hedging species, in accordance with a landscaping scheme to be submitted. This scheme shall include the following:
  - (a) the planting to be established behind the set-back to allow for the pull-in along the road frontage as shown on drawing number PVGS09112019 Rev 1 submitted to the planning authority on the 24<sup>th</sup> day of March, 2020,

(b) the establishment and augmentation of hedgerows along the side and rear boundaries of the site, and

(c) details of proposals for landscaping along the western part of the site.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Species such as cypress, escallonia, griselinia, leylandii, rhododendron and laurel shall not be used.

**Reason:** In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

7. (a) 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.
- (b) Details showing the location of the private well shall be submitted to the planning authority prior to commencement of development.

**Reason:** In the interest of public health.

8. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single

Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the commencement of the use of the building 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) Surface water soakways shall be located such that the drainage from the building and surfaced areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of commencement of use of the building, 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 Environmental Protection Agency document.

**Reason:** In the interest of public health.

9. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

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

10. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements 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:** To protect the visual amenities of the area.

11. 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 and traffic management measures and management of construction/demolition waste.

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

12. The developer shall be responsible for the full cost of repair in respect of any damage caused to any adjoining public roadway arising from the construction work and shall make good any such damage forthwith to the satisfaction of the planning authority.

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

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 within three months of the date of this Order 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.

---

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

**Dated this            day of            2020.**