



An
Bord
Pleanála

Inspector's Report PL17.248960.

Development	New water abstraction and bottling facility comprising extension to yard, new building, septic tank, percolation area and upgrading of vehicular entrance.
Location	Cloncowan, Longwood, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	TA/170520.
Applicant(s)	Desmond Keegan.
Type of Application	Permission.
Planning Authority Decision	Grant permission.
Type of Appeal	Third Party.
Appellant(s)	Damien Harper.
Observer(s)	None.
Date of Site Inspection	23 rd October 2017.
Inspector	Patricia Calleary.

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.73 ha comprises an existing steel framed workshop building and curtilage. It is located c.9km southwest of Trim and c.5km northeast of Longwood in County Meath. It slopes between 68m and 76m AOD. Access is from an existing trackway off the R160 regional road to the south west. The site is bounded by hedgerows along the roadside with the remaining boundaries not marked on the ground.
- 1.2. To the south and southwest, there is an operating sand and gravel pit with faces up to 9m deep. Agricultural pasture land is in use to the west and there is a planted coniferous forest to the north, adjacent to the R160. The closest houses are located to the west and south west, at distances of c.400m and 490m from the site.

2.0 Proposed Development

- 2.1. As described on the public notice, the proposed development would generally comprise the provision of a new water abstraction and bottling facility enterprise. The works would include the upgrading of the existing vehicular access, extension of the existing yard area and the provision of a new single-storey building to the rear of the existing workshop within the site. The proposed building would contain the water bottling facility together with a water bottle storage area, ancillary office and toilet facilities. Water would be extracted from an on-site well with a maximum water usage of 50m³ per week and 10m³ per day.
- 2.2. Permission is also sought for a septic tank and percolation area to serve the development, together with all associated site works and services.
- 2.3. In addition to the normal planning drawings and details, the planning application was accompanied by an EPA format site characterisation assessment report, a hydrological assessment and results of a water quality analysis. A copy of a previous hydrogeological assessment, which was carried out in the adjacent quarry site (dated January 2008) was also included.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority issued a decision to grant permission with 27 conditions attached, the following which are of note:

- **C5:** Requirement for a Construction Environmental Management Plan (CEMP);
- **C6:** Requirement for a Waste Management Plan;
- **C22:** Abstraction on site shall not exceed 50m³ per week;
- **C24:** Bottled water only to be extracted.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planning officer considered the application under the headings of Design & Siting, Environmental Matters, Services, Access and Flood Risk. It was considered that the development was in accordance with Policies ED POL 19 and ED POL 22 and noted a total of three people to be employed on the site. It was also stated that the hydrological assessment submitted was examined in detail. Overall, it was considered that the site was suitable from a technical perspective and that subject to a number of conditions the development would not seriously injure amenities of the area or property in the vicinity and was acceptable from a traffic perspective. Accordingly, it was considered that the proposal would be in accordance with the principles of proper planning and sustainable development. A recommendation to grant permission was put forward.

3.2.2. Other Technical Reports

- Road Design Office – No objection subject to recommended conditions;
- Meath County Council (Public Private Partnership) – No response;
- Environment – No objection subject to recommended conditions;
- Heritage – No report received;

- Water Services – No report received.

3.3. Prescribed Bodies

3.3.1. The file was referred to a number of prescribed bodies as follows:

- Department of Communication, Marine and Natural resources - No report received;
- An Taisce – Comments received – Any intensification of traffic movements should be assessed;
- HSE (EHO Office) – No report received;
- Inland Fisheries Ireland – No report received;
- Heritage Council – No report received;
- Department of Culture, Heritage and Gaeltacht – No report received;
- Irish Water – No report received.

3.4. Third Party Observations

3.4.1. A submission was received from Damien Harper. Issues raised included the following:

- Development would be located on unzoned lands;
- Abstraction of 2.6 million litres of water per year may impact on adjoining private wells;
- Financial sustainability of the proposal is questionable;
- Concerns that iron, manganese and bacteria may arise in the local water quality;
- Concerns raised that the water testing took place in March 2017 when underground water reservoirs would be high, and this may not be representative of normal flow rates;
- Suggests that a sterilisation agreement would be put in place that the quarried lands would be reinstated back to agricultural use.

3.4.2. The Planning Authority noted the concerns raised which it is stated are considered in their assessment of the application. I have also noted and considered these comments in my assessment of the appeal.

4.0 Planning History

4.1. Appeal Site

4.1.1. There is no record of any planning history on the appeal site.

4.2. Vicinity

4.2.1. TA170926 – On the 8th August 2017, an application for permission on a site just north of the R160, in a north western direction from the appeal site also in Cloncowan, Longwood, Co. Meath was received by the Planning Authority and is currently under consideration at the time of writing my report. As described on the public notice, the proposed development would include five bonded warehouses, together with a fire water retention pond, stormwater attenuation pond, access road, internal access routes, water tank and associated infrastructure and all associated site development works and access provisions to the R160 at Cloncowan Longwood, Co. Meath. The proposed development is classified as a lower tier establishment under the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations, 2015 (COMAH Regulations 2015).

4.2.2. Separately, the planning report references the adjoining sand and gravel quarry registration number as QY8.

5.0 Policy Context

5.1. Development Plan

5.1.1. The Meath County Development Plan 2013-2019 is the applicable plan for the area within which the appeal site is located. **Section 4.4.1** sets out policy for Rural Enterprise. Policies which are relevant include the following:

- **ED POL 19:** To recognise the contribution of rural employment to the overall growth of the economy and to promote this growth by encouraging rural enterprise and those activities which are rural resource dependent, including

renewable energy, production, food production / processing and the extractive industries.

- **ED POL 22:** To support rural entrepreneurship and the development of micro businesses (generally less than 10 no. employees) in rural areas where environmental and landscape impact is minimal and such developments do not generate significant or undue traffic. This objective shall not apply to the National Road Network.

5.2. Natural Heritage Designations

- 5.2.1. There are three Natura sites located within a 15km radius of the appeal site. These are the River Boyne and River Blackwater SAC - Site Code: 002299 (c. 3km north), the River Boyne and River Blackwater SPA - Site Code: 004232 (c. 1.5km north) and Mount Hevey Bog SAC – Site Code: 002342 (c.10 km west).
- 5.2.2. In addition to the designated SACs and SPAc listed above, the following proposed NHAs are within a 15km radius of the appeal site: Royal Canal pNHA (Site Code: 002103), 000557 Rathmoylan Esker pNHA (Site Code: 000557), Ballina Bog pNHA (Site Code: 000390), Trim wetland pNHA (Site Code 001357), Molerick Bog pNHA (Site Code 001582) and Carbury Bog pNHA (Site Code 001388).

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. One appeal was received from Damien Harper with an address at Tobertyan, Rathmoylon, Co.Meath. The appeal refers to the concerns raised in the objection submitted to the Planning Authority at application stage and raises the following additional concerns summarised below:
- It would appear that there was no objective analysis of the hydrology report by the Planning Authority;
 - The Planning Authority considered the application based on 3 employees, which is at variance with the applicant's submission that there would be 15 people employed;

- No reference to the appellant's original concerns in the Planning Officer's report (including siting on rural unzoned lands and sterilisation of landholding from further future development apart from reinstatement of quarried lands back to the original agricultural use should permission be granted for the development);
- Traffic assessment including consideration of traffic volumes, which would be generated may not have been robust.

6.1.2. In addition to the above, the appellant raises concern that a separate application has been submitted by Jonabrook Ltd. under Planning reg. reference TA170885 for a site directly across the road from the proposed development. A description of the proposed development is referenced in the appeal which states it is for 5 no. bonded warehouses which will be classified as a lower order tier establishment under the EC (Control of Major Accident Hazards involving Dangerous Substances) Regulations, 2015 (COMAH Regulations 2015)¹.

6.2. Applicant Response

6.2.1. There is no response from the applicant on the appeal file.

6.3. Planning Authority Response

6.3.1. The Planning Authority restates its position that it is satisfied that all matters which are raised in the appeal were considered in the initial assessment of the planning application, as detailed in the Planning Officers report.

6.4. Invited Responses

6.4.1. The Board invited comments from Inland Fisheries. Their response stated they had no objection subject to inclusion of conditions attached by Meath County Council.

6.5. Observations

6.5.1. No observations were received on the appeal.

¹ Note: This application was deemed invalid and an application with the reference number TA170926 followed, details which are included in Section 4 above.

7.0 Planning Assessment

7.1. Introduction

7.1.1. I have read the contents of the planning application and appeal file. I have also visited the site and environs and have considered relevant planning policy. I consider that the key planning and environmental issues in determining the application and appeal before the Board are as follows:

- Principle of the Development;
- Hydrology and Hydrogeology Environment;
- Access and Traffic;
- Effluent Treatment;
- Other Matters;

7.1.2. My considerations of each of the above issues are presented under their respective headings below. I have also considered the development under the headings of both Environmental Impact Assessment screening and Appropriate Assessment screening.

7.2. Principle of the Development

7.2.1. The proposal is for a rural enterprise involving abstraction of water and bottling of same for sale. Section 4.4.1 of the current Meath County Development Plan is supportive of rural enterprises such as that proposed, particularly through Policy ED POL 19, which includes support for rural enterprises which are rural resource based, including food production and food processing. In addition, Policy ED POL 22 sets out support for rural entrepreneurship and the development of micro businesses in rural areas where environmental and landscape impact is minimal and where such developments do not generate significant or undue traffic.

7.2.2. Having regard to the policy outlined, I am satisfied that there is support in principle laid out in the Meath County Development Plan for the development subject to consideration of environmental and landscape impacts and that the proposal would not generate significant or undue traffic. Given the modest nature of the development

and its location adjacent to a previously operated quarry, significant landscape impacts would not arise as a result of the proposal. I consider the main environmental impacts which need consideration are hydrology and hydrogeology impacts. I consider this aspect, as well as matters regarding traffic and effluent treatment and disposal under separate headings in the remainder of my assessment.

7.3. Hydrology and Hydrogeology Environment

- 7.3.1. Concerns around the hydrology and hydrogeological impacts are raised in the third party submission received by the Planning Authority and also in the grounds of appeal. A hydrological impact assessment prepared by Dr. T. Meehan (EurGeol Robert Meehan, B.A., PhD, PGee – Soil, subsoil and landscape geologist) was submitted with the planning application. The report has been examined in detail by the Environment section of Meath County Council and I have also considered its content in my assessment.
- 7.3.2. At the outset, I note the Water Framework Directive (WFD) and the Groundwater Directive set out a number of objectives in relation to the protection of groundwater resources. These objectives include the prevention or limitation of the input of pollutants into groundwater, the prevention of the deterioration of the status of all bodies of groundwater, the protection, enhancement and restoration of all bodies of groundwater and to ensure a balance between abstraction and recharge of groundwater. The overall aim of the WFD is that all water bodies achieve good groundwater status by not later than 22 December 2015. The EU Environmental Objectives (Groundwater) Regulations 2010 seek to give effect to the Directives' objectives in Ireland.
- 7.3.3. Based on a review of the Discovery Series maps, the closest streams to the appeal site include one approximately c.600m to the north of the site and another c.610m to the east. There are a number of excavated drains on the north side of the R160 regional road and the appeal site, which flow onwards into the streams and further, flow into to the River Boyne at Boardsmill, c.3.5m northeast of the site. It is stated in the site characterisation report on file that these drains are located c.175m north of the proposed percolation area. There is no hydrological connection between the percolation area and these drains.

- 7.3.4. Soil types for the main part consist of well drained mineral soils derived from calcareous parent material with the soil within the northernmost 10m of the site adjacent to the roadside being classified as deep peat soils. Glacial deposits on the appeal site and in the region generally consist of glaciofluvial sands and gravels derived from limestone. Geological Survey Ireland has classified the limestones as a locally important aquifer (LI) bedrock which is moderately productive in local zones. The site is located within an area of 'High' groundwater vulnerability with some recharge being rejected as a result of the poor permeability of the bedrock.
- 7.3.5. Hydrogeological/hydrology field investigations were undertaken in March 2017 as part of the assessment, to include a 120-hour constant rate pumping test at a rate akin to the proposed abstraction rate of 10m³ per day. Quality analysis of groundwater sampled during the pump tests was also undertaken. Maximum drawdown recorded over the test period was 0.33m and full recovery was achieved within 56 minutes of cessation of pumping. The zone of contribution was found to be in the order of 0.02 km² or a circular radius of 0.77km on average. I am satisfied that the water balance and achievement of equilibrium between the rate of discharge out of the aquifer and the recharge rate is acceptable. This is important as aquifers have an independent protection under the WFD and the EU Environmental Objectives (Groundwater) Regulations 2010 which give effect to the Directive's objectives in Ireland.
- 7.3.6. The results of the tests demonstrated the water quality to be acceptable for all bacteriological parameters tested. Exceedances were found in iron, manganese, nickel and barium, which it is stated are likely to be driven by the natural geology of the area. Requirements are recommended, which include an ultra-violet germicidal system installed in the water supply borehole to ensure no bacteriological contamination at any time would arise. In addition, a water treatment system that would include the removal of iron, manganese, barium and nickel is also a stated requirement at source. Other recommendations outlined include the protection of the well head and supply source, which are measures I consider should be implemented and regulated by way of appropriate planning conditions in the event of a grant of permission.
- 7.3.7. As referenced above, the application was also accompanied by a hydrogeological report (dated January 2008) in relation to the adjoining quarry site to the south of the current appeal site. The report is stated to have been carried out in support of a

feasibility study to supply Meath County Council with water from boreholes that have been drilled on that site. Water requirements were in the order of 700 m³/day from the most productive borehole (TW01), which is a location c.80m to the south of the appeal site. Pumping tests carried out revealed a significant groundwater supply available from the site with a sustainable yield estimated to be in the order of c.780 m³/d in a borehole (TW01 south of the appeal site) tested and a lower yield of c. 465 m³/day in a second borehole, TW02 located south west of the appeal site. There is no up to date reference as to whether the proposal progressed further in the intervening period. However, it is stated in the applicant's hydrological assessment (dated May 2017) that the surrounding area identified no other borehole in use within 500m of the appeal site apart from the borehole on the site. The GSI and EPA datasets do not record any public water supplies in the region and there are no source protection zones located in the vicinity of the site.

- 7.3.8. The Environment Section considered that, in relation to the current proposal, the greatest impacts would arise during the construction phase of the development and they raised no objection subject to a number of environmental conditions. These include the requirement to prepare a Construction Environmental Management Plan (CEMP), a waste management plan (WMP) and that the developer would meet the Environment Section. Specific requirements for the protection of the environment included a number of environment measures (dust control, refuelling, storage of hydrocarbons and chemicals including bunding, noise limits, use of low energy emission vehicles when possible and having a complaints register). In the event of a grant of planning permission, these can also be addressed by way of an appropriate planning condition requiring a CEMP.
- 7.3.9. Having regard to the hydrological and hydrogeological information on file and taking into consideration the low abstraction yield required, which would not exceed 50m³ per week, I am satisfied that subject to appropriate planning conditions the proposal would be technically possible without adversely impacting on the hydrological or hydrogeological environment. I am equally satisfied that the development would not be one such as would compromise the overall aim of the WFD, which is that all water bodies achieving and maintaining good groundwater status.

7.4. Access and Traffic

- 7.4.1. The proposed development would utilise an existing access point onto the R160 regional road, which would be upgraded. Adequate sightlines are achievable subject to clearing of vegetation over a distance of 160m. Concerns are raised in the grounds of the appeal around the number of employees that might work at the facility, flagging that the planning assessment considered a figure of three employees and that 15 employees was referenced by the applicant. While I accept there is ambiguity around the intended number of employees, I do not consider it would result in a material difference in the consideration of traffic movements to and from the site given the modest scale of the proposal.
- 7.4.2. Subject to the visibility being achieved and clarification of traffic volumes, the Transportation Department raised no objection to the development. I am equally satisfied that the traffic likely to be generated would not give rise to an unacceptable traffic hazard or compromise the road safety or carrying capacity of the surrounding road network. Consequently, I am also satisfied that the proposed development would not result in an unacceptable level of disturbance and subsequent adverse impact on the amenities of existing dwellings in the vicinity.

7.5. Effluent treatment

- 7.5.1. Domestic wastewater would be treated by way of a conventional septic tank and percolation area. A site characterisation assessment is enclosed with the application, the contents of which I have noted. The water extraction boreholes would be sited c. 75-85m up-gradient of the proposed percolation area with respect to groundwater flow and outside the required minimum separation distance (15m for an up-gradient well) as set out in Table B.3. Recommended minimum distance between a receptor and a percolation area or polishing filter in the EPA Code of Practice: Wastewater Treatment Systems for Single Houses. The soil conditions encountered on site, predominately sandy silt/clay and silty sand together with the 'T' value of 27.7 and 'P' value of 17.2 inform the conclusion reached that the site is suitable for treatment of effluent by way of conventional methods.
- 7.5.2. Having regard to the findings in the site characterisation assessment, particularly the adequate percolation on site and the low volumes of effluent likely to be generated

for a maximum of up to 15 employees, I am satisfied that the proposal for primary treatment of effluent generated in a conventional septic tank followed by secondary treatment to a site specific designed percolation area and onward disposal to ground thereafter is acceptable.

7.6. Other Matters

7.7. The grounds of appeal refer to an application (Plan reg. ref. no. TA 170885) on a site on the opposite side of the R160 regional road, for a development which would consist of 5 no. bonded warehouses, classified as a (lower order) tier establishment under the EC (Control of Major Accident Hazards involving Dangerous Substances) Regulations, 2015 (COMAH Regulations 2015). A search of the Meath County Council site shows that while this particular application was received on 21st July 2017, it was deemed incomplete by the Planning Authority. A subsequent application for the same description was received by the Planning Authority on the 8th August 2017 under Plan Reg. ref no. TA170926 and is currently under consideration by the Planning Authority. While I am aware of the planning application in the vicinity, it is not related to the current application and each are required to be assessed on their merits.

7.8. Conclusion on Planning Assessment.

7.8.1. Having regard to the above, I am satisfied that the proposed development would be in accordance with the applicable policy of the Planning Authority as set out in the current Meath County Development Plan, which is supportive of rural enterprises such as that proposed. It is also considered that the proposed development would not adversely affect the hydrological or hydrogeological environment, would not seriously injure the visual or other amenities of the area, would not be prejudicial to public health and would not constitute a threat to water pollution or give rise to an unacceptable traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area and I recommend that permission is granted accordingly.

8.0 Environmental Impact Assessment (EIA) considerations

8.1. Introduction

8.1.1. Given the nature of the proposal, for completeness, I have considered the development proposal in the context of whether or not an Environmental Impact Assessment (EIA) and an Environmental Impact Assessment Report (EIAR) would be required. The planning application was submitted prior to 16 May 2017, the date for transposition of Directive 2014/52/EU amending Directive 2011/92/EU. The Directive has not, however, been transposed into Irish legislation to date. In accordance with the advice on administrative provisions in advance of transposition contained in Circular letter PL1/2017, it is proposed to apply the requirements of Directive 2014/52/EU in screening for EIA which has now emerged at the appeal stage, after the date for transposition.

8.2. EIA Screening

8.2.1. Annex I and Annex II development type projects have been transposed into Section 5 (Parts 1 and 2) of the Planning and Development Regulations 2001-2017. The proposed development is not listed in Part 1 of Schedule 5 and mandatory EIA is therefore not required. No changes are proposed to these schedules as a result of the EIA Directive 2014/52/EU. The development type would appear to align with one specified under Annex II and Part 2 of Schedule 5 (Development for the purposes of Part 10) as follows:

- Infrastructure projects:10(l) *Groundwater abstraction and artificial groundwater recharge schemes not included in Part 1 of this Schedule where the average annual volume of water abstracted or recharged would exceed 2 million cubic metres.*
- Extractive Industry: 2e(iii) *Drilling for water supplies, where the expected supply would exceed 2 million cubic metres per annum.*

8.2.2. The proposal does not meet or exceed the applicable threshold, however the likelihood of the project having significant effects on the environment needs to be considered by reference to the criteria specified in Annex III of the amended Directive which include: Characteristics of projects, Location of project and type and

characteristics of the potential input. Having regard to the modest nature of the development and site size (0.73 Ha) and the limited water extraction levels of 50 m³ per week and the characteristics of the development, the development would have a low level of intervention on the environment.

8.3. Conclusion on EIA Screening

- 8.3.1. Having regard to the nature and scale of the development, to the location and to the information that accompanied in the application and appeal response, it is concluded that proposal is not one which is likely to have significant effects on the environment, either by itself or in combination with other plans or projects. It then follows that an Environmental Impact Assessment (EIA) or the preparation of an EIA Report are not required.

9.0 Appropriate Assessment

9.1. Introduction

- 9.1.1. This section of my report considers the likely significant effects of the proposal on the relevant European sites in view of the conservation objectives, with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk.

9.2. Stage 1 Appropriate Assessment Screening

- 9.2.1. There are three Natura sites located within a 15km radius of the appeal site. These are listed under Section 5.2 above and are considered in turn below.
- 9.2.2. The **River Boyne and River Blackwater SAC** 'qualifying interests' include habitats and/or species listed on Annex I/II of the EU Habitats Directive (Alkaline fens, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae). The site is also selected for three species listed in Annex II (Atlantic Salmon /*Salmo Salar*, Otter/*Lutra* and River Lamprey/*Lampetra Fluviatilis*). In addition, the site also supports many more of the mammal species occurring in Ireland including Pine Marten, Badger, Irish Hare and common frog, which are protected species under the Wildlife Act 1976.

- 9.2.3. The general 'conservation objectives' associated with the SAC seek to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
- 9.2.4. The **River Boyne and River Blackwater SPA** 'qualifying interests' include Annex I bird species Kingfisher/*Alcedo atthis*. The general 'conservation objectives' associated with the SPA seek to maintain or restore the favourable conservation condition of the bird species (Kingfisher/*Alcedo atthis*) listed as Special Conservation Interests for this SPA.
- 9.2.5. **Mount Hevey Bog SAC** 'qualifying interests' include habitats and/or species listed on Annex I /II of the EU Habitats Directive include Active raised bogs, Degraded raised bogs still capable of natural regeneration and Depressions on peat substrates of the Rhynchosporion.
- 9.2.6. The conservation objectives associated with the Mount Hevey Bog SAC seek to restore the favourable conservation condition of Active raised bogs, which is defined by a list of attributes and targets. The long term aims for Degraded raised bogs still capable of natural regeneration is that its peat forming capability is re-established, therefore, the conservation objective to this habitat is inherently linked to that of Active raised bogs (7110) and a separate conservation objective has not been set in Mount Hevey Bog SAC. Depressions on peat substrates of the Rhynchosporion is an integral part of good quality Active raised bogs (7110) and thus a separate conservation objective has not been set for this habitat in Mount Hevey Bog SAC.
- 9.2.7. There are no source-pathways between the subject site and the River Boyne and Blackwater SAC or SPA or the Mount Hevey Bog SAC. I am satisfied that the development would not likely cause changes to the key indicators of conservation value, including water quality and hence there is no potential for any significant effects occur on either the species or the habitats associated with the aforementioned Natura 2000 sites.

9.3. **Appropriate Assessment Screening Conclusion**

- 9.3.1. I consider that it is reasonable to conclude on the basis of the information on file which I consider adequate in order to issue a screening determination, that due to the fact that there is no hydrological link between the proposed development which is

the subject of the current application and the nearest Natura 2000 sites, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the River Boyne and River Blackwater SAC (Site Code: 002299), River Boyne and River Blackwater SPA (Site Code: 004232), Mount Hevey Bog SAC (Site Code: 002342), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment is therefore not required.

10.0 Recommendation

10.1. Further to the above assessment of matters pertaining to this appeal, including the consideration of the submissions made in connection with the appeal and including my site inspection, I recommend that permission is **granted** for the reasons and considerations set out below.

11.0 Reasons and Considerations

11.1. The policy of the Planning Authority as set out in the Meath County Development Plan 2013-2019 actively supports rural enterprises such as that proposed, particularly through Policies ED POL 19 which states support for rural enterprises and Policy ED POL 22 which states support of the development of micro businesses in rural areas. It is considered that, subject to the conditions set out below, and having regard to the nature, scale and extent of the proposed development, the proposed development would not adversely affect the hydrological or hydrogeological environment, would not seriously injure the visual or other amenities of the area, would not be prejudicial to public health and would not constitute a threat to water pollution or give rise to an unacceptable traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.
 - (a) The proposed facility shall be for the abstraction and bottling of water only. No sale of bottled water to members of the public shall occur on site.
 - (b) The water abstraction regime shall comply with the details set out in the planning application documentation including the hydrology report and the abstraction shall not exceed quantities of 10m³ per day and 50m³ per week. Any deviation from this abstraction regime shall be the subject of a separate application for planning permission.
 - (c) The quantity of water being abstracted shall be monitored on a bi-annual basis and the results of this monitoring shall be submitted to the planning authority.

Reason: In the interest of orderly development.

3. The recommendations for the protection of the groundwater source as outlined in the hydrological report shall be implemented.

Reason: In the interest of protection of the water source.

4. The construction of the development shall be managed in accordance with a detailed Construction and Environmental 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.

Reason: In the interest of residential and visual amenity.

5. The visibility triangle shall be cleared of all vegetation for a distance measuring 160m at a 2.4m setback distance within the redline site boundary area. Any hedgerow to be removed shall be replaced with a timber post and rail fence back planted with trees/hedgerow or native species.

Reason: In the interest of traffic safety.

6. A plan containing details of the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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 ensure the provision of adequate refuse storage.

7. During the operational stage, the noise sensitive receptors shall not exceed 55dB(A) during daytime and 45dB(A) during night-time.

Reason: In the interest of protecting adjoining amenities.

8. 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.

Reason: In the interest of public health.

9. a) The septic tank and percolation area shall be located, constructed and maintained in accordance with the details submitted to the planning authority with the application on 12th May 2017, 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. Only domestic effluent shall be directed to the septic tank and no system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

b) Within three months of the first operation of the facility, 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 EPA document.

c) A maintenance contract for the treatment system shall be entered into for a minimum period of five years from the first operation of the development 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.

Reason: In the interest of public health and to ensure a proper standard of development.

10. 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 the Board 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
Senior Planning Inspector

22nd November 2017