



An
Bord
Pleanála

Inspector's Report

ABP-307410-20

Development	Retention of agricultural building. Change of use of existing building to a whole sale and distribution centre
Location	Clonross, Drumree, Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	RA191637
Applicant(s)	Farmec Limited
Type of Application	Retention and Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	David & Catherine Molony
Observer(s)	None
Date of Site Inspection	3 rd of September 2020
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1.1. The subject site is located in the rural agricultural area and is in the townland of Clonross, to the west of the M3 and 3km south of Dunshaughlin. The R154 and Batterstown are further to the south. The site is accessed off the local road network and is to the south of Junction 6 on the M3.
- 1.1.2. There is an existing agricultural building and recessed entrance onsite. The existing building is finished externally in grey galvanised sheeting and block wall and contains a double barrelled roof. The roadside boundary is defined by hedgerow and pole and wire fence. The land that forms part of the site to the west of the building is currently in tillage crop.
- 1.1.3. There are no dwellings located within proximity on either side of the site. There is a dwelling that is set back and well screened by planting, located on the opposite side of the road and the entrance to this dwelling is sited further to the west.

2.0 Proposed Development

- 2.1. This is to comprise the following:
 - Retention permission is sought for existing Agricultural Building.
 - Permission is sought for change of use of existing Building to a whole sale and distribution centre for Farm Machinery, incorporating the provision of a waste water treatment system and percolation area, the closing up of existing agricultural entrance and the relocation of same and all associated site works.
- 2.2. Documentation submitted with the application includes the following:
 - A letter has been submitted from the landowner to confirm that he has given the applicant Farmec Ireland Ltd, permission to make a planning application on the company lands.
 - A letter has been submitted from Frank Burke & Associates providing a context and rationale for the application.
 - A Site Layout Plan and Drawings relative to the proposed retention and change of use.

3.0 Planning Authority Decision

3.1. Decision

On the 20th of May 2020, Meath County Council granted planning permission for the proposed development subject to 15no. conditions. These include relative to the entrance, sightlines, surface water run-off, landscaping, construction issues/traffic, restriction on usage and on advertising, disposal of waste, and development contributions.

Condition no. 11 provides: *The use of the site and building shall be restricted to wholesale and distribution of farm machinery only. Any change of use shall obtain a prior grant of planning permission.*

3.2. Planning Authority Reports

3.2.1. Planner's Report

This has regard to the locational context of the site, planning history and policy and to the submissions made. Their Assessment includes regard to the following:

- The building for retention has been in place for over 25 years and has been utilised as an agricultural building associated with a larger landholding.
- Permission is also sought for a change of use of this building to a wholesale and distribution centre for farm machinery.
- The proposal will involve the re-use of an agricultural building that is vacant.
- The development can be considered in terms of the overall strategy for rural areas and policy for rural enterprise.
- The proposal is considered similar in nature to Meath Farm Machinery and Leinster Farm Machinery, both of which are permitted farm developments in the rural area.
- Policies and objectives in the CDP support the sustainable development of rural areas.

- They note that the traffic report states that the volume of traffic will be low and have regard to comments and recommendations for F.I from the Transportation Section.
- Also, the comments and recommendations from the Environment Section regarding on-site servicing arrangements.
- They have regard to Natura sites within a 15km radius and do not consider that a Stage 2 AA (NIS) is required.

Further Information request

The Council considered that additional details are required in respect of sightlines at the subject site, more precise details on traffic movements and haulage routes and wastewater treatment and detailed F.I was requested in this respect.

Further Information response

Frank Burke & Associates have submitted an F.I response on behalf of the Applicants which includes the following:

- Details of traffic generation and traffic routes relative to the proposed change of use, including staffing levels.
- The proposed set back of the boundary fence and the new recessed entrance will increase by 2 the number of pull-in areas for users of the road.
- The width of the L6802 and the existence of pull-ins suggest that the receiving road can handle the projected traffic volume including HGV movements.
- They include a drawing showing the entrance wall piers and gates and sightlines both east and west.
- They provide details about landscaping.
- They provide a response to the submissions made.
- They provide a letter from JohnsBrook Surveys relative to the percolation tests and the proposed pwwts.

Planner's Response

The Planner had regard to the F.I submitted and their response included the following:

- They noted the Environment Section response and considered that the concerns relative to the pwwts have been addressed.
- They have regard to the details submitted and the Transportation Section response and considered that the concerns relative to the roads issues, sightlines and the entrance have been addressed.
- They consider that the applicant has addressed the issues which have been raised in the submissions via the unsolicited F.I submission and submissions made.
- They do not consider the building on site exempt from development contributions as it is an unauthorised building and no previous contributions have been paid, they recommend development contributions.
- They conclude that the proposed development is in accordance with the proper planning and sustainable development of the area and in compliance with planning policies and recommend that permission be granted subject to conditions.

3.3. Other Technical Reports

Transportation Department

They are concerned that the proposal will impact adversely on the narrow local road network, particularly HGVs. They recommended that F.I be sought relative to the number and types of vehicles, the entrance, pull in area, sightlines etc.

In response to the F.I submission they noted the works required to achieve sightlines and had no objections subject to conditions including relative to the entrance and the achievement of sightlines.

Environment Section

They were concerned that the percolation tests carried out are not in accordance with EPA standards and recommended that F.I be submitted to ensure revised testing be in accordance with standards.

In response to the F.I submission they provided that the applicant has addressed the concerns of the Environment Department and had no objections subject to conditions.

3.4. **Prescribed Bodies**

The Planner's Report provides that the application was referred to the Development Applications Unit (Archaeology) and that no report has been received to date.

3.5. **Third Party Observations**

Submissions made include the following:

- The proposal will adversely impact on the local amenities and character of the area and on the local road network.

4.0 **Planning History**

The Planner's Report does not note any relevant Planning History for the subject site.

5.0 **Policy Context**

5.1. **Meath County Development Plan 2013-2019**

Chapter 4 provides the Economic Development Strategy.

Section 4.4.1 refers to Rural Enterprise and which includes regard to diversification of the agricultural sector, development of a rural based economy that offers viable and sustainable employment such as small scale enterprises in rural area.

Policies ED POL 17, 19 – 20 relate in particular to the contribution rural diversification and to the promotion of rural enterprise and rural employment.

ED POL 21 seeks: *To permit development proposals for industrial or business enterprises in the countryside where generally the following criteria are met:*

- (i) the proposed use has locational requirements that can more readily be accommodated in a rural location than an urban setting and this has been*

demonstrated to the satisfaction of Meath County Council;

(ii) the development will enhance the strength of the local rural economy;

(iii) the resultant development is of a size and scale which remains appropriate and which does not negatively impact on the character and amenity of the surrounding area;

(iv) the proposal demonstrates that it has taken into account traffic, public health, environmental and amenity considerations;

(v) the proposal is in accordance with the policies, requirements and guidance contained in this plan;

(vi) it is demonstrated to the satisfaction of Meath County Council that the proposal would not generate traffic of a type and amount inappropriate for the character of the access roads or would require improvements which would affect the character of these roads. This policy shall not apply to the National Road Network.

ED POL 22 seeks: *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

While not proximate to the subject site, there are Natura 2000 sites within a 15km distance of the site and these are noted in the context of the Screening for AA Section below.

5.3. EIA Screening

Having regard to the nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for

environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party Appeal has been submitted by local residents David & Catherine Molony against the decision of the Council to grant permission for the development. They reside across the road from the site and their grounds of appeal include the following:

Context and Policy

- The critical substantive issue which arises in context of this development is the proposed industrial/commercial use of the property, the level of traffic that will be generated, the absence of services and the impact on the residential amenity due to the close proximity to their property.
- They provide that there would be no economic benefits to the Exchequer other than that of local community rates revenue shift from Fingal County Council to Meath County Council.
- The proposed development is located on a site which has been perpetuity in agricultural use and is unzoned in the Meath CDP 2013-2019. They submit that the proposed development is in material contravention of that said plan.
- The proposal is in contravention of national policy which aims to locate places of employment and residence in near proximity to minimise the need for travel.

Traffic Hazard

- The L6208 is a narrow substandard county road with poor vertical and horizontal alignment, which provides access to several residential and agricultural properties along its length.
- There are no footpaths or public lighting along the route.

- The road is unsuitable to accommodate the additional traffic generated by the proposed development. This including HGVs along this route will lead to congestion and traffic hazard.
- They consider that there are inadequate traffic counts and traffic modelling (PICADY should have been used) to analyse the impact of the proposed development on the narrow local road network.
- They are concerned that the size and location of the proposed new pull in areas are substandard and inadequate. Also, that this indicates traffic generation inappropriate to the narrow local road network.
- They note that a number of planning applications to the east and west of the site for one-off rural housing have been refused over the years. The reason being that the proposed development would give rise to additional traffic movements on an access road which is substandard in terms of width, alignment and structure.
- They submit that future regular upgrades to the L6208 will be required and are concerned that the proposal represents an entirely insufficient use of public funds.
- As the proposal is not close to a settlement it will be entirely car dependant which is contrary to government policy to minimise the need for travel.
- In view of bad bends the proposal will have a disproportionately negative effect on the amenity of the established residences on the eastern section of Clonross Lane (9no. dwellings).

Impact on Amenities

- They are concerned that the proposal will impact adversely on local equine facilities, and horses exercised along the public road. They also note that the road is a popular recreational walking route for residents of the wider area due to its unspoilt and quiet character.
- The traffic generated will significantly increase vehicular movements and this together with turning and breaking from vehicles accessing the site will result in a significant detrimental negative impact on their residential amenity.

Precedent

- Should planning permission be granted any further intensification of use at this location would be difficult to review, refuse, prevent or regulate.
- The proposal would set an undesirable precedent for similar type development in an unserved rural area, served by a substandard road network.
- They are concerned that there would be no difficulty in disposing of the property or in assigning another alternative industrial/commercial use on this site if permission were to be granted.

Conclusion

- They submit that it is evident that the proposed development fails to satisfy the various criteria set out in the MCDP with regard to traffic impact, public health and amenity. They request the Board to consider their appeal and to refuse permission.

6.2. Applicant Response

Frank Burke & Associates have submitted a response on behalf of the First Party which includes the following:

- They contend that the appeal is invalid as it was not lodged in its statutory timeframe.
- They consider that the points made in this appeal submission were fully considered by the Council in their consideration of the Farmec application.
- They refer to the F.I submitted during the course of the Council's consideration of this application.
- They note that the Council considered that the applicant had addressed the issues which were raised in the submissions.
- They make additional comments in respect of traffic issues raised.

Additional Comments raised in the Appeal

They provide a list of such and these include in summary:

- They provide that the applicant has in the near future to vacate the Naul premises and if the business closes this will be at a loss to the exchequer.
- There is an economic advantage to MCC from the provision of the enterprise in the county that will contribute to rates etc.
- There is an environmental plus in that some of the staff live locally.
- Some farming uses would substantially increase traffic including HGVs. They have not allowed for any farming usage of the building in their submission on traffic.
- The use of PICADY in this case would be unjustified in this case. They refer to the traffic counts carried out.
- A worst case scenario was examined rather than the projected traffic impact on a daily basis of the 'likely position' of a low number of new trips onto a low trafficked road.
- Funding for maintenance and improvement of roads is provided by MCC not the Exchequer.
- If permitted in the future Farmec will contribute by way of rates to the council funds. They also refer to condition no.13 of the Council's permission (relative to development contributions) in this respect.
- Applications are assessed on their merits and they do not propose to comment on individual applications or their reasons for refusal.
- The equine facilities referred to are located to the east of the proposed haul routes and as such would not be impacted by the generated traffic.
- They consider that landscaping proposals will reduce the impact of the operations of the development (light spill, noise etc).
- They believe that this proposal complies with planning policies and objectives in the Meath CDP 2013-2019, including Section 4.4.1, ED POL 18 & 19 in relation to rural development.

- In the event that the Board does not consider their application invalid and request the Board to uphold the Council's decision and grant permission.
- Given the pressure on their clients to vacate Naul site and find alternative accommodation, they ask the Board to give an early decision on this appeal.

6.3. Planning Authority Response

Meath County Council's response includes the following:

- The PA are satisfied that all the matters outlined in the appeal submission were considered in the course of their assessment of the planning application as detailed in their Planner's Reports.
- They consider that Farmec are a rural related business and have locational requirements that can be more readily located in a rural location than an urban setting.
- The proposal will involve the relocation of the existing business from 3 locations to one centralised location at Clonross and provide for 7 jobs within the county as this location. It is similar in nature to Meath Farm Machinery and Leinster Farm Machinery, both of which are permitted developments in the rural area of the county.
- They consider that the proposed development complies with Section 4.4.1 'Rural Enterprise' and in particular policies ED POL 16, 18, 19, 20 and 21. Providing the development is considered acceptable from a design, traffic, wastewater treatment and impact on residential amenity viewpoint it would be considered acceptable and in compliance with these policies.
- They note the details submitted at F.I stage relative to traffic movements, numbers and types of vehicles that will use the proposed access road.
- They note the usage and staffing levels proposed by Farmec as a wholesale farm machinery supplier and not as a retailer to the public.

- The reports received from Roads and Environment Sections raised no objections to the proposed development and were satisfied that it would not have a significant traffic impact on local roadways.
- Landscaping proposals have been submitted by the applicant to further screen the site and existing building from the roadway and adjoining premises.
- The proposal is considered to be consistent with the policies and objectives as outlined in the MCDP 2012-2019. They ask the Board to uphold their decision and to grant permission.

7.0 Assessment

7.1. Policy Considerations

- 7.1.1. This application is essentially relevant to two separate issues, the first being for the retention of the existing (now vacant) agricultural building, which is unauthorised and the second being for a change of use of this building to a whole sale and distribution centre for farm machinery. The First would generally comply with policy in that the site lies within the rural agricultural area, albeit sited closer to the road frontage than the more usual set-back for an agricultural building, although the issue with a retention permission is whether it would have been permitted in the first place, so first principles apply. The Second represents a departure from the use of the building as originally intended and the issue is whether the proposed change of use would comply with planning policy and objectives, taking into account its locational context and whether there would be an adverse impact on the environment and on the character and amenities of the area.
- 7.1.2. Section 4.4.1 of the Meath County Development Plan 2013-2019 has regard to Rural Enterprise and includes: *There is also a need to strengthen the provision/ retention of services, regenerate rural communities and promote the economic development of rural areas. This manifests itself in the need to both acknowledge the need for, and promote the development of, small scale enterprises in rural areas. Also: In particular the reuse of redundant agricultural buildings and the development of new buildings to accommodate such diversification/enterprise within an overall farmyard complex*

will be considered on their individual merits. Policies and Objectives relevant to Economic Development Strategy are noted in the Policy Section above. In particular Policy ED POL 21 which provides the criteria for such development proposals in the countryside.

- 7.1.3. It is noted that the Third Party, are local residents, who reside opposite the site, are concerned that the granting of a change of use from an agricultural building to what they consider an industrial/commercial development on this site would set an undesirable precedent for similar speculative developments on unzoned and unserviced sites which are accessed by way of poorly aligned single carriageway country roads. They are concerned that it would generate significant additional traffic, on the narrow substandard local road network and impact adversely on their residential amenity and on the character of the rural agricultural area.
- 7.1.4. The documentation submitted by the First Party Farmec, provides details of the proposed operations if this proposal is granted. This notes that they are under pressure to vacate their site in Naul and to operate their business elsewhere. They consider their wholesale and distribution centre, for Farm Machinery to be appropriate to the locale as a small-scale enterprise that will provide employment and allow for diversification in the rural area and in accordance with planning policy and objectives. They do not consider that it will impact adversely on the road network.
- 7.1.5. Regard is had in the Assessment below to the documentation submitted, including the issues raised relative to the suitability of the site to accommodate the proposed change of use, the provision of a waste water treatment system and percolation area, traffic issues including relative to the scale and nature of operations, the closing up of the existing agricultural entrance and the relocation of same, environmental issues and all ancillary site works.

7.2. **Validity of Appeal**

- 7.2.1. The First Party queries the validity of the Third Party Appeal and considers that it was not lodged within the 4 week time period. However, it must be noted that the period from 29th March – 23rd May was frozen due to Covid. If the decision date of the council was 20/5/20 (as in the current case) then the last date for an appeal is

the 22/6/20. It is noted that the subject appeal is dated the 19th of June 2020 and the submission date is the 22nd of June 2020. The covid paragraph in all acknowledgements was taken out of the letters on the 22nd June, 2020. It is noted that this appeal has been accepted as valid by the Board on this basis.

7.3. Background and Rationale

- 7.3.1. Details submitted with the application provide that Farmec is a wholesale farm machinery supplier, in that it imports machinery from a number of countries and distributes these products country wide through a network of “local dealers”. They note that in the North East, Meath Farm Machinery, Leinster Farm Machinery and Maher Tractor Sales are part of their local retail network. They stress that Farmec are not retailers and as such do not sell to the general public. Farmec are an agricultural related business and a small-scale employer of local people in this rural area.
- 7.3.2. It is provided that currently the day to day operations of Farmec are scattered in that the base is spread between 3 locations i.e: an office at Clonross (Daly dwelling), a wholesale warehouse at the Naul, while purchasing and sales are handled from an office in Ashbourne (son’s dwelling). They provide that they are under pressure to vacate the Naul site and find an alternative location. The proposed Clonross location will centralise activities, and from an operational aspect, and that the relocation, size of the site and building is suited to their needs. They are concerned about possible job loss and that farmers who have bought equipment from them over the past 25 years will be without parts and service back up for that equipment which would add damage that would result.
- 7.3.3. Details are provided of staffing levels i.e 7 in total (5 full time and 2 seasonal) and they note that all of the full time staff live within reasonable proximity to Clonross. Details are also provided of traffic associated with the change of use operations and the proposed relocation of the entrance and this is discussed relative to the F.I submitted and in the appropriate section below.
- 7.3.4. They provide that this is a small enterprise suited to a rural location and note that there is an added benefit from the Clonross site in that there is a very occasional need for new machines to be tested or demonstrated on lands; in this regard they

note that the Daly farm is available for such tests. Note the current application does not include for such in the description of development provided.

- 7.3.5. They consider that there is an economic advantage from this small scale rural related enterprise to Meath County Council and consider that the development complies with planning policy including Section 4.4.1 of the MCDP relevant to rural enterprise. They note that the Council has granted permission to 3 “local dealers” referred to for like development in rural areas. This includes Leinster Farm Machinery located at Duleek, Meath Farm Machinery at Kilberry and Mahers at The Bush. They note that all three businesses operate on a larger scale than Farmec.

7.4. Design and Layout

- 7.4.1. The planning application form provides that the existing agricultural building for retention is 734sq.m. The dimensions on the floor plans show that the existing building is 41m in length and 18.5m in width i.e. 758.5sq.m. Therefore, the area as shown on the plans is 24.5 sq.m greater than that given on the application form. The building at present is in vacant use is finished externally in grey galvanised sheeting and block wall and contains a concrete floor and a double barrelled roof. There are currently 3 large sliding doors in the front elevation. The height of the building is c.5.9m. I would consider that the retention of the agricultural shed, while proximate and visible from the road is acceptable in this location.
- 7.4.2. The floor plans show that to facilitate the proposed change of use the main floor area is as warehouse, and the floor area is to include 3no. offices, a store and a canteen and toilet area. It is proposed to insert solar panels to the roof and windows to serve the offices and canteen areas to the side elevations. Sections have been included. No extensions are proposed to the existing building. Therefore, it is considered that visually the proposal will not have much of an impact on the area. It is recommended that if the Board decides to permit that a condition relative to restrictions on advertising be included.

7.5. Impact on the Character and Amenities of the Area and Precedent

- 7.5.1. The Third Party has concerns that the proposed change of use will impact adversely on the character and amenities of their property which is opposite the subject site

and of the area, including the local substandard road network. It is noted that the road frontage to their property on the opposite side of the road is well screened by trees and planting and as shown on the Site Layout Plan, their vehicular entrance is located further to the west. However, the proposed development will result in additional comings and goings and traffic relative to the existing vacant agricultural building. Therefore, the issue with the proposed change of use is whether it is considered that this will be compatible with or have a detrimental impact on the rural area on unzoned and unserviced lands. The building for retention is existing, appears as an agricultural building compatible with the rural area and it is not proposed for extension. The substantive issue relative to their appeal concerns Access and Traffic and is discussed further below.

7.5.2. It is noted that details have not been given of hours of operation. However, their website notes that their current hours of operation are 9.00 to 17.30 Monday to Friday. If the Board decides to permit, I would recommend that if be conditioned that the hours of operation be agreed with the Planning Authority prior to the commencement of development.

7.5.3. It is noted that the site frontage proximate to the existing agricultural building is currently not well screened and provides a more open vista which assists sightlines to the west. The land to the west of the building is currently in tillage crop. Landscaping proposals are shown on the drawings submitted for the new set back roadside boundary. The First Party provide that these will minimise the impacts of noise, light spill etc, from the facility, which in any event will be minimal given the nature of the operation and the operating hours of the facility. If the Board decides to permit it is recommended that conditions relative to these issues and to landscaping be included.

7.6. Access and Traffic

7.6.1. On site I noted the existing gated access to the L6208 is set back and to the immediate east of the shed, sightlines are restricted due to a bend on the road in an easterly direction. Also, the accommodation road is narrow, too narrow for 2 cars to pass without using the pull in areas. As part of this application it is proposed to

relocate the entrance further to the east. As shown on the Site Layout Plan this will also allow for the 'lorry turning area' on site.

- 7.6.2. Details of Traffic generated by the proposed development are provided with the application and in the F.I submitted. It is noted that background traffic on the L6208 is low and that traffic counts were carried out at the site entrance. They provide that the proposed set back of the boundary fence and the new recessed entrance will increase the number of pull in areas for users of the road. Also, that the width of the L6802 and the new recessed entrance will increase the number of pull-in areas for users of the road. They submit that the proposed entrance location and boundary fence arrangement/set-back was designed to maximise sightlines.
- 7.6.3. The Council's Transportation Section notes that the L6208 is narrow and unsuitable for large numbers of HGVs. They were concerned that the applicant had not provided details of anticipated traffic volumes that will be generated by the proposed development. That access/haulage routes should be identified. Also, that it should be demonstrated that clear and unobstructed sightlines looking east from the proposed access point can be achieved. That the existing hedge and fence should be setback as required to achieve sightlines.
- 7.6.4. Farmec stress that they are not retailers and as such do not sell direct to the general public and traffic numbers generated by the operation reflect this. They provide that the details they have submitted on staffing and trip generation demonstrate worst case scenarios for projected traffic volumes. They submit that in response to the F.I they carried out a 10 day traffic generated count over 2 consecutive 5 day periods and provide a summary of the results. They provide that volumes will be low and can be accommodated on the local road network. They note that the width of the L6802 and the existence of pull ins suggest that the receiving road can handle the projected traffic volume including the low number of additional HGV movements.
- 7.6.5. As part of the F.I response, a revised drawing has been submitted showing the entrance wall piers and gates set back and the pull in area. They indicate that the entrance sightlines of 90m in either direction both east and west were shown on the Site Layout Plan drawing that formed part of the original submission. They further add that that the proposed fence set-back has the advantage of improving forward

visibility for vehicles passing the site. Also, it is provided that the operational speed on this road would lie between 50-60km/ph.

- 7.6.6. The Third Party are concerned that additional traffic movements and trips including by HGVs that will be generated by the proposed development will endanger public safety on this narrow road close to bad bends. That the proposal is unsuited to the rural road network and will lead to traffic hazard and endanger other road users. They query why traffic modelling (such as PICADY) has not been used to justify the projected vehicle trip generation and substantiate the impact of vehicle trips. They consider that at cost regular upgrades will be needed to the L6208 to facilitate the impact of the additional usage generated by the proposed development. They are particularly concerned that traffic hazard will ensue and note that permission for one-off housing in the area has been refused due to reasons of poor alignment of the local road network and traffic hazard.
- 7.6.7. The First Party response provides that the use of the existing farm building for agricultural purposes would generate substantial HGV traffic. They have not allowed for any farming usage of the building in their submissions on traffic. They submit that the HGV movements generated by the facility are minimal at 3 per week and refer to traffic counts carried out. They consider the use of PICADY in this case in view of the low volumes of traffic generated is unjustifiable. They provide that the Development Contributions (Condition no.13 of the Council's permission) will contribute towards the maintenance and improvement of public roads.
- 7.6.8. It is noted that in response to the F.I submission the Council's Transportation Department has no objection to the proposed development subject to conditions. These include that the works to achieve clear and unobstructed sightlines of 90m in each direction be completed prior to the commencement of development. That the entrance piers and gate piers be setback 3m minimum and 13m minimum respectively from the edge of the public road and that the proposed works do not block the sightlines. Also, that the proposed pull in area between the road and site boundary be maintained clear of obstruction and not be used for parking. The Planning Authority's response to the Appeal notes that the Roads Section does not object to the proposed development and is satisfied that subject to conditions that the proposal will not have a significant traffic impact on the local road network.

- 7.6.9. It is noted that the Site Layout Plan indicates 8no. on-site car parking spaces to the front of the agricultural building. The 'lorry turning circle' is also shown. However, the on-site circulation route and parking for HGVs and other associated vehicles has not been shown. I would recommend that if the Board decides to permit that this, including an onsite parking layout, be conditioned, to ensure that there be no associated parking either in the proposed pull in area along the site frontage or on the public road.
- 7.6.10. I note that this road is narrow and has a number of bends and would consider that the proposed works will improve the visibility at the entrance to the site. Also, it is of significance that the proposal does not anticipate a large increase in traffic generation or in HGV usage. In order to control the usage of the site, I would recommend that if the Board decides to permit that a condition be included to restrict the use to that as per the plans and particulars submitted and the user without a prior grant of planning permission to the applicant Farmec Ltd.

7.7. Regard to Material Contravention

- 7.7.1. Details submitted provide that the agricultural building has been in situ for some years. The Applicant, who lives locally considers 30 years, however this has not been documented. The Third Party provides that the proposed development (i.e the change of use) is located on a site which has been in perpetuity in agricultural use and is on unzoned land and therefore consists of a Material Contravention of the MCDP 2013-2019.
- 7.7.2. Section 34(6) of the Planning and Development Act 2000 sets out the procedure under which a planning authority may decide to grant permission for a development which they are concerned would contravene materially the development plan or local area plan. Section 37(2) of the 2000 Act provides the constrained circumstances in which the Board may grant permission for a material contravention. These include whether the development is of strategic or national importance, where the development should have been granted having regard to regional planning guidelines and policy for the area etc., where there are conflicting objectives in the Development Plan or they are not clearly stated, or permission should be granted

having regard to the pattern of development and permissions granted in the area since the making of the Plan.

- 7.7.3. In this instance the proposed development is clearly not of strategic or national importance, there is no policy or guidelines advising that such a development should not be permitted in this rural area. Section 4.4.1 of the Meath CDP 2013-2019 and Policies ED POL 17, 20, 21 and 22 are relevant and support sustainable rural enterprise. These policies are not lacking in clarity and having regard to the documentation submitted, I would consider that this proposal which is for a small scale wholesale and distribution centre for Farm Machinery would not be in material contravention of the relevant policies and objectives of the Meath CDP 2013-2019.

7.8. Site Servicing

- 7.8.1. The floor plans show the provision of 2 toilets and a small canteen area to serve the office staff. The current proposal incorporates the provisions of a waste water treatment system and percolation area to serve the development. As shown on the Site Layout Map this is shown to the rear of the agricultural building close to the northern site boundary. It is provided on the application form that the site is served by a private well, although the location of the well is not shown on the Site Layout Plan submitted. The Planner's Report provides that the Site Characterisation form provided that ground conditions are favourable and a 'T' value of 48.89 and a 'P' value of 49.78 were achieved.
- 7.8.2. Regard is had to the Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.< 10). Table 6.2 of this EPA Code of Practice provides the minimum depth requirements for on-site systems discharging to ground i.e.1.2m and at the base of polishing filter 0.9m.i.e minimum depth of unsaturated subsoil to bedrock and the water table. Table 6.3 provides an interpretation of percolation test results and "in cases where $3 < P < 75$ the site may be suitable for a secondary treatment system and polishing filter at ground surface or overground if the soil is classified as Clay..." The 'T' and 'P' test values given are within this range.
- 7.8.3. The Council's Environment Section was concerned that the percolation tests were carried out incorrectly and not in accordance with the EPA(2009) Code of Practice. They recommended that F.I be submitted relative to this issue including 'T' and 'P'

test results and further details relative to whether it is proposed to install a pumped polishing filter or gravity fed percolation filter.

- 7.8.4. JohnsBrook Surveys has submitted a response to the F.I request on behalf of the applicants, this includes relative to the trial holes and percolation tests carried out. It is proposed to install a packaged Wastewater Treatment System (their recommendation is that an Oakstown BAF system be used) and details are given relative to the design of the proposed system, percolation area and associated drainage piping/percolation filter.
- 7.8.5. In response to the F.I submitted the Council's Environment Section provides that they are satisfied that the applicant has addressed their concerns and they have no objections subject to conditions. It is recommended that if the Board decides to permit that appropriate drainage conditions be included.

7.9. Screening for Appropriate Assessment

- 7.9.1. While there are no Natura 2000 proximate to the site here are a number of sites situated within a 15km (approx.) distance of the application site i.e:
- River Boyne and River Blackwater SPA and SAC (site codes 004232 and 002299). As per the NPWS site synopsis the River Boyne and Blackwater is as SPA/SAC for alkaline fen and alluvial woodlands and the following species: Atlantic Salmon, Otter, River Lamprey and Kingfisher.
- 7.9.2. Having regard to nature and scale of the proposed change of use development and the nature of the receiving environment and the distance and lack of connections to the nearest European sites, no Appropriate Assessment issues arise and it is not considered that the 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. It is recommended that retention permission and permission for the proposed change of use be granted subject to the conditions below.

9.0 Reasons and Considerations

It is considered that the proposed retention of the agricultural building and change of use of the existing building to a wholesale and distribution centre for farm machinery, incorporating the provision of a waste water treatment system and percolation area, the closing up of the existing agricultural entrance and the relocation of same and all associated site works as described in the documentation submitted is in accordance with planning policy and objectives relative to supporting sustainable small scale rural enterprise and diversification, (Section 4.4.1 and supporting policies refer). It is considered that, subject to compliance with the conditions set out below, the development proposed for retention and the change of use would not seriously injure the visual amenities of the rural agricultural area or residential amenities of property in the vicinity, would not be prejudicial to public health and would 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.

10.0 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 further plans and particulars submitted on the 24th day of March 2020 and by the further plans and particulars received by An Bord Pleanála on the 30th day of June, 2020, 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the site and building shall be restricted to use by the applicants Farmec Limited as a whole sale and distribution centre for farm

machinery (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: To protect the amenities of the rural area and property in the vicinity.

3. All goods shall be stored and displayed within the building and not in the forecourt area.

Reason: In the interests of visual amenity.

4. Prior to the commencement of the use the following shall be agreed in writing with the Planning Authority:

- a) Details of the hours of operation;
- b) Details of measures to control potential noise and light spillage during construction and operational phases;
- c) Details of receptacles for waste to be provided and available for use at all times on the premises.

Reason: In the interests of clarity and to protect rural and residential amenity.

5. The following shall be completed prior to the commencement of the use and shall comply with the requirements of the planning authority for such works:

(a) The existing vehicular entrance shall be closed off and the revised entrance shall be relocated as shown on the plans submitted to the Planning Authority on the 24th of March 2020.

(b) All works required to achieve clear and unobstructed sightlines of 90m on either side of the entrance.

(b) The proposed pull in area between the road and the site boundary shall be completed and maintained clear and free of obstruction and shall not be used for parking.

(c) The lorry turning area and on-site parking area shall be surfaced and marked out and be in accordance with the requirements of the Council for such works.

Reason: In the interests of clarity and road safety.

6. The site shall be landscaped, using indigenous deciduous trees and hedging species, in accordance with a landscaping scheme to be submitted. This scheme shall include the following:

(a) the planting to be established behind the set-back to allow for the pull-in along the road frontage as shown on Drawing No. PVGS09112019 Rev 1 submitted on the 24th of March 2020.

(b) the establishment and augmentation of hedgerows along the side and rear boundaries of the site, and

(c) details of proposals for landscaping along the western part of the site.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Species such as cypress, escallonia, griselinia, leylandii, rhododendron and laurel shall not be used.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

7 (a) 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.

(b) Details showing the location of the private well shall be submitted.

Reason: In the interest of public health.

8 (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority, 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. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the commencement of the use of the building 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.

(d) Surface water soakways shall be located such that the drainage from the building and surfaced areas of the site shall be diverted away from the location of the polishing filter.

(e) Within three months of the commencement of the use of the building, 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 Environmental Protection Agency document.

Reason: In the interest of public health.

9. All public services to the proposed development, including electrical, telephone cables and associated equipment shall be located underground throughout the entire site.

Reason: In the interest of visual amenity.

10. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements 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: To protect the visual amenities of the area.

11. 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 noise and traffic management measures and management of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

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

Reason: In the interest of traffic safety.

13. 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 within three months of the date of this Order 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 An Bord Pleanála 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.

Angela Brereton
Planning Inspector

9th of September 2020