



An
Bord
Pleanála

Inspector's Report

ABP-307302-20

Development	Tarmacadamed access roads and all associated site works
Location	Dean Hill, Haystown, Navan, Co Meath Townland of Kingstown & Carnuff Great & Haystown & Carnuff Little, Co Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	AA191746
Applicant(s)	Tarstone Ltd
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	John McGrane
Date of Site Inspection	10 th July 2020
Inspector	Colin McBride

1.0 Site Location and Description

1.1 The site is located approximately 8 km to the east of Navan and 3 km west of the N2. The area is rural in character, with agricultural lands and a number of one off dwellings in the immediate vicinity of the site. The site is owned by 'Tarstone Tarmacadam Contractors Ltd' a company that provides road construction and maintenance services. The appeal site is located to the rear of the Tarstone premises which comprises an office building with visitor parking to the front close to the roadside boundary and a commercial yard to the rear. The northern boundary of the 'yard' is defined by a high palisade fence with gated access to the appeal site to the north. The appeal site is an area of wasteland with no defined use at present. There are two tarmacadam strips located on the site. One of the strips goes from the entrance from the concrete yard to a gate on the western boundary of the site that is an access into farm lands located to the west that are under the applicants' ownership.

2.0 Proposed Development

2.1. Permission is sought for the retention of tarmacadamed access road and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 3 conditions. Of note is the following condition...

Condition no. 2: Permission relates solely to retention of tarmacadamed road and does not relate to existing buildings or services on site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning Report (19/02/20): Further information required including a detailed justification of the necessity of the development for agricultural use and details of the type of vehicles currently accessing the site.

Planning Report (19/02/20): The proposal was considered to be in accordance with the proper planning and sustainable development of the area.

3.3. Prescribed Bodies

3.3.1 None.

3.4. Third Party Observations

3.4.1 Submission by John McGrane, Deanshill, Hayes, Navan, Co. Meath. The issue raised include...

- The existence of soil mounds on site and the fact the proposal is to circumvent a decision by An Bord Pleanala under RL.3584.

4.0 Planning History

4.1 **RL3584:** Whether the storage of raw material, by-products and waste is or is not development or is or is not exempted development. Was determined to be development and not exempted development.

4.2 **Reg. Ref. NA/40011:** Application for change of use of an existing farmyard and associated buildings to a road maintenance contractors yard to include provision of a recessed entrance, car and truck parking areas, office building (including canteen, toilets), mastic asphalt production and curing area, lorry wash, surface water and foul sewer, puraflo effluent treatment system, petrol interceptor, conversion of existing slurry tank to settlement tank, the demolition of some existing farm buildings

and associated site works. Permission granted by Meath County Council. The following condition is of note:

Condition no. 6. All operations on site including vehicle washing, repair, parking shall be strictly limited to those vehicles owned/operated by Tarstone Limited, i.e. the applicant. The storage, parking, repair or washing of other vehicles on site shall not be permitted. Mastic asphalt production on site shall be restricted to that required by the operations of Tarstone Ltd, i.e. the applicant, any change of use or variation / intensification of the above shall require a further grant of planning permission whether or not such change of use constitutes exempted development.

Reason: In the interests of proper planning and development.

4.3 **PL17.218071 / Reg. Ref. NA/50503:** Application for the retention and completion of development approved under Reg. Ref. NA/40011 including revised site boundaries. Permission granted by Meath County Council. This decision was subject to a **third party appeal** to An Bord Pleanála. An Bord Pleanála upheld the decision of Meath County Council and granted planning permission.

4.4 **Reg. Ref. NA70587** – Application for a temporary land recovery operation to receive waste material comprising soil and stones (Class 10 of the Forth Schedule of the Waste Management Act, 2006) on a site area of be 0.96 hectares. Permission Granted by Meath County Council. The following condition is of note:

Condition no. 13. This grant of permission shall expire after 3 years from the date of issue of final grant of permission in relation to the works pursuant to the waste permit. Reason: In the interest of development control and residential amenity.

4.5 **PL17.237901 / Reg. Ref. NA100801** – Application for construction of a recycling and storage shed (433 sq. m), 4 no. external storage bays, 7 no. stables (inc. saddle room, storage area), dungstead and sealed effluent storage tank and paddock area. Permission granted by the Planning Authority. This decision was subject to a **third party appeal** to An Bord Pleanála. An Bord Pleanála overturned the decision of Meath County Council and refused planning permission for one reason relating to the following:

Reason no. 1. Development would constitute disorderly and incremental development of the site, with a significant increase in activity and traffic movements near a residential property and would seriously injure the residential amenity of adjacent property and contravene policies ED POL 19 and ED POL 20 of the Development Plan.

4.6 **Reg. Ref. NA/101179** – Application for retention permission for the change of use of land to a commercial yard. Permission Refused by the Planning Authority.

4.7 **Reg. Ref. NA/110867** – Application for retention for change of use of land to a commercial yard for parking and storage (inc. external lighting), permission to extend commercial yard for storage and recycling and for the construction of a recycling and storage shed (433 sq. m). Permission refused by the Planning Authority.

4.8 **PL17.242496 / Reg. Ref. NA130290** – Application to retain change of use of to a commercial yard for the purposes for vehicular parking, temporary storage area and retention of security fencing. The details submitted with the applicant and as further information included a proposal to reinstate lands to the north and south of the extended yard area to agricultural use. Permission granted by the Planning Authority. This decision was subject to a **third party appeal** to An Bord Pleanála. An Bord Pleanála upheld the decision of Meath County Council and granted planning permission. The following conditions are of note:

Condition no. 2. The additional hardcored area hereby permitted shall be used solely for the parking of vehicles associated with the previously permitted business on the site, as well as the storage of loose chippings, asphalt and base strictly in accordance with the details submitted in support of the application on the 22nd day of July, 2013. No other use is permitted unless authorised by a prior grant of planning permission. This area shall not be separately let, sold or otherwise disposed of, save as part of the overall site. Reason. In the interest of clarity, amenity and orderly development.

Condition no. 3. The proposed reinstatement shall be carried out as detailed in the further information response submitted to the planning authority on the 22nd day of July, 2013. A detailed landscaping scheme for the reinstated areas shall be submitted for the written agreement of the planning authority within one month of the date of this Order. The reinstatement, including planting/rolling/seeding, shall be carried out to the satisfaction of the planning authority during the first planting season following the date of the Order. Reason: In the interest of residential amenity.

- 4.9 **PL17.243044 / Reg. Ref. NA130633** – Application for temporary land recovery operation for the deposition of soil and stone to improve agricultural lands. Permission granted by the Planning Authority. This decision was subject to a **third party appeal** to An Bord Pleanála. An Bord Pleanála overturned the decision of Meath County Council and refused planning permission for one reason relating to the following:

Reason no. 1. Development would represent the inappropriate use of productive land in contravention of Objective RUR DEV S07 of the Development Plan, would seriously injure the visual amenities of the area and would set an undesirable precedent for haphazard and piecemeal development. Furthermore, having regard to the location of a stream running through the subject site, and notwithstanding the previous culverting of that stream, it is considered that the proposed development would give rise to an unacceptable risk of water pollution.

- 4.10 **PL17.244389 / Reg. Ref. AA140808** – Application for a waste recovery facility for a Class 7 activity – namely recovery of inert waste arising from construction and demolition activity, including concrete, bricks, tiles, or other such similar material where the annual intake shall not exceed 10,000 tones and the maximum quantity of residual waste consigned from the facility for submission to disposal at an authorised facility shall not exceed 15% of the annual intake. Permission granted by the Planning Authority. This decision was subject to a **third party appeal** to An Bord Pleanála. An Bord Pleanála overturned the decision of Meath County Council and refused planning permission for two reasons relating to the following:

Reason no. 1. Board not satisfied on the basis of the information provided that development would not have significant adverse impacts on the environment and on the residential amenity of adjoining dwellings.

Reason no. 2. Undesirable incremental intensification of the use of the site, impact on residential amenity of adjacent property and contravention of policies ED POL 17 and ED POL 18 of the Development Plan.

5.0 Policy Context

5.1. Development Plan

The Meath County Development Plan 2013-2019 is the relevant statutory plan for the area. The site is located in a rural area outside of a designated settlement and is not subject to any land use zoning objective.

5.2. Natural Heritage Designations

5.2.1 River Boyne and River Blackwater SPA (site code 004232).

River Boyne and River Blackwater SAC (site code 002299).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by John McGrane, Hayes, Navan, Co. Meath.

- The application is a mechanism to circumvent a previous decision made by An Bord Pleanala ref no. RL.3584.
- The application seeks to regularise an unauthorised use of the lands with a history of non-compliance at this location.
- There is no evidence on the file of compliance by the applicant with conditions imposed on previous orders by both An Bord Pleanala and Meath County Council.

6.2. Applicant Response

6.2.1 Response by the applicant Tarstone Road Maintenance.

- RL.3584 which related to whether the storage of raw material, by-products and waste is or is or is not development or is or is not exempted development was determined to be development and not exempted development, is not relevant to the current application.
- The application seeks to regularise the development which is subject of the appeal.
- There is no enforcement case open in relation to this site.

6.3. Planning Authority Response

6.3.1 Response by Meath County Council.

- The appeal submission was noted and it is considered that the proposal is in accordance development objectives of the County Development Plan and with the proper planning and sustainable development of the area.

7.0 Assessment

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/planning history/unauthorised development/physical impact

Appropriate Assessment

7.2 Principle of the proposed development/planning history/unauthorised development:

7.2.1 The proposal is for retention of two strips of tarmacadam on lands to the north of an existing commercial premises. The applicant was requested to submit a justification for the development. The applicant owns a significant portion of agricultural lands to the west of the site and such are rented out to a farmer who accesses the lands

through the yard area and the gate from the commercial premises (farm machinery is stored within the commercial premises). It is noted that a condition of such is that no debris is deposited in the yard or public road. It is noted that the tarmacadam strips are required to prevent such.

7.2.2 I would note that there is adequate justification for retention of the tarmacadam areas to allow for access to agricultural lands from the yard area to the south. The overall physical impact of the works in question is very minor in nature with very little visual impact as well as the fact such are located well away from public areas. The strips are located to the rear of the commercial yard and would have no significant impact on the rural character of the area.

7.2.3 The appellants submission raises concerns that the proposal is a mechanism to circumvent a previous decision made by An Bord Pleanála ref no. RL.3584 and regularises an unauthorised use of the lands with a history of non-compliance at this location. The proposal is for retention of tarmacadam areas on the lands with it noted that such is for the purposes of accessing agricultural lands to the east. The proposal is not for an extension to existing commercial activities on the site to the south. I am satisfied that the application and associated public notices are clear in this fact and that in the event of a grant permission it is clear what the nature and limitations of the proposed development are. I would note that unauthorised development and enforcement are the function of the Planning Authority and such has ample powers to deal with issues that may arise in this regard. The proposal under this appeal is being assessed purely on its merits and not on the basis of speculation of what may or may not happen. In this regard the proposal is satisfactory in scale is not out of keeping with existing land use and has no significant physical or visual impact. I am satisfied that the proposed development is in accordance with the proper planning and sustainable development of the area.

7.3 Appropriate Assessment:

7.3.1 Having regard to the nature and scale of the proposed development and its 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.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the nature and scale of development proposed retention, it is considered that development would be acceptable in the context of Development Plan Policy, existing land use and overall physical and visual impact. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 interests of clarity.

2. Drainage requirements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development and to prevent pollution.

Colin McBride
Planning Inspector

19th August 2020