



An  
Bord  
Pleanála

## Inspector's Report ABP300663-18

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<b>Development</b>	Construction of 8 no. industrial units.
<b>Location</b>	Cookstown, Ballybin Road, Ashbourne, County Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	AA17/0313.
<b>Applicant</b>	James Heavey.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Grant.
<b>Type of Appeal</b>	Third Party -v- Grant.
<b>Appellant</b>	Eugene Duff.
<b>Observers</b>	None.
<b>Date of Site Inspection</b>	2 <sup>nd</sup> May, 2018.
<b>Inspector</b>	Paul Caprani.

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## 1.0 Introduction

ABP300663-18 relates to a third-party appeal against the decision of Meath County Council to issue notification to grant planning permission for the construction of eight industrial units at a site in the north-eastern environs of Ashbourne, County Meath. The grounds of appeal argue that the proposed development is contrary to the policies and provisions contained in the Local Area Plan for Ashbourne as industrial lands are not being developed in accordance with the sequential approach. It is also argued that the proposed development will adversely impact on the appellant's amenity.

## 2.0 Site Location and Description

- 2.1. The subject site is located on the Ballybin Road in the north-western environs of Ashbourne, approximately 2 kilometres north-west of the town centre. The Ballybin Road runs in a south-westerly direction from the R135 (Old N2 National Primary Route) which runs through Ashbourne Town Centre. The Ballybin Road runs to the east of, and generally parallel to, the more recently constructed M2 Motorway which runs northwards to the west of the town.
- 2.2. The Ballybin Road incorporates a straight alignment with a centre white line and is capable of adequately accommodating two-way traffic. Lands on the eastern side of the road accommodate a large industrial estate known locally as the Ashbourne Industrial and Manufacturing Park. It accommodates approximately 50 units of various sizes based around an internal road layout with access onto the Ballybin Park.
- 2.3. The subject site is located directly opposite the Ashbourne Industrial Park on the north-western side of the Ballybin Road. It is located to the south of the Ashbourne Retail Park which occupies a corner site between the Ballybin Road and R135. The Ashbourne Retail Park is an L-shaped development comprising approximately 10 units with a large area of surface car parking to the front of the building. Access to the retail park is also provided off the Ballybin Road approximately 150 metres to the north of the subject site.

- 2.4. The subject site is rectangular in shape and occupies an area of c.0.57 hectares. A single storey derelict cottage is located to the front of the site and it appears that a number of outbuildings to the rear of the cottage have been removed. The rectangular shaped site has a road frontage of approximately 47 metre and a depth of approximately 85 metres. The site also incorporates a linear strip of land along the western side of the Ballybin Road northwards up as far as the entrance to the Ashbourne Retail Park.
- 2.5. Lands to the immediate north of the subject site accommodate a relatively large two-storey detached dwellinghouse and garage. This dwellinghouse is setback c.55 metres from the public road and is located c.16 metres from the northern boundary of the subject site. A small rectangular agricultural shed is located on land adjacent to the rear boundary of the site (to the west of the subject site). Lands to the south and west of the subject site are currently under agricultural use. Adjoining lands to the south and west of the subject site are currently under agricultural use. Adjoining lands to the south are zoned enterprise in the Local Area Plan and the subject site forms part of a larger masterplan for industrial/enterprise units for the entirety of these zoned lands.
- 2.6. The subject site is bounded by medium sized hedgerows and trees. It is proposed to retain these hedgerows as part of the proposed development. The roadway serving the site is approximately 7.2 metres in width and incorporates a footpath along its eastern alignment. A narrow grass verge is located along the western side of the Ballybin Road contiguous to the subject site. Public lighting is located along the section of the roadway in the vicinity of the subject site.

### **3.0 Proposed Development**

- 3.1. The existing derelict dwelling on site is to be demolished and planning permission is sought for the construction of eight industrial units and associated surface car parking on the subject site. Each of the eight units are contiguous and are located in the northern portion of the site facing southwards onto designated loading bays and a parking area. Each of the units are rectangular in shape and Units 3, 4, 5 and 6 are the largest units each of which occupy a footprint of approximately 230 sq. Unit No. 1 at the eastern end of the layout and Units No. 7 and 8 at the western end of the

layout occupy a slightly smaller footprint. All units have reception areas and workshop spaces at ground floor level with a smaller open mezzanine floor and an office area at first floor level. The units rise to a height of 7.2 metres and incorporate large roller type shutters 5.05 metres in height.

- 3.2. The units incorporate insulated metal cladding of light and dark grey interspersed with glazing. Designated loading bays are located to the front of each of the roller shutter doors. Surface car parking is located adjacent to the loading bays and also along the southern perimeter of the site. A total of 36 car parking spaces are provided. A service road runs to the rear of the units adjacent to the northern boundary of the site. A footpath is also provided along the front of the units. A single access point is located near the southern boundary of the site.

## 4.0 **Planning Authority's Decision**

### 4.1. **Decision**

Meath County Council issued notification to grant planning permission subject to 28 conditions.

### 4.2. **Documentation Submitted with the Planning Application**

- 4.2.1. A covering letter/ planning report is submitted by the applicant's Architects. It sets out details of the zoning objective relating to the site, describes the design and layout of the proposed units and states that the new entrance will comply with the Design Manual for Urban Roads and Streets. It also notes that the subject site is located in a 60 km/h zone.
- 4.2.2. A schedule of unit sizes indicates that each of the units are between 170 and 230 sq.m. approximately. Also attached are letters of support from a number of business indicating that they have been trying to relocate into the Ashbourne area and that the proposed units would cater for their business needs. A letter from the Chamber of Commerce argues that if the proposed development were not to proceed there would be a potential loss of new industry and innovation in the Ashbourne area.
- 4.2.3. A separate report was submitted assessing the stormwater impact and proposed drainage/watermain arrangements. It also includes a flood risk assessment. It states

that the proposed industrial units are classified as a less vulnerable development under the Flood Risk Management Guidelines. The site is also located in a flood risk zone C and has a low probability of experiencing a flood. The proposed development is to include stormwater attenuation and SUDS which will reduce rainwater outflow and will in turn reduce the potential risk of flooding.

#### 4.3. Initial Assessment by Planning Authority

- 4.3.1. A report from the **Fire Services Department** states that there is no objection subject to conditions.
- 4.3.2. A report from the **Public Lighting Division** recommend two conditions be attached in any grant of planning permission.
- 4.3.3. A report from **Inland Fisheries Ireland** notes that the subject site is located within the catchment area of Broadmeadow River an important salmonid river. A number of conditions are recommended to be attached in the event that planning permission is granted in order to safeguard the status of the river.
- 4.3.4. A letter from the **current appellant** was submitted outlining concerns contained in the appeal against the decision. The contents of this have read and noted.
- 4.3.5. A report from the **Water Services Planning Report** recommends that further information is required in relation to surface water treatment and disposal.
- 4.3.6. A report from **Irish Water** recommends that further information is required in relation to the capacity details of the proposed pumping station and further details in relation to the foul sewer network.
- 4.3.7. A report from **Meath County Council Road Design Office** states that the subject site is located within the 80 kilometre per hour speed limit. The report recommends that the applicant shall provide a footpath and cycleway along the road frontage and shall show parking and HGV turning movements within the proposed site. The provision of an access to the industrial zoned lands to the west of the proposed development should be considered before making a final decision on the application.

#### 4.4. **Additional Information Request**

4.4.1. The initial planner's report requested additional information in relation to the following:

- The applicant should provide capacity details for the proposed pumping station. The pump station and foul sewer network shall be sized to serve the adjacent development lands shown in the overall masterplan for the area. The applicant shall submit a pre-connection enquiry to Irish Water to determine how the proposed development and adjacent development lands can be served by Irish Water.
- Concerns are expressed in relation to the attenuation of surface water within the stone void volume of the car parking area. It is stated that this does not meet the requirements of the GSDSDS. The applicant shall redesign the surface water storage system to incorporate large pipes or other attenuation system as acceptable to Meath County Council.
- Further details are required in relation to internal circulation of vehicles within the site including adequate parking and turning movements for HGVs.
- The applicant is also requested to provide details of the provision of a footpath and cycleway along the front boundary.
- Finally, the applicant is requested to address concerns raised in the third-party submission in respect of the application.

#### 4.5. **Additional Information Submission**

4.5.1. The additional information request was submitted on 17<sup>th</sup> May, 2017.

4.5.2. On 15<sup>th</sup> November, 2017 the following response was submitted on behalf of the applicant. It states the following:

- A pre-connection enquiry was made to Irish Water and they have indicated that subject to a valid connection agreement being put in place, the proposed connection to Irish Water can be facilitated. Further details in relation to updated drawings with revised attenuation storage system are also submitted. A letter to this effect is attached from Irish Water.

- Further site layout plans have been submitted indicating HGV access, circulation, turning and parking.
- A revised site layout has also been submitted indicating a footpath and cycleway along the front boundary.
- Finally, the submission addresses the concerns submitted by the third party observation in relation to impact on residential amenity and development plan phasing and zoning provisions.

#### 4.6. Further Assessment by Planning Authority

- 4.6.1. A report from **Meath County Council Roads and Design Office** states that there is no objection on the grounds that the applicant has addressed the queries in relation to roads and traffic.
- 4.6.2. A report from the **Water Services Department** states that the design of the development broadly meets the needs and requirements of Meath County Council with respect to the orderly collection, treatment and disposal of surface water and recommends that a number of conditions be attached in any grant of planning permission.
- 4.6.3. A further **planner's report** notes the additional information submitted and notes the fact that this information was referred to both the Transportation and Water Services Department which received no objection subject to conditions. It is therefore considered that the site is suitable to accommodate the proposed development from a technical perspective and furthermore the development would not seriously injure the amenities of the area or lead to the devaluation of property in the vicinity. It is also considered that the proposed development is acceptable from a traffic safety point of view and it is therefore recommended that planning permission be granted for the proposed development. Meath therefore granted planning permission for the proposed development on 11<sup>th</sup> December, 2017.

## 5.0 Planning History

- 5.1. No appeal history files are attached.



5.2. Details of one application is attached in a pouch to the rear of the file. Under Reg. Ref. AA15/1260 an application was lodged for the construction of an enterprise centre consisting of eight light industrial units which workshop and storage and office at ground floor level and office and mezzanine areas at first floor levels. The drawings contained on the file to the rear indicate that the development is broadly similar to the one currently before the Board. Meath County Council requested additional information in respect of the application and the application was subsequently withdrawn.

## 6.0 Grounds of Appeal

6.1. The appeal was submitted by Mr. Eugene Duff of Cookstown occupier of the residential dwelling to the immediate north of the subject site. The grounds of appeal are outlined below.

6.2. The granting of planning permission is in contravention of Meath County Council's own development plan on the grounds that the proposal is not following the sequential approach for enterprise development. It is acknowledged that the proposed development site was reclassified in 2017 from a Phase 2 to Phase 1 site following a previously withdrawn planning application by the applicant. It however is suggested that the reclassification was not carried out in accordance with the policies and objectives for local area plans as Phase 2 lands will only be available for development when all Phase 1 lands have been developed.

6.3. It is also stated that the applicant did not respond to the concerns raised by the appellant in the original submission to the Planning Authority in respect of potential impact on residential amenity.

6.4. Concerns in relation to residential amenity include the following:

- There is extreme concern expressed about the close proximity of waste storage areas and the consequential vermin and odours that may be generated are the results of the proposed development.
- The overall height of the building which is only 2.4 metres away from the appellant's boundary will have a negative effect on the privacy of the

appellant's home. The proposed units will have a large opening door facing out directly towards the appellant's residence which will result in overlooking.

- The proposed height of the building will cast a shadow on the appellant's property for a significant proportion of daylight hours. The close proximity of the building will greatly reduce light to the appellant's winter during the winter months.
- Concern is expressed that the lighting installed facing the appellant's residence will have a negative effect on the property by illuminating the bedroom on the southern side of the appellant's residence.
- There is also a discrepancy in respect of conditions where Condition No. 8 requires the construction work shall take place between 8 p.m. and 6 p.m. Monday to Friday. However, Condition No. 17 requires that noise levels at noise sensitive locations shall not exceed 70 dB(A) between 7 a.m. and 7 p.m. Monday to Friday.

6.5. The applicant, in respect to the original observation, notes that the appellant's dwelling is inconsistent with the zoning objectives for the lands in question. It is suggested that the applicant under the Planning and Development Act is required to be sympathetic to the existing environment and not merely disregard the appellant's concerns because the residence is located within a commercially zoned landbank.

6.6. In conclusion it is stated that the development of the proposed commercial building in the context of light shade, noise, traffic and vermin etc. will have an adverse impact on the appellant's amenity and privacy and ultimately for the resale value of the appellant's home.

## **7.0 Appeal Responses**

### **7.1. Meath County Council's Response to the Grounds of Appeal**

It is argued that the proposed development was considered by the Planning Authority to be consistent with the policies and objectives outlined in the county development plan and therefore An Bord Pleanála is respectfully requested to uphold the decision of the Planning Authority as per the arguments set out in the planner's report for the application dated 8<sup>th</sup> December, 2017.

## 7.2. Response on behalf of the Applicant

- 7.2.1. A response was received on behalf of the applicant by Joe Fahy Planning and Engineering Consultant. The grounds of appeal are outlined below:

The proposed development fully accords with Zoning Objective E2. There are currently four areas of E2 zoned land in Ashbourne two of which are located to the north of the town. These two areas have the zoning objective 'FP Objective 2' and 'FP Objective 3'. It is argued that the latter area is partially developed and requires significant infrastructural development to facilitate further expansion. Neither of these sites therefore are likely to provide any new units in the short to medium term. It is stated that the E2 zoned area to the east of the Ballybin Road is fully developed with little opportunity for further development. The subject site because of its modest size and unencumbered ownership with direct availability of services provides a perfect location for starter units of an appropriate scale and flexibility. The proposal is fully consistent with Variation No. 3 of the development plan which removed the phase 2 designation for all E2 zoned land.

In terms of impact on amenity, it is stated that the house is located almost 20 metres from the proposed units and there is appropriate hedging between the units in question. The units are of a modest height and will not affect either the natural lighting or shadow casting as suggested in the submission.

There is no evidence that bin storage areas will in anyway affect the residential amenity enjoyed by the appellant. It is proposed to incorporate a 2-metre-high boundary wall fence which will provide adequate screening of the bins. All storage bins will be closed and will not give rise to vermin or outdoor odour issues.

The ridge height of the proposed unit is 7.2 metres which is similar to the height of the neighbouring house and there is a 20 metre separate distance between the house and the proposed units.

All lighting will be designed and installed in accordance with Meath County Council's requirements as per Condition No. 5 of the permission and the applicant is happy to accept any reasonable condition that the Board may wish to include in this regard. Any design must take account of the appellant's concerns while providing the necessary lighting for the proposed development in the interest of safety for all.

- 7.2.2. It is stated that there is no discrepancy between Condition No. 8 and Condition No. 17 as the conditions combined provide for the orderly start up each day and wind down each afternoon when construction has stopped. It allows for the refuelling of machinery and planting, gives reasonable time for site workers to arrive and depart.
- 7.2.3. It is considered that the applicant has undertaken all reasonable measures to ensure that the residential amenity of the appellant has been protected while allowing for appropriate development consistent with the zoning objective.
- 7.2.4. By way of conclusion it is stated that the proposed development has the potential to create 50 to 80 full-time jobs and is fully in accordance with Meath County Council's Economic Development Strategy which is adopted into the County Development Plan. The Board were therefore asked to uphold the decision of the Planning Authority.

## **8.0 Development Plan Provision**

The site is governed by the policies and provisions contained in the Meath County Development Plan which incorporates the Ashbourne Local Area Plan 2009 – 2015 as varied. The subject site is zoned E2 in the Ashbourne Local Area Plan. This local objective seeks 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. The development plan notes that E2 lands constitute an important landbank for employment use which must be protected. The development of E2 lands seek to provide for the creation and production of enterprise and facilitate opportunities for industrial, manufacturing, distribution, warehousing and other general employment/enterprise uses in a good quality physical environment. General industry and light industry are both permitted uses under this zoning objective.

## **9.0 Planning Assessment**

I have read the entire contents of the file, visited the site and its surroundings and have had particular regard to the issues raised in the grounds of appeal. I consider that the pertinent issues in determining the current application and appeal before the Board relate to:

- Compliance with Zoning Objective
- Impact on Amenity

## 9.1. Compliance with Zoning Objective

- 9.1.1. The subject site is governed by the zoning objective E2 “general enterprise and employment” the purpose of which is to “provide for the creation of enterprise and facilitate opportunities for employment through industrial manufacturing, distribution, warehouse and other general employment/enterprise units in a good quality physical environment”. Permitted uses under this zoning include “industry – general” and “industry – light”. The proposed units would therefore fully comply with the permitted uses under the E2 zoning.
- 9.1.2. The grounds of appeal also raise concern that the subject plans originally constituted Phase 2 lands and as such these lands would only be available for development when all the Phase 1 lands have been developed or are being developed within the life of the development plan. The planner’s report however makes it clear that while the lands in question had been originally identified as Phase 2 development, this was altered by the adoption of Variation No. 3 of the County Development Plan which resulted in the removal of the Phase 2 designation. While the appellant does not agree that it was appropriate to remove the Phase 2 designation, it is acknowledged in the grounds of appeal that this designation was removed. It is not unreasonable in my opinion that such a sequential designation for development would be removed having regard to the recent economic upturn and Ashbourne’s strategic location proximate to Dublin Airport and the motorway network thereby making it an appropriate location for enterprise and employment units such as that proposed.
- 9.1.3. The grounds of appeal also argue that the development of the site in question is contrary to the sequential approach of developing land on the grounds that E2 zoned lands closer to the town centre should be developed in the first instance prior to developing the subject site. The land use zoning map for Ashbourne indicates that there are three large areas governed by the zoning objective E2 all of which are located in the northern environs of Ashbourne. The two areas of E2 zoning on the north-eastern side of the R135 are designated as FPOBJ2 and FPOBJ3. The remaining site is located on the south-western side of the R135. The area on the eastern side of the Ballybin Road has been developed in its entirety. Having regard

to the fact that the land on the eastern side of the Ballybin Road have been developed in their entirety, the development of the subject site directly opposite the existing industrial estates on the Ballybin Road represent a logical extension of development within the E2 zoning. It does not in my view constitute leapfrogging having regard to the existing built-up nature of the lands on the eastern side of the road. The applicant in the response to the grounds of appeal also states that lands on the north-eastern side of the road governed by the Framework Plan Objective 2 (FPOBJ2) requires significant infrastructural development to facilitate the extension of the business park in this area.

- 9.1.4. Lastly in relation to this point, I note that the applicant has submitted a number of letters from business in the wider area which seek to relocate to the said business park should planning permission become available. This indicates that there is significant demand for further expansion of industrial type units within the Ashbourne area. The development of the subject site will facilitate such a demand.
- 9.1.5. On the basis of the above arguments, I consider that principle of development to be acceptable on the subject site subject to qualitative safeguards in relation to amenity etc. and these are discussed in more detail below.

## **9.2. Impact on Amenity**

- 9.2.1. The grounds of appeal argue that the proposed industrial units will have an unacceptable impact on the appellant's amenity. The applicant occupies the house to the immediate north of the subject site. The separation distance between the southern gable of the house and the common boundary is estimated to be 16 metres. The separation distance between the appellant's dwelling and the proposed units is calculated at just less than 20 metres.
- 9.2.2. The appellant raises a number of concerns in respect of overshadowing, overlooking, noise, light pollution and general nuisance from waste storage areas, which are located along the northern boundary of the subject site and in closest proximity to the appellant's dwelling.
- 9.2.3. In relation to overshadowing the units in question, while located to the immediate south of the appellant's dwelling, the units rise to a maximum height of 7.2 metres which would represent a modest sized two-storey house. The separation distance of almost 20 metres between the gable end of the dwelling in question and the

proposed units would ensure that virtually no overshadowing occurs throughout the year. While it is possible that some overshadowing could occur during the mid-winter period, it is not unreasonable that in an urban area where lands are zoned for development that some level of overshadowing would occur during the winter period.

- 9.2.4. With regard to the issue of overlooking, again I consider that a separation distance of 20 metres to be generally acceptable in terms of preventing significant levels of overlooking between the proposed units and the appellant's dwelling. Furthermore, the units in question are likely to be only occupied during business hours (9am to 6pm) and as such it is unlikely to have a significant impact on the appellant's bedroom window, which is located on the southern elevation, on the grounds that the bedroom is most likely to be used outside business hours.
- 9.2.5. With regard to the issue of light pollution, again I consider that there is a significant and generous separation distance between the site boundary and the appellant's dwelling to ensure that no significant light pollution occurs. However, the Board may wish to consider incorporating a condition specifically requiring that any public lighting arrangements on the subject site be configured and cowled to ensure that any light pollution or light spillage into the adjoining site to the north is minimised so as to protect the amenity of the appellant.
- 9.2.6. With regard to the issue of noise, I would agree that ambient or residual noise levels will undoubtedly increase as a result of the proposed development and the development envisaged under the wider master plan along the Ballybin Road. However, ambient increase in noise levels would in my view be an inevitable consequence of developing the lands in question in accordance with the zoning objective on the subject site and its surroundings. The development of the subject site and the surrounding lands from agricultural activity to industry and enterprise will undoubtedly result in an increase in background noise levels.
- 9.2.7. I note however Meath County Council in issuing a notification to grant planning permission, required that during the operational state noise levels at sensitive receptors shall not exceed 55dB(A) during the daytime and 45dB(A) during the night-time. Any operational activity associated with the development of the site will therefore be required to comply with this condition and I consider it appropriate that a similar condition be attached in the event that the Board grant planning permission

for the proposed development. An ambient noise environment of 55dB(A) or under during daytime hours is reasonable for a built-up area and for an area which has been zoned for development.

- 9.2.8. Finally, in relation to this matter the Board should note that the subject site is located in close proximity to other commercial developments including the Ashbourne Retail Centre to the north and as such it can be reasonably argued in my view that the applicant's dwellinghouse is not located within a rural area where ambient noise levels are currently very low.
- 9.2.9. With regard to concern in relation to the location of the storage bin areas adjacent to the northern boundary of the site, it should be noted that these areas are located behind a planted hedgerow and 2 metre high metal fence. It is considered that appropriate management of the waste storage area through good housekeeping should ensure that any potential odour or vermin issues are minimised if not eradicated fully. Furthermore, again I consider the separation distance between the gable end of the dwellinghouse and the storage areas in question should ensure that any adverse amenity impact is minimised.
- 9.2.10. Finally, concerns are expressed in relation to the construction work general operation hours as specified in Condition No. 8 and Condition No. 17. Condition No. 8 requires that construction work and general operation of the development shall take place between 0800 hours to 1800 hours Monday to Friday and 0800 to 1400 hours on Saturday. Condition No. 17 requires that during the construction phase noise levels at sensitive locations shall not exceed 70dB(A) between 0700 hours and 1900 hours Monday to Friday and 0800 hours to 1400 hours on Saturday and shall not exceed 45dB(A) at any other time. I note that there is a discrepancy in relation to the above times however I consider that this issue can be adequately addressed by way of condition to address this discrepancy. If the Board are minded to grant planning permission in this instance, I consider it appropriate that both the construction and operational phase of the facility be restricted to the hours of 0800 hours to 1900 hours Monday to Friday and 0800 hours to 1400 hours on Saturday.



## 10.0 **Appropriate Assessment**

The nearest Natura 2000 sites are all located in excess of 15 kilometres from the subject site. Thus having regard to the nature and scale of the proposed development and the nature of the receiving environment together with proximity to the nearest European site, 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.

## 11.0 **Conclusions and Recommendations**

Arising from my assessment above I consider the proposed development fully accords with the zoning objective as it relates to the subject site and I further consider that the proposed development of the site for industrial units would not seriously injure the amenities of the area or property in the vicinity and would therefore be in accordance with the proper planning and sustainable development of the area.

## 12.0 **Decision**

Grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

## 13.0 **Reasons and Considerations**

Having regard to the zoning objective governing the subject site it is considered that subject to conditions set out below, the proposed development would not seriously injure the residential amenities of the area or property in the vicinity, would not be prejudicial to public health and would generally 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.

## 14.0 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 drawings received on the 15<sup>th</sup> day of November 2017, 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 the 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 site access arrangements shall be developed in accordance with the site layout drawing no. 2150 2P 201 submitted to the planning authority on the 15<sup>th</sup> day of November, 2017 unless otherwise agreed with the planning authority.

**Reason:** In the interest of traffic safety.

3. 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.

4. Details of the proposed external finishes to the proposed industrial units including details in respect of colour, texture and materials shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of visual amenity.

5. Site development and building works shall be carried out only between the hours of 0800 hours to 1900 hours Monday to Friday inclusive, between 0800 hours and 1400 hours on Saturdays and not at all on Sundays or Public Holidays. Deviations 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.

6. 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 interests of sustainable waste management.

7. 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 provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

8. The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest dwelling. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the [residential] amenities of property in the vicinity of the site.

9. Public lighting shall be provided in accordance with a scheme details of which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Any proposed public lighting along the northern boundary of the site shall be cowled towards the site so as to ensure that light spillage into the adjoining site to the immediate north is minimised. Details of the nature of the proposed cowling shall be agreed in writing with the planning authority prior to the commencement of development.

**Reason:** In the interest of residential amenity and public safety.

10. Any muck, dirt, debris or other material deposited on the public road or verge by machinery or vehicles to and from the site during the construction phase shall be minimised. The applicant shall arrange for vehicles leaving the site to be kept clean at all times.

**Reason:** In the interest of visual amenity.

11. During the construction phase the developer shall provide adequate off-street car parking facilities for all traffic associated with the proposed development including delivery and serviced vehicles and trucks. Details shall be agreed in writing with the planning authority prior to the commencement of development. There shall be no parking along the public road.

**Reason:** In the interest of traffic safety.

12. The developer shall be responsible for the full cost of repair in respect of any damage caused to the adjoining public roadway arising from construction work and shall make good any such damage to the satisfaction of Meath County Council.

**Reason:** In the interest of traffic safety.

13. No advertisement or advertising structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001 or any statutory provision amending or replacing them shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

14. The developer shall pay to the planning authority a financial contribution of €4,252 (four thousand two hundred and fifty-two euro) in respect of the provision and extension of social infrastructure (open spaces, recreational and community facilities, amenities and landscaping works) 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. 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. The application of any indexation required by this condition 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.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

15. The developer shall pay to the planning authority a financial contribution of €13,679 (thirteen thousand six hundred and seventy-nine euro) proposed to be incurred by the planning authority in the provision, refurbishment, upgrading and enlargement or replacement of public roads and public transport infrastructure by the Council benefiting the 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. 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. The application of any indexation required by this condition 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.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

16. The developer shall pay to the planning authority a financial contribution of €555 (five hundred and fifty-five euro) as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority for the provision of surface water drainage infrastructure by the Council benefiting the 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. 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. The application of any indexation required by this condition 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.

**Reason:** It is a requirement of the Planning and Development Act 2000 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.

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Paul Caprani,  
Senior Planning Inspector,  
June 5th, 2018.