



An
Bord
Pleanála

Inspector's Report PL.17.248421.

Development	Demolition of existing hay shed and stable, construction of a storage shed incorporating personnel office and toilet used to house light goods and non-perishable materials, lean to canopy to one side.
Location	Tayto Park Visitor Centre, Ashbourne, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	AA/170159.
Applicant(s)	Ashbourne Visitor Centre.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party
Appellant(s)	Fergus Carey.
Observer(s)	None.
Date of Site Inspection	07/07/2017.
Inspector	Karen Kenny.

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	4
3.3. Prescribed Bodies	4
3.4. Third Party Observations	4
4.0 Planning History.....	5
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations	9
6.0 The Appeal	9
6.1. Grounds of Appeal.....	9
6.2. Applicant Response	11
6.3. Planning Authority Response.....	12
6.4. Observations.....	12
6.5. Further Responses	12
7.0 Assessment.....	12
8.0 Recommendation.....	17
9.0 Reasons and Considerations.....	17

1.0 **Site Location and Description**

- 1.1. The site is located in the rural townland of Kilbrew, Ashbourne, approximately 5 kilometres north west of Ratoath and 4.4 kilometres north west of Ashbourne. The site forms part of the Tayto Park Visitor Centre landholding.
- 1.2. The site is rectangular in shape with a stated area of 0.685 hectares. It is bounded by residential properties to the east and west, by the visitor centre car park to the north and by a minor county road to the south.
- 1.3. The site comprises a grassed field that is bounded by mature planting and subdivided by post and rail fencing. There is a hay shed, stable and bird enclosure on site that are associated with the Tayto Park Visitor Attraction and an agricultural access from the public road to the front and from Tayto Park to the rear.

2.0 **Proposed Development**

- 2.1. The proposed development consists of the demolition of existing structures and construction of a new storage shed for the storage of light goods and non-perishable materials. The development can be summarised as follows:
 - Removal of existing structures on site with a stated floor area of 293 square metres.
 - Construction of a storage shed with a stated floor area of 2218 square metres. The shed measures c. 31 metres by c. 73 metres and has a pitched roof over with a ridge height of 10.7 metres. It is also proposed to construct a canopy on the eastern side of the building. Internally the shed incorporates a large open plan area with ancillary office and toilet areas.
 - It is proposed to upgrade existing agricultural accesses to front and rear of the site and to construct a concrete apron to the front of the shed.

3.0 **Planning Authority Decision**

3.1. **Decision**

Grant permission subject to 18 no. conditions. The following conditions are of note:

- Condition no. 2 limits the use of the structure to storage purposes that are ancillary to the Tayto Park Visitor Attraction.
- Condition no. 3 requires revised details in relation to vehicular access and sightlines prior to the commencement of development and states that any works proposed to lands outside of the applicant's ownership must include a letter of consent from the relevant owner.
- Condition no. 4 limits HGV traffic associated with the development to 2 per day over 5.5 days per week.
- Condition no. 7 limits the hours of construction and general operation of the development to between the hours of 0800 and 1800 Monday to Friday and 0800 and 1400 on Saturday.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Officer's Report reflects the decision to grant permission.

3.2.2. Other Technical Reports

Transportation: No objection subject to conditions.

Environment: No objection.

Water Services: Further information requested.

Public Lighting: No comment.

Conservation Officer: No comment.

3.3. Prescribed Bodies

Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs:

No objection.

3.4. Third Party Observations

1 no. submission was received. The issues raised are similar to those set out in the grounds of appeal summarised in Section 6 below.

4.0 Planning History

01/1192:

Permission refused for a vegetable storage handling and dispatch building, office floor space, a yard and parking area, widened entrance, waste water treatment system and associated site works on a site that incorporated the appeal site and lands to the rear. The reasons for refusal noted that the proposal was contrary to an objective of the Development Plan to locate development of the type proposed into areas identified for employment and industrial uses, that the development would give rise to traffic hazard and that the development would have an adverse impact on the visual amenity of the area.

DA/60200:

Permission granted in March 2007 for educational, visitor and interpretative centre. The proposal comprised an educational interpretative centre, associated restaurant and shop, picnic and children's play area, indian village with points of interest along forest walk and factory walk and viewing areas.

ABP Ref. PL17.230693 / PA Ref. DA800081:

Permission granted for revisions to previously approved educational, visitor and interpretative centre (reg. ref. DA/60200) within a site of 6.8 hectares.

PA Ref. DA110626:

Permission granted for retention of amendments to the previously permitted educational, visitor and interpretive centre including extension of the site by approximately 4.8 hectares, alterations to permitted layout and provision of additional facilities. A third party appeal against this decision was subsequently withdrawn.

DA120110:

Permission sought for retention and completion of amendments to the previously permitted educational, visitor and interpretive centre. Application withdrawn following a request for further information.

DA120739:

Permission granted for the retention and completion of an extension to the existing educational, visitor and interpretive centre.

DA120817:

Permission granted for the retention and completion of a temporary overflow car park for exceptional event days.

DA120951:

Permission granted for amendments to and retention of amendments to the previously permitted educational, visitor and interpretive centre. Application withdrawn on appeal.

DA/120986:

Permission granted for retention and completion of amendments to the previously permitted educational, visitor and interpretive centre.

DA/130794:

Permission granted for a new 'swing boat' attraction at Tayto Park Visitor Centre.

DA/130795:

Permission granted for development of animal shelters at Tayto Park Visitor Centre.

DA/130819:

Permission granted for the removal of existing dining marquee and construction of a "Pony Trekking" ride at Tayto Park Visitor Centre.

DA/140179:

Permission granted for extension of the existing Tayto Park facility on a site of approximately 18.1 hectares to include a new vehicular entrance, a new roundabout on the R155 and associated works to the public road including localised road realignment, and a new car parking area to provide a total of 1,917 no. car parking spaces to serve the entire facility. The development also provides for construction of complementary visitor facilities and attractions to include a Wooden Rollercoaster, indoor "Dark Ride" attraction and "Air Race" attraction. The application was accompanied by An Environmental Impact Statement (EIS).

AA/140526:

Permission granted for an extension to the existing Visitor Centre Building and for the omission of condition 4 of ABP Ref. PL17.230693 (which permitted operation of

the Visitor Centre Building only in conjunction with the permitted Educational, Visitor and Interpretive Centre) to facilitate evening restaurant (between 1800hours to 0100 hours) and event and function uses not associated with or ancillary to the operation of the permitted Tayto Park facility at off-peak and out-of-season times.

AA/150220:

Permission granted for amendments to the previously permitted development under Reg. Ref. DA/140179.

AA150471:

Permission granted for retention of amendments to the works permitted for the construction of the new roundabout and access to the Tayto Park granted under MCC Reg. Ref. DA140179.

AA/160769:

Permission granted for a falconry attraction and associated structures at three separate locations all within the existing park area including a structure on the appeal site.

5.0 Policy Context

5.1. Development Plan

The Meath County Development Plan 2013-2019 is the relevant statutory plan for the area. The site is located in a rural area outside of a designated settlement. The following policies and objectives are considered to be relevant.

- Core Principle 7: To protect and support rural areas through careful management of physical and environmental resources and appropriate, sustainable development.
- ED POL 17: To promote rural economic development by recognising the need to advance the long term sustainable social and environmental development of rural areas and encouraging economic diversification and facilitating growth of rural enterprise.
- ED POL 20: To normally permit development proposals for the expansion of existing authorised industrial or business enterprises in the countryside where

the resultant development does not negatively impact on the character and amenity of the surrounding area. In all instances, it should be demonstrated that the proposal would not generate traffic of a type and amount inappropriate for the standard of the access roads. This policy shall not apply to the National Road Network.

- ED POL 21: To permit development proposals for individual or business enterprises in the countryside where generally the following criteria are met:
 - (i) the proposed use has locational requirements that can more readily be accommodated in a rural location than an urban setting and this has been demonstrated to the satisfaction of Meath County Council;
 - (ii) the development will enhance the strength of the local rural economy;
 - (iii) the resultant development is of a size and scale which remains appropriate and which does not negatively impact on the character and amenity of the surrounding area;
 - (iv) the proposal demonstrates that it has taken into account traffic, public health, environmental and amenity considerations;
 - (v) the proposal is in accordance with the policies, requirements and guidance contained in this plan;
 - (vi) it is demonstrated to the satisfaction of Meath County Council that the proposal would not generate traffic of a type and amount inappropriate for the character of the access roads or would require improvements which would affect the character of these roads. This policy shall not apply to the National Road Network.
- Section 4.6 in relation to Integrated Rural Tourism Complexes, notes that the development of significant family attractions such as Tayto Park has had a positive impact in attracting a different target market to the county, who, when visiting these sites, create spin off revenue for local shops, hotels and other commercial businesses. The addition of Tayto Park has provided a new national tourist attraction in the county deviating from the traditional attractions.

- ED POL 28: To encourage new and high quality investment in the tourism industry in Meath with specific reference to leisure activities (such as ... outdoor pursuits and family orientated activities) and accommodation in terms of choice, location and quality of product.
- ED POL 31: To enable, facilitate and encourage the growth and sustainability of the tourism sector through the provision of tourism enterprise developments in rural areas including open farm and integrated rural developments subject to the provision of adequate infrastructure and compliance with normal planning considerations.
- ED POL 34: To promote Tayto Park as a flagship family visitor attraction in the county, subject to the normal development management standards. Meath County Council will support and encourage further appropriate development of the integrated tourism produce at Tayto Park subject to the provision or upgrade of the requisite physical infrastructure.
- ED POL 14: To foster the prioritisation of employment generating land uses in the urban area of Ashbourne and the adjoining linked settlement of Ratoath.
- ED OBJ 4: To ensure that sufficient and suitable land is zoned for logistics, distribution and supply chain management industries at Ashbourne, Dunboyne / Clonee, Kells, Enfield and Stamullen and in addition to land zoned for large scale and general industry.
- Chapter 11 sets out Development Standards including design criteria for warehouse buildings and parking standards.

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

1 third party appeal has been submitted. The grounds of appeal can be summarised as follows:

- Building is located on a site that is external to Tayto Park.
- Use described in public notices is to house light goods and non-perishable materials. The building can be used for any industrial storage / warehousing use and is not directly linked to Tayto Park.
- A condition of the grant of permission limiting the use of the structure (condition no. 2) will not be enforced.
- The engineers report notes that the building is for souvenirs, sundries and non-perishable supplies associated with Tayto Park. The building should be located within the Tayto Park complex and readily accessible to staff. The facility should not be located remotely and only accessible via an existing road which is sub-standard and has excessive traffic levels.
- The Planning Officers Report references existing large storage / processing structures to the south west and considers that they set a precedent for large commercial related structures. Permission was granted under PA Ref. 002050 for finished goods storage for snack food manufacture and there has been no amending permission.
- To allow the proposed development would set an unacceptable precedent for development of large industrial structures in the backlands of existing residential houses.
- The building is located on a site that is adjacent to residential dwellings. A building of the size and scale proposed will be clearly visible and will de-value properties in the area.
- The proposal would also involve HGV's entering from a narrow public road to deliver goods to the proposed building and the goods would have to be subsequently delivered to the Tayto Park complex by the same entrance.
- The proposed development is speculative and on this standalone site will be for industrial storage or manufacturing to be let or sold to third parties. This site is clearly surplus to the requirements of the main Tayto Park complex.
- The applicant has not referenced a previous application Ref. 011192 on this site for a vegetable storage handling and dispatch building with adjoining offices that was refused permission.

6.2. Applicant Response

The applicant's response can be summarised as follows:

- The development site is within the Tayto Park complex ownership as outlined in blue on planning drawings.
- The proposal is to utilise an existing entrance from the public road and make use of an existing gate. This entrance will facilitate delivery only and will not allow for any public access to or from the Tayto Park facility.
- The location of the proposed development was chosen with the future development of Tayto Park in mind so as not to impact potential visitor routes, visitor experience or proposed attractions. The public road is used as HGV delivery access to Tayto Park with access and egress to the proposed development being kept to a minimum as outlined in the engineering report and conditioned.
- Meath County Council has deemed the Largo Foods and MD Burns facility as a precedent for the proposed development. Other matters pertaining to ownership are not substantive matters for the appeal.
- The Planning Officer's Report outlines the capacity of the landscape to cater for development, notes the strong network of trees and high screening potential and that views within this general area are limited by the complex topography and mature vegetation.
- The report acknowledges the residential properties in the vicinity and conditions operating hours.
- The proposal is to use an existing entrance from the public road and make use of an existing gate.
- Staff access to the proposed building will be via the existing Tayto Park complex using the service road indicated to the north of the proposed building as shown on the planning drawings.
- No delivery routes will change with this proposed development as the existing public road is currently used for delivery of the same materials to Tayto Park.

- The suggestion that the building will be used for anything other than the stated use or that it would be sold to a third party is unsubstantiated.

6.3. **Planning Authority Response**

The proposed development was considered to be consistent with the policies and objectives as outlined within the Meath County Development Plan 2013-2019. The Planning Authority refers An Bord Pleanála to the Planning Officers Report.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

I consider that the main issues in this case are as follows:

- Principle of Development and Compliance with Policy
- Impact on Character of the Area
- Impact on Residential Amenity
- Transportation Impacts
- Other Issues
- Appropriate Assessment (AA) Screening

7.1. **Principle of Development and Compliance with Policy**

7.2. Permission is sought to construct a storage shed with a stated floor area of 2,218 square metres and a new vehicular access from the public road, on a site that adjoins the Tayto Park visitor attraction and is part of the overall landholding. It is stated that this would supersede an extant permission (PA Ref. AA160769) to

construct a lofting avery structure with a stated area of 960 square metres on the appeal site.

- 7.3. The appeal site is located in a rural area c. 5 kilometres north west of Ratoath and 4.4 kilometres north west of Ashbourne. The site is bounded by a line of residential properties to east and west, by the established Tayto Park visitor attraction to the north and by a public road to the south. The site comprises a grassed field and contains a hay shed, stable and bird enclosure that house animals / birds and fodder associated with the visitor attraction. There is an agricultural access to public road to front and to the visitor attraction to the rear.
- 7.3.1. The Meath County Development Plan 2013-2019 is the relevant statutory plan for the area. The appeal site is located in a rural area that is outside of the designated settlements identified in the Development Plan and is not subject to a land-use zoning objective. It is a core principle of the Development Plan to protect and support rural areas through careful management of physical and environmental resources and appropriate sustainable development. The Plan supports the development of the Tayto Park visitor attraction and includes a specific policy to promote Tayto Park as a flagship family visitor attraction and to support further appropriate development of its integrated tourism product (Policy ED POL 37). The Development Plan seeks to permit business enterprises in the countryside in limited circumstances only, where locational requirements are demonstrated (ED POL 21) and to prioritise employment generating land uses in the urban areas of Ashbourne and Rathoath (ED POL 14).
- 7.3.2. The grounds of appeal argue that an ancillary storage shed should be located within the Tayto Park complex, that the proposed development could be used for any industrial or warehousing use and that it is not directly linked to Tayto Park. The information submitted with the application states that the proposed storage shed will be used to house light goods and non-perishable materials that are associated with the Tayto Park attraction. The appeal site is considered to be peripheral to the visitor attraction complex due to its position at the edge of the of the landholding, between a line of residential properties and its independent access from the public road. No information is provided to explain where the materials are currently stored, why it is proposed to relocate the storage to the appeal site and why a more central

position within the complex that would be accessible from the internal road network was not chosen. I would also note that no information is provided to explain why a storage shed of the scale proposed is required to support activities within the established visitor attraction.

- 7.3.3. It is considered that a storage shed within the Tayto Park complex to house materials that are associated with the established use would be acceptable in principle and consistent with the policies and objectives of the Development Plan. However, on the basis of the information submitted with the application and having regard to the peripheral location of the site within the overall landholding, the scale of development proposed and proposal to construct an independent vehicular access to serve the development, it is considered that the proposed development would represent an expansion of the existing facility and that the applicant has failed to adequately demonstrate that the development would be ancillary to the established visitor attraction. The Development Plan for the area seeks to permit business enterprises in the countryside in limited circumstances only, where locational requirements are demonstrated. It is considered based on the submitted information, that the applicant has failed to demonstrate that the proposed development is ancillary to the established visitor centre use on adjacent lands or to demonstrate locational requirements for a facility of the nature and scale proposed.

7.4. Impact on Character of the Area

- 7.4.1. The proposed development comprises a large structure with a stated floor area of 2,218 square metres. The structure is rectangular in shape measuring c. 31 metres by c. 73 metres and has a pitched roof over with a ridge height of 10.7 metres. External finishes include block walls, cladding and roller doors. It is proposed to construct a substantial turning area (concrete apron) to front of the shed to facilitate vehicular movements, including HGV movements, within the site. There is also provision for a service access from the adjoining visitor attraction to the rear.
- 7.4.2. The grounds of appeal argue that the proposed structure should be located away from residential dwellings and that the building will be clearly visible. The appeal site is at the edge of the Tayto Park landholding, but is separated from the visitor

attraction by a dense hedge, is situated along a line of residential properties and has direct frontage along a public road. While there is hedge planting along the roadway and some tree planting within the site, it was noted during site inspection that the site is visible from the road at front and from the adjacent residential properties. The area is predominantly rural in character, with agricultural and residential development in the immediate vicinity. It is considered that the proposed development by reason of its scale and bulk would be visually obtrusive when viewed from the public roadway to front and from adjacent properties and that it would be at odds with the rural character of the area and with the character of residential development in the immediate vicinity. It is therefore considered that the development would have an adverse impact on the amenities of the area.

7.5. Impact on Residential Amenity

- 7.5.1. The proposed storage shed is c. 43 metres from the closest dwelling and the access road and concrete apron are c. 10 metres from the closest dwellings. In view of the proximity to residential properties, it is considered that there is potential for noise and general disruption associated with deliveries, staff movements and the operation of the facility, to impact on the amenities of properties in the immediate vicinity. The application does not include any assessment of the noise impact at the nearest noise sensitive locations. While I would note that condition no. 7 of the permission seeks to limit the hours of operation, having regard to the location of the shed in close proximity to residential dwellings it is considered that the noise levels and general disturbance associated with the development would seriously injure the amenities of properties in the vicinity.

7.6. Transportation Impacts

- 7.6.1. Access to the proposed storage building is from a minor county road. It is proposed to upgrade an existing agricultural entrance from the public road and to construct an access and concrete apron within the site to facilitate traffic movements associated with the development. It is also proposed to construct a service road from the Tayto Park facility to the rear for use by staff and to facilitate the transfer of goods within the complex. An engineering report submitted with the application states that

deliveries will not exceed one HGV delivery per day and one van delivery per day and that staff access to the proposed building will be from the existing Tayto Park facility.

- 7.6.2. The primary public access to the Tayto Park complex is located to the north of the appeal site off the R155 Regional Road and there is a secondary / service access c. 100 metres west of the appeal site. There are also accesses to separate manufacturing / distribution facilities c. 100 metres to the west of the site and a number of residential access points along the roadway.
- 7.6.3. While it is stated that the entrance is to facilitate deliveries to the proposed storage building only, it is considered that a development that is directly associated with the Tayto Park visitor attraction should be accessed from the internal roads within the park and that the proposed entrance would further increase the number of access points along this stretch of rural road. It is also considered that the proposed vehicular access is substandard. While drawing 16034/108 indicates sightlines of 90 metres at the edge of the carriageway, vision splays are obstructed behind this point by adjacent roadside boundaries. The applicant has not demonstrated that an improved visibility envelope can be achieved or detailed the works that would be required to achieve improved sightlines. Condition no. 3 of the grant of permission seeks to address this issue by requiring the applicant to submit revised details demonstrating that the required sightlines can be achieved in accordance with the requirements of the TII DMRB Road Geometry handbook TD42/95 and advises that any works proposed to lands outside of the ownership of the applicant must include a consent from the relevant owner. On the basis of site inspection, it is considered that significant works would be required to improve sightlines to an acceptable standard, including the setting back of roadside boundaries that are outside of the applicants control and the removal of roadside planting that contributes to the character of the area. On the basis of the information submitted with the application I am not satisfied that adequate sightlines can be provided and that the traffic movements generated by the development would not result in a traffic hazard.

7.7. Other Issues

- 7.7.1. The Engineering Assessment Report and the drawings and details submitted with the application are considered to satisfactorily address surface water drainage, foul drainage and water supply.

7.8. Appropriate Assessment (AA) Screening

- 7.8.1. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that planning permission should be REFUSED for the reasons set out below.

9.0 Reasons and Considerations

1. The site is located in a rural area. It is the policy of the planning authority, as set out in the current Development Plan for the area, to permit business enterprises in the countryside in limited circumstances where the proposed use has locational requirements that can more readily be accommodated in a rural area. This policy is considered to be reasonable. The Board is not satisfied on the basis of the information submitted with the planning application and in response to the appeal that the proposed development is ancillary to the adjacent visitor attraction or that it has specific locational requirements which necessitate its location at this rural, un-zoned and unserved location. The proposed development would, therefore, contravene development plan policy and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate on a rural road at a point where sightlines are restricted. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The site is located in a rural area at a location that is characterised by residential development. It is considered that the proposed development, by reason of its excessive bulk and massing relative to surrounding buildings, would be visually obtrusive and that it would be at odds with the character of development in the area. Furthermore, having regard to the location of the proposed storage shed in close proximity to residential dwellings, it is considered that the proposed development, would seriously injure the amenities of properties in the vicinity by reason of noise and general disturbance, and would depreciate the value of properties in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Karen Kenny
Planning Inspector

10th August 2017