



Planning and Development Acts 2000 to 2021

Planning Authority: Meath County Council

Planning Register Reference Number: 21/969

Appeal by Michael and Sarah Gleeson care of VCL Consultants of 13 Ashdale, Wheaton Hall, Drogheda, County Louth and by Mary Gleeson of Raystown Lodge, Ashbourne, County Meath against the decision made on the 14th day of December, 2021 by Meath County Council to grant subject to conditions a permission to Briggs Equipment Ireland Limited care of Kavanagh Burke Consulting Engineers of Unit F3, Calmount Business Park, Ballymount, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development will consist of: demolition of an existing warehouse/light industrial building 1,577 square metres, 9.49 metres high currently in use as a depot for a HGV haulage firm and demolition of 11.8 square metres, 2.75 metres high weighbridge building and removal of weighbridge plus removal of existing septic tank and percolation area to the rear of the site currently in the undeveloped portion. The new development will consist of a warehousing/light industrial unit (total floor area 5,585 square metres) on an 8-acre site as follows: 4,392 square metres warehouse/light industrial area for storage and maintenance of plant and equipment (mainly forklift trucks and other materials handling equipment), 348 square metres

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ancillary workshop, 98 square metres trade counter area, 438 square metres ancillary office and accommodation on two floors and 309 square metres staff facilities. Provision of 379 square metres external plant display area to front of yard for occasional display purposes within the site. Widening existing site access from 6.5 metres to 12 metres to the R125 Ashbourne Road to facilitate ease of site access and egress. Ancillary van and car parking, cycle parking and electric vehicle charging. Washbay for plant/equipment within rear yard. Ancillary yard for access/egress, marshalling. External storage of plant and equipment 5,211 square metres within external yard. Provision of a new wastewater treatment system and infiltration area with ecoflow coco nut tertiary treatment filter. Site boundary treatments including fencing, landscaping/planting and paving. All at Raystown, Ashbourne Road, Ratoath, County Meath. Significant further information/revised plans submitted on this application.

Further public notices were received by the planning authority on the 19th day of November, 2021 which outlines that significant further information has been submitted relates to the following: Demolition of existing warehouse building (reference to light industrial removed), proposed warehouse building (reference to light industrial removed), omission of previously proposed 379 square metres external plant display area to front of yard, site access gate (originally 12 metres wide) now nine metres wide, and vehicle washbay now incorporates specific pollution prevention interceptor.

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 site's land use zoning E2 'General Enterprise and Employment' with an objective 'To provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment/enterprise uses in a good quality physical environment' as set out in Meath County Development Plan 2021-2027, to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area and to the submissions and observations received, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area 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.



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 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 and projects, on these European Sites in view of the site's conservation objectives and that a Stage 2 Appropriate Assessment is not, therefore, required.

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 8th day of November, 2021, 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. The external finishes of the proposed development including materials, colour and texture shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. 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 include inter alia a construction programme for the works, a traffic management plan and details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste. A construction manager shall be appointed to liaise directly with various sections of the council.

Reason: In the interests of public safety and residential amenity and proper planning and sustainable development.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1800 hours on Saturdays and not at all on Sundays and public holidays. Deviation 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.



5. No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at, or dispatched from the development hereby permitted outside the hours of 0800 to 1900 Mondays to Saturdays, nor at any time on Sundays or Public Holidays unless otherwise agreed in writing with the planning authority.

Reason: In interest of residential amenity.

6. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:
- (i) An Leq, 1h value of 55 dB(A) during the period 0800 to 1900 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 residential amenities of property in the vicinity of the site.

7. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species.
 - (ii) Details of screen planting which shall not include *Cupressus × leylandii*.
 - (iii) Details of roadside/street planting which shall not include *prunus* species.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
 - (c) A timescale for implementation including details of phasing.

All planting shall be adequately protected from damage until established. 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.

Reason: In the interest of residential and visual amenity.

9. 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 interest of sustainable waste management.

10. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities, 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 provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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

Reason: In the interest of public health.

12. (a) The proposed effluent treatment and disposal system 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 - Treatment Systems for Small Communities, Business, Leisure Centres and Hotels" – Environmental Protection Agency. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the first occupation of the development, 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 in accordance with the standards set out in the EPA document.

Reason: In the interest of protection of the environment.

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 the 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.



Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this 03 day of May 2022