



An  
Bord  
Pleanála

## Inspector's Report ABP 305994-19

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<b>Development</b>	Retention of a single storey amenity building, erect a temperature controlled chill store for horticultural purposes and amenity building extension.
<b>Location</b>	Dalystown, Longwood, Trim, Co. Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	TA190839
<b>Applicants</b>	Martin and John Guy
<b>Type of Application</b>	Permission and Retention Permission
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	First Party -v- Condition.
<b>Appellants</b>	Martin and John Guy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	09 <sup>th</sup> May 2020
<b>Inspector</b>	Brendan Coyne.



## 1.0 Site Location and Description

1.1. The site (0.52 ha) is located on the north-western side of the R161, in the rural townland of Dalystown, c. 8.6km south-west of Trim. The site contains 3 no. agricultural sheds of varying form and size, a single storey 'amenity building' containing a canteen, locker room and toilets and a 2-storey storage building. A concrete yard is located in the centre of the site and a car parking area is located adjacent / to the south-west of the site entrance. The roadside boundary is defined with a low-rise wall, hedging and mature trees. The eastern, western and south-western boundaries are defined with hedging.

## 2.0 Proposed Development

2.1.1. Application as lodged on the 26/06/2019 –

Permission sought for the **retention** of the following;

- Single storey amenity building - stated floor area 49 sq.m.

Permission sought for the construction of the following;

- A 960 sq.m. temperature controlled chill store building, for horticultural use.
- A single storey extension to the 'amenity building' - stated floor area 52 sq.m.
- Associated site works.

2.1.2. Revised Proposal as submitted by way of Significant Further Information on the 26/09/2019 comprising the following;

- Installation of a new septic tank and percolation area.

## 3.0 Planning Authority Decision

### 3.1. Decision

Meath County Council granted permission for the proposed development and development seeking retention permission, subject to 14 no. conditions. Noted Conditions include;

C.12: The developer shall pay a development contribution sum of €24,339.00 to the Planning Authority in respect of public roads and public transport infrastructure.

C.13: The developer shall pay a development contribution sum of €7,565.00 to the Planning Authority in respect of social infrastructure.

C.14: The developer shall pay a development contribution sum of €987.00 to the Planning Authority in respect of surface water drainage infrastructure.

### 3.2. Planning Authority Reports (16<sup>th</sup> August 2019 and 30<sup>th</sup> October 2019)

- The existing sheds and office and amenity shed are all associated with the established horticultural business on the site.
- The proposed structures are considered consistent with the existing buildings on the site.
- The proposed development would not negatively impact on the visual or residential amenities of the area.
- The proposed septic tank and percolation are acceptable subject to being constructed and commissioned in accordance with the Site Characterisation Form submitted and the EPA Code of Practice on Wastewater Treatment Systems.

#### 3.2.1. Other Technical Reports

**Environment Section** – No objection subject to Conditions.

**Transportation Section** – Further Information requested addressing the following:

- Clarify how it is intended to deal with the existing stone wall which blocks the sightlines to the south of the site entrance.

- Recess the entrance gate at least 17 metres from the edge of the road to allow a HGV to pull in fully off the road, prior to the opening of the gate.
- Submit a revised site layout plan outlining parking in accordance with Development Plan requirements.
- Demonstrate compliance with Condition No. 5 of P.A. Ref. TA50410 which requires that 'prior to commencement of development details of a mechanical wheel wash facility shall be agreed in writing with the Planning Authority'.

**Chief Fire Officer:** No objection subject to Condition.

#### 4.0 Planning History

**P.A. Ref. TA50410** Permission GRANTED in 2006 to construct a new horticultural building for the purpose of storage and processing, to modify an existing entrance onto the public road and all associated site works.

Note: Not constructed – as stated in the application form.

**P.A. Ref. 94416** Permission GRANTED in 1995 to construct a carrot store, machinery shed, out offices and toilets.

#### 5.0 Policy and Context

##### 5.1. Development Plan

Meath County Development Plan 2013-2019 is the statutory plan for the area.

**Zoning:** The site is located on un-zoned land, outside a zoned town.

##### 5.2. Meath County Council Development Contributions Scheme 2016-2021 (as amended).

Section 7 sets out the Schedule of Charges per category of development. Relevant categories and respective charges / per floor area are as follows;

Category of Development	Floor Area (rounded to the nearest m2)	Contribution
<b>Class 1:</b> Commercial Property / Retail / Retail Warehousing (inc. General Office) 1	Per sq metre	€31
Agricultural Development including stables / kennels	Per sq metre	€9

**Section 7 Note 1** defines ‘Commercial Property’ as follows;

‘the provision of a business premises including any structure or other land which is normally used for the carrying out of any professional or commercial undertaking, including; an office (except for office use as described in note 2 below), a hotel, restaurant or public house, any structure or other land used for the purpose of, or in connection with, the functions of a state authority, facilities for child minding, a day care centre, guest house or other premises providing overnight guest accommodation, club, boarding house or hostel, night club / dance hall, shop or supermarket, school or college, nursing home, hospital or health centre’.

**Section 7.1.5** refers to ‘Agriculture’ and sets out that ‘In the case of all farm buildings and structures, the development contribution of €9 per square metre shall apply only to the floor area in excess of the exempted development standard permitted under Planning and Development Regulations 2001 as amended, subject to no other structure on the farmyard complex falling within the particular category/class of development’.

**Appendix B** sets out the Breakdown of Development Contributions for each category, effective from the 1st January, 2016, as follows;

<b>Agricultural Development</b>	<b>Per Sq. M.</b>
Development Class <i>Class 1</i> Surface Water Drainage	€0.27
<i>Class 2</i> Roads and Public Transport	€6.66
<i>Class 3</i> Social Infrastructure	€2.07
<b>Total</b>	<b>€9</b>

### 5.3. Relevant National Planning Guidelines

Development Contributions Guidelines for Planning Authorities (2013)

### 5.4. Natural Heritage Designations:

- 5.4.1. The River Boyne and River Blackwater SAC (Site Code 002299) and SPA (Site Code 004232) is located 2.2 km to the west of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A first-party appeal was received from R.C. Design Services Ltd. representing the applicants Martin and John Guy, appealing the financial contributions made by Meath County Council under Condition No.'s 12, 13 and 14 of the grant of permission and retention permission.

The following is a summary of the grounds of appeal.

- The applicants operate a vegetable farm. This includes the growing, washing, grading and packing of vegetables – which are part of the service they provide to the food industry.
- Vegetables are delivered in bulk to an agricultural shed located to the north of the proposed building, where they are washed, graded, packed and bagged.
- The proposed shed will be used for washed storage and dispatch purposes only.
- The use of the proposed horticultural storage building (960 sq.m.) and amenity building extension (52 sq.m.) are considered agricultural activity, ancillary to and exclusively for farm operations and staff welfare.
- The Applicants consider that the financial contributions should have been calculated under the class Agricultural Development, as per the Meath County Council Development Contributions Scheme 2016-2021.

## 6.2. Planning Authority Response

- The Planning Authority is satisfied that all matters raised in the Grounds of Appeal were considered in the assessment of the planning application, as detailed in the Planning Officer's report, which considered the development as a commercial development.
- The proposed development, as presented, is considered to be consistent with the provisions of Section 48 of the Planning and Development Act 2000 (as amended), the policies and objectives of the Meath County Development Plan 2013 – 2019 and the stipulations and provisions of the Meath County Council Development Contributions Scheme.

## 7.0 Assessment

7.1.1. This is an appeal against the financial contributions made by Meath County Council under Condition No.'s 12, 13 and 14, attached to its grant of permission and retention permission for the following;

- Amenity Building (to be retained) - 49 sq.m.



- Chill Store (proposed) - 960 sq.m.
- Amenity Building (proposed extension) - 52 sq.m.

7.1.2. Under Section 48 10 (b) of the Planning and Development Act, 2000 (as amended), an appeal may be brought to the Board where an applicant for planning permission considers that the terms of the Development Contribution Scheme have not been properly applied in respect of any condition laid down by the Planning Authority.

7.1.3. Condition No. 12 of the permission requires the developer to pay a development contribution sum of €24,339.00 to the Planning Authority in respect of public roads and public transport infrastructure. Condition No. 13 requires the developer to pay a development contribution sum of €7,565.00 to the Planning Authority in respect of social infrastructure and Condition No. 14 requires the developer to pay a development contribution sum of €987.00 in respect of surface water drainage infrastructure.

7.1.4. In the Planning Report, the total floor area of the proposed development and development to be retained is stated as 1,061 sq.m. and is levied at a commercial rate. The Planning Authority calculated the total development contribution levies for the permitted development as €32,891.

7.1.5. The applicant puts forward in the Grounds of Appeal that the financial contributions applied to the proposed development and development to be retained should have been levied under the class 'agricultural' development, by reason that they are considered an agricultural activity, ancillary to and exclusively for farm operations and staff welfare.

7.1.6. Section 7 Note 1 of the Meath County Council Development Contributions Scheme 2016-2021 (as amended) defines 'Commercial Property', as detailed in Section 5.2 above.

7.1.7. Section 7.1.5 of the Development Contributions Scheme refers to 'Agricultural Development' where exemptions from the requirement to pay development contributions are set out. The Development Contributions Scheme does not provide a definition of agricultural development.

7.1.8. Section 4.4 of the Development Plan refers to agriculture stating that it can comprise a number of different sectors including horticulture.

- 7.1.9. Section 2 of the Planning and Development Act 2000 (as amended) defines “agriculture” as including “horticulture”.
- 7.1.10. Permission was granted under P.A. Ref. 94416 on the subject site for the construction of a carrot store, machinery shed, out offices and toilets. The Planning Authority Environmental Section report confirms that the existing development on the site comprises a vegetable (processing) plant.
- 7.1.11. Having regard to the permitted development on the site, it is my view that such development comprises ‘horticultural’ development, used for the processing of vegetables. The proposed development under the current application would be ancillary to such horticultural use, which falls within the definition of Agriculture, as set out in the Planning and Development Act 2000 (as amended). As such, I consider that the financial contributions applied to the proposed development and development seeking retention should have been levied as an agricultural development class.
- 7.1.12. Having regard to Section 7 of the Meath County Development Contributions Scheme 2016-2021 (as amended), which sets out the Schedule of Charges per class of development, I calculate that the Development Contributions Levies for the permitted development should be as follows;
- Floor area of permitted development: 1,061 sq.m.
- Category of Development / Contribution: Agricultural (Horticulture)
- Contribution: €9 per sq.m.
- 1,061 sq.m. x €9 = €9,549
- 7.1.13. Having regard to the Appendix B of the Development Contributions Scheme, I calculate the breakdown of development contributions for the permitted agricultural (horticulture) development as follows;

<b>Agricultural Development</b>	<b>Per Sq. M.</b>	<b>Floor Area of Permitted Development</b>	<b>Contributions</b>
Development Class <i>Class 1</i> Surface Water Drainage	€0.27	1,061 sq.m.	€286.47
<i>Class 2</i> Roads and Public Transport	€6.66		€7,066.26
<i>Class 3</i> Social Infrastructure	€2.07		€2,196.27
<b>Total</b>	<b>€9</b>		<b>€9,549</b>

I therefore recommend that the development contributions be amended under the Condition No.'s 12, 13 and 14 as follows;

C12: The developer shall pay a development contribution sum of **€7,066.26** to the Planning Authority in respect of public roads and public transport infrastructure.

C13: The developer shall pay a development contribution sum of **€2,196.27** to the Planning Authority in respect of social infrastructure.

C.14: The developer shall pay a development contribution sum of **€286.47** to the Planning Authority in respect of surface water drainage infrastructure.

## 8.0 Recommendation

8.1. I recommend that Condition No.'s 12, 13 and 14 be amended based on the reasons and considerations set out below.

## 9.0 Reasons and Considerations

9.1.1. It is considered that the development contributions applied to the permitted development should have been levied as an agricultural development class and

should not have been levied as a commercial development class. On this basis and in accordance with the Meath County Council Development Contributions Scheme 2016-2021 (as amended), it is calculated that the proposed development and development seeking retention, with a floor area of 1,061 sq.m., should require a reduced development contribution of €9,549.

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Brendan Coyne  
Planning Inspector

20<sup>th</sup> May 2020