

An
Bord
Pleanála

Board Order ABP-319169-24

Planning and Development Acts 2000 to 2022

Planning Authority: Meath County Council

Planning Register Reference Number: 23/60448

Appeal by Farrelly Haulage Limited care of Declan Brassil and Company of Lincoln House, Phoenix Street, Smithfield, Dublin against the decision made on the 1st day of February, 2024 by Meath County Council to refuse permission for the proposed development.

Proposed Development: Retention and full planning permission for change of use, development and works. The proposed development and works consists of: 1) permission for retention of hardstanding on an area of 0.407 hectares, and permission for a change of use of that area from the previously authorised agricultural use to use for the turning, parking and storing of commercial vehicles and plant as an extension of, and ancillary to, the authorised parking and storage use on the adjoining lands to the west and south, 2) permission to remove hardstanding on an area of 0.413 hectares area for the purpose of reinstating the authorised agricultural use of that area, and 3) all associated landscaping, development and works, all at site of 0.82 hectares at Knock, Castletown, Navan, 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.

Reasons and Considerations

Having regard to the nature of the development proposed to be retained and the proposed development, to the associated established haulage business at this location, to the safety/circulation and operational purpose of the development, and to the planning history of the adjacent lands, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the proposed development would not seriously injure the residential or rural amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning a sustainable development of the area.

Conditions

1. The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by An Bord Pleanála on the 28th day of February, 2024, 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, completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The operating hours of the development shall be from 0800 to 1900 hours Mondays to Saturdays, and not at any time on Sundays or Public Holidays unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

3. (1) The applicant shall be limited to a maximum of 40 vehicles on inward and 40 vehicles on outbound trips. Of these 24 Heavy Goods Vehicles (HGV) movements, (a max of 12 HGV inward and 12 HGV outward) shall be allowed to access the site daily as permitted under planning register reference number 22/1587 and planning register reference number 23/60095.
- (2) A log book recording all vehicular movements to and from the applicant's business shall be established and operated by the applicant, or agent thereof, and shall be made available to the planning authority for periodic inspections.
- (3) Details of the establishment of a log book, including details of a designated contact person, shall be submitted to, and agreed in writing with, the planning authority within three months from the date of this order.

Reason: In the interest of traffic safety and amenity.

4. (1) Within three months from the date of this order, a detailed site layout plan identifying a clearly delineated turning area with clearly defined safety and traffic flow signage, along with a timescale for implementation, shall be submitted to, and agreed in writing with, the planning authority.

- (2) Parking shall be prohibited at the site access point and along the lay-by of the public road and this shall be clearly signposted, and details of such signage shall be submitted to the planning authority for agreement.

Reason: In the interest of traffic safety and orderly development.

5. (1) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed: -
- (i) an LAeqT value of 55 dB(A) during the period 0800 to 1900 hours from Monday to Saturday inclusive, and
- (ii) an LAeqT value of 45 dB(A) at any other time.
- (2) All sound measurement shall be carried out in accordance with best practice.

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

6. Within three months from the date of this order, a noise management plan identifying measures to be employed to ensure that the noise from the development complies with the terms of condition number 5 and identifying a noise liaison officer responsible for the implementation of the plan shall be submitted to, and agreed in writing with, the planning authority.

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

7. No overspill/encroachment of activities or development shall be permitted onto any of the adjoining lands. All plant/materials/goods/vehicles associated with Farrelly Haulage Limited shall be stored within the site boundaries outlined in red, on the site layout map submitted to the Board on the 28th day of February 2024. No plant/materials/goods/vehicles shall be stored outside the site boundaries at any time.

Reason: In the interest of orderly development.

8. Within six months from the date of this order, 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 such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species,
- (ii) details of screen planting which shall not include cupressocyparis x leylandii, and
- (iii) specific details for screening the east and south boundaries of the site.

(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. (1) Waste oils/fluids/batteries and discarded machinery parts shall be properly stored on site in a defined waste collection area and shall be properly disposed of by specialist contractors at frequent intervals.
- (2) End of life derelict vehicles/disused machinery and parts shall be properly disposed of by specialist contractors at frequent intervals and shall not be stored on site.

Reason: In the interest of public health and visual amenity.

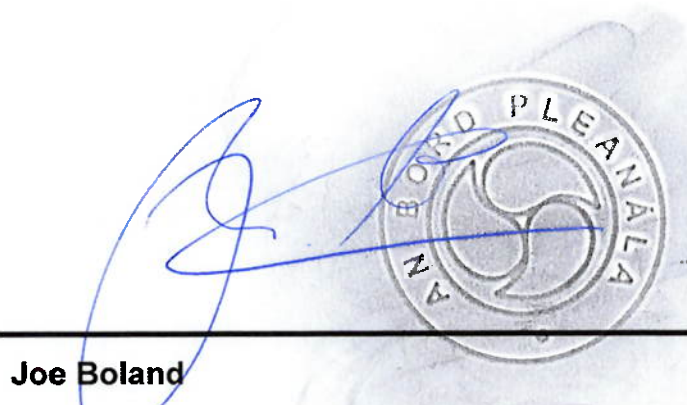
10. Surface water from the site shall be disposed of within the boundaries of the site and shall not discharge onto the public road or adjoining property.

Reason: In the interest of orderly development.

11. 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.



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

Dated this 31st day of October 2024