

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 22/763

Appeal by Fyanstown Community Group care of John Callaghan of 10 The Cloisters, Kells, County Meath against the decision made on the 4th day of August, 2022 by Meath County Council to grant permission subject to conditions a permission to Paddy Brady Agri Limited care of Rowan Engineering Consultants Limited of Unit 14, Scurlockstown Business Park, Trim, County Meath for development comprising the removal of 8 metres of piers and walls either side of the existing entrance along the R163; installation of piers 2.5 metres from existing piers down the existing avenue/driveway; and construction of a wall to the same height as the current wall which will adjoin the newly proposed piers and the wall along the R163. Retention permission is sought for the placing of topsoil berm with an area of 1,102 square metres at site perimeter; the pouring of concrete for the concrete pad with an area of 538 square metres and placing of crushed rock for the creation of hard stand with an area of 4,581 square metres; and retention planning for a lime silo; all at Rossmeen, Kells, County Meath in accordance with the plans and particulars lodged with the said Council.

Decision

GRANT permission for the removal of 8 metres of piers and walls either side of the existing entrance along the R163, installation of piers 2.5 metres from existing piers down the existing avenue/driveway, and construction of a wall to the same height as the current wall which will adjoin the newly proposed piers and the wall along the R163 in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for retention of the placing of topsoil berm with an area of 1,102 square metres at site perimeter; the pouring of concrete for the concrete pad with an area of 538 square metres and placing of crushed rock for the creation of hard stand with an area of 4,581 square metres; and retention planning for a lime silo based on the reasons and considerations marked (2) under

Reasons and Considerations (1)

The Board considered that the proposed modifications to the entrance, subject to compliance with the conditions set out below, were appropriate from a road safety perspective, would be acceptable in terms of road safety and convenience and would not seriously injure the amenity of the surrounding area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for alterations to the existing entrance, the Board considered that, subject to the below conditions, the proposed development would not seriously impact the amenity of the area or pose a risk to road safety and would be compatible with the proper planning and sustainable development of the area.

Conditions

1. The permitted components of the development shall be constructed in accordance with the plans and particulars lodged with the planning authority except as amended 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. All relevant conditions attached to the permissions granted under planning register reference numbers KA/120937 (An Bord Pleanála Appeal reference number PL 17.241695) and KA/100736 shall be complied with in full, to the satisfaction of the planning authority, except as amended in order to comply with the attached conditions.

Reason: In the interest of the proper planning and sustainable development of the area.

3. New site boundaries shall consist of timber fencing backplanted with hedgerow of species native to the area.

Planting shall commence no later than the first planting season following commencement of development on 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.

Reason: To protect the visual amenity and natural heritage of the area,

4. The applicant shall provide and maintain sightlines of 160 metres to both sides of the proposed entrance to the nearside road edge from a setback of 2.4 metres as shown in the Site Layout Plan drawing number 21434-104 Rev. A submitted to the planning authority with the application, and in accordance with the Transport Infrastructure Ireland publication DN-GEO-03060-03. The envelope of visibility shall encompass the area between a driver eye height within the range of 1.05 metres to two metres, and an object height within the range of 0.6 metres to two metres. The entire nearside edge of the road shall be visible over the entire sightline. No development work shall commence on site until the visibility splays have been provided.

The proposed entrance layout shall be in compliance with Figure 5.10 of Transport Infrastructure Ireland publication DN-GEO-03060-03. The face of the entrance piers shall be at least seven metres from the edge of the road.

Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.



5. Prior to the commencement of development, full details including elevation drawings of the proposed entrance gates, walls and piers shall be submitted to, and agreed in writing with, the planning authority. These structures shall not exceed 1.5 metres in height unless the prior written agreement of the planning authority is first obtained.

Reason: In the interests of traffic safety and the proper planning and sustainable development of the area.

Reasons and Considerations (2)

1. Having regard to the planning history of the site, namely KA/120937 (An Bord Pleanála appeal reference number PL17.241695) which allowed only for the storage of sludge/bio solid fertiliser, the retention of the lime silo, if permitted, would extend the operations on site to include for the on-site treatment of sludge by way of alkaline stabilisation. The Board is not satisfied that adequate information has been submitted with the planning application and the appeal detailing the lime stabilisation process undertaken on site, including the nature of the machinery/equipment involved, and the amount of lime used. In the absence of such information, it is considered that the retention of lime silo for the treatment of sludge/biosolids would give rise to a risk of environmental pollution and be prejudicial to public health.
2. On the basis of the information submitted with the application and the appeal, the Board is not satisfied that the applicant has demonstrated that the arrangements for the collection, treatment and discharge of water are adequate to cater for the development proposed to be retained without giving rise to the risk of environmental pollution. In this regard, it is considered that the development proposed to be retained would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. On the basis of the information submitted with the application and appeal and in the absence of a Natura impact statement, and having regard to the potential for the discharge of contaminated water to the Moynalty River that provides hydrological pathway to the River Boyne and Blackwater Special Area of Conservation (Site Code: 002299) and Special Protection Area (Site Code: 004232), the Board is not satisfied that the proposed development individually, or in combination with other plans and projects would not be likely to have a significant effect on the River Boyne and 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 retention of planning permission for the facility in question.



Stephen Brophy

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *1st* day of *November* 2023.