



An  
Bord  
Pleanála

## Inspector's Report ABP-310001-21

<b>Development</b>	Construction of steel portal frame building to accomodate general storage and light industrial type activities together with all associated site works.
<b>Location</b>	Crossakiel, Kells, Co. Meath.
<b>Planning Authority</b>	Meath County Council.
<b>Planning Authority Reg. Ref.</b>	KA201626.
<b>Applicant(s)</b>	Vartane Ltd.
<b>Type of Application</b>	Planning Permission.
<b>Planning Authority Decision</b>	Refused.
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Vartane Ltd.
<b>Observer(s)</b>	An Taisce.
<b>Date of Site Inspection</b>	16 <sup>th</sup> day of October, 2021.
<b>Inspector</b>	Patricia-Marie Young.

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## **1.0 Site Location and Description**

- 1.1. The appeal site has a given area of 1.48ha and it is located on the western side of the R154 (Athboy to Oldcastle Road) in the settlement of Crossakiel, c60m to the south of its historic 19<sup>th</sup> century centre, i.e., a triangular green which is known as 'The Diamond' and it is situated on the southernmost development boundaries of this modest village. Crossakiel is located c11km to the west of the centre of Kells, in County Meath.
- 1.2. The existing access serving the site opens onto the R154 regional road just prior to the change in posted speed limit from 80kmph to 50kmph. At this point this regional road has a curving alignment. The site contains a double apex industrial building with hard surfacing primarily used for parking and external storage surrounding it.
- 1.3. Adjoining part of the site northern boundary of the site is St. Schiria's Church of Ireland, a Protected Structure (Note: MH016-222). In between are a number of mature trees. The site is adjoined by P. Carney Aluminium Recycling Plant on its north western side boundary and agricultural land bound its remaining boundaries.
- 1.4. The settlement of Crossakiel occupies a high point within its wider landscape setting.

## **2.0 Proposed Development**

- 2.1. Planning permission is sought for:

- 1) The construction of a proposed steel portal frame building, with a stated maximum ridge height of 15.174m, with a stated eaves height of 12m, a stated gross floor area of 1,671m<sup>2</sup> and for a given use of accommodating both racked storage of aluminium ingot produced by the adjacent aluminium recycling facility pending its onward dispatch and light industrial activities which are described as limited scale maintenance works including maintenance of steel skips.
- 2) Expansion of existing concrete yard area.
- 3) Proposed storm water attenuation system, associated drainage, and treatment infrastructure.
- 4) All associated site works.

This application is accompanied by a number of documents including:

- Planning Justification Report.
- Statement of Screening for Appropriate Assessment.

2.2. On the 16<sup>th</sup> day of February, 2021, the applicant submitted their further information response which included the following documentation:

- A Visual Impact Assessment.
- Landscaping Plan.
- Dust Impact Assessment.
- Storm Water Infrastructure Report.

I note that the main revision made to the proposed development under the applicant's further information response was the reduction in height of the proposed steel portal frame building by 2m. In addition, the external finishes of the front elevation have been revised to a brick finish.

It also includes the following points of additional information:

- In relation to Item No. 2 of the further information response it is clarified that it is anticipated that the likely amount of aluminium ingot that will be stored in the proposed shed will be 500 tones.
- Aluminium ingot is a very clean and dust free material.
- The aluminium ingot to be stored in the proposed shed is a product produced from the adjacent P. Carney Ltd. business and varies depending on customer requirements. It is not one homogenous product but a variety and all needs to be segregated with the storage of the ingot on racked storage.
- Recent trends in warehouse design have aligned to increased height and has cost benefit savings. It also aligns with the bespoke forklifting solutions. Typical eave heights around the country vary between 11m to 13.5m.
- The proposed engineering works are described as nominal and "*should not be confused as an intensive engineering workshop*". It is also indicated the expected output of maintenance to steel skips may be one per week. In addition, maintenance operations would also include routine inspection of articulated lorries.
- Dust mitigation measures are proposed.

- 2.3. Revised Public Notices were submitted on the 3<sup>rd</sup> day of March, 2021. I note that this was on foot of a request by the Planning Authority for the same as sought on the 24<sup>th</sup> day of February, 2021.

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. The Planning Authority decided to **refuse** planning permission for the following stated reasons:

*“1. Policy CH POL 10 of the Meath County Development Plan 2013-2019 (as varied and extended) seeks “To conserve and protect the architectural heritage of Meath.” Objective CH OBJ 13 seeks “To protect all structures (or, where appropriate, parts of structures) within the county which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and which are included in the Record of Protected Structures (See Appendix 8).” Additional policies and objectives are set out under section 9.6.10 (Architectural Heritage – Record of Protected Structures or ‘RPS’) of the County Development Plan and guidance set out in the Architectural Heritage Protection Guidelines for Planning Authorities (2011).*

*Saint Schiria’s Church lies to the north of the site and is listed in the RPS (ref. MH016-222) and NIAH (ref. 14312010) and described as “detached Church of Ireland church, built in 1823, now in ruins. Comprising of three-bay side elevations to nave, with three-stage tower and ashlar spire.” By virtue of its scale and form, it is considered that the proposed development, if permitted, would adversely affect the setting of Saint Schiria’s Church and therefore the approach and the setting to the village of Crossakiel, would contravene policy CH POL 10 and objective CH OBJ 13 of the County Development Plan, would be contrary to the aforementioned Ministerial guidelines and the proper planning and sustainable development of the area and thereby establish an undesirable future precedent.”*

#### 3.2. Planning Authority Reports

- 3.2.1. **Planning Reports:** The **final Planning Officer’s** report, dated the 25<sup>th</sup> day of March, 2021, assesses the applicant’s further information response. Of note it refers to the

Planning Authority's Conservation Officer's final report which the Planning Officer appears to concur with. It also notes the comments made by An Taisce. Outside of the built heritage concerns it considers that other matters of concern could be dealt with by way of condition. This report concludes with a recommendation to **refuse** permission and is the basis of the Planning Authority's decision which is set out under Section 3.1.1 of this report above.

The **initial Planning Officer's report**, dated the 22<sup>nd</sup> day of December, 2020, concluded with a request for further information on the following matters:

- Item No. 1: Requires the preparation of a Visual Impact Assessment and requires a considerable reduction in height of the proposed building to avoid adverse impact on the adjoining Protected Structure.
- Item No. 2: Seeks clarity in respect of storage and an assessment of impact.
- Item No. 3: Requires external finishes to match existing buildings on site.
- Item No. 4: Requires a landscaping and boundary treatment.
- Item No. 5: Seeks an Engineering Report to deal with a number of infrastructure concerns

### 3.2.2. Other Technical Reports

**Architectural Conservation Officer:** In their final report dated the 24<sup>th</sup> day of March, 2021, the following comments are made:

- The proposed site forms the backdrop for St. Schiria's Church of Ireland, RPS No. MH066-222, which is of significant architectural importance and is nationally recognised.
- The Visual Impact Assessment received on the 16<sup>th</sup> day of February, 2021, shows that the size and scale of the proposed development would dominate this Protected Structure and its setting in a manner which is considered to be unacceptable. The proposed development should be refused for this reason.
- It is suggested that the applicant consider a re-design with a grouping of smaller forms with no height exceeding that of the existing industrial buildings on site.

- The setting of the church on top of the hill of Crossakiel, is an attractive feature within this rural landscape. It would be negatively affected if this application were allowed to proceed.

- In terms of local policy context reference is made to the following Development Plan policies: CH POL 07, CH OBJ 13, CH OBJ 08, CH POL 10 and LC SP 1.

**Water Services:** In their final report dated the 4<sup>th</sup> day of March, 2021, no objection is raised with respect to the orderly collection, treatment, and disposal of surface water subject to recommended conditions in the event of a grant of permission.

**Transportation:** No comments.

### 3.3. Prescribed Bodies

3.3.1. **An Taisce:** In their submission to the Planning Authority in relation to the proposed development it considers that the location is entirely unsuitable for the development and that such a development be more appropriately located in a zoned and serviced business logistics park area with M5 access.

3.3.2. **Irish Water:** No objection, subject to recommended conditions.

### 3.4. Third Party Observations

3.4.1. None.

## 4.0 Planning History – Recent &/or Relevant

### 4.1. Site

- **P.A. Ref. No. 99/521:** Retention permission **granted** for the construction of a light industrial building for warehouse and distribution use including ancillary office space, car parking provision, retention of boundary wall and new entrance onto the public road.

### 4.2. Setting

4.2.1. No recent and/or relevant planning history.

## 5.0 Policy & Context

### 5.1. Development Plan

- 5.1.1. The **Meath County Development Plan, 2013 to 2019**, as amended and varied, is the overarching plan for County Meath, under which the site is zoned '*E2 – General Enterprise & Employment*'. The stated land use objective for '*E2*' zoned land is: "*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*".
- 5.1.2. Section 9.1 of the Development Plan states that "*the identity of Meath is intrinsically linked to its heritage*" and that "*the cultural and natural heritage and landscape are vital assets that help the county compete as a tourism destination and as a location of choice for investment*".
- 5.1.3. This site is located within Landscape Character Area 17 – 'South west Kells Lowlands' whose landscape value is classified as 'moderate', landscape sensitivity is classified as 'medium' and landscape importance is classified as 'local'.
- 5.1.4. It is a policy of the Development Plan under CSA SP 3 "*to promote the understanding of County Meath's landscape in terms of its inherent and unique character and to recognise what elements should be preserved, conserved or enhanced*".
- 5.1.5. Section 9.6.10 of the Development Plan deals with the matter of Architectural Heritage.
- 5.1.6. Objective CH OBJ 13 of the Development Plan is relevant. It states: "*to protect all structures (or, where appropriate, parts of structures) within the county which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and which are included in the Record of Protected Structures (See Appendix 8).*"
- 5.1.7. Section 11.8 of the Development Plan deals with the matter of Commercial Development with Section 11.8.1 dealing with industrial and warehouse type of developments. In relation to such developments it indicates that these "*should generally be located in or adjacent to settlements where infrastructure has been provided, where the development can facilitate the integration of land use and transport and in line with the principles of sustainable development in accordance with*



*the objectives of the Meath Economic Development Strategy 2014-2022*". It also indicates that *"a high standard of design, finish, layout and landscaping will be required for industrial, office, warehousing and business park developments"*; that *"in the case of development for two or more industrial/warehousing buildings, a uniform design for boundary fences, roof profiles and building lines is essential"*; that *"industrial, office, warehousing and business park developments should present a pleasant aspect helped by tree planting"* and in assessing an application for such developments it indicates that they will be considered having regard to a number of criteria including but not limited to:

- *Zoning* – Favourable consideration will be given to development in their appropriate zoned.
- *Density* – In general a plot ration and site coverage of 1.5 and 70%
- *Design of buildings/structures on site* – A high standard of design is required for these types of developments. In addition, uniformity, and co-ordination in advocated for new developments in existing industrial estates.
- *Height* – Should be no more than is necessary for the operation of the business and should take account of the land-uses, character, and amenities of the area.
- *Use* – Nature and scale of operations alongside full details of all industrial processes involved shall be submitted.
- *Hours of Operation* – Particularly when the development is in proximity to residential areas.
- *Services* – Availability of adequate services.
- *Access* – Traffic generation, access, and road safety.
- *Parking* – Parking for staff, visitors, loading/unloading etc. shall be in accordance with Development Plan standards. A case for deviation from standards may be made on the basis of end user requirements.
- *Storage* – Includes screening requirements.
- *Fuel and waste storage* – location and disposal of waste to be in accordance with waste management requirements.
- *Boundary Treatment and landscaping*.

- Lighting and noise impacts.
- Infill development should reflect the architectural character of its surroundings in terms of height, massing, materials, and design.

## 5.2. Other – Local

### 5.2.1. Volume 5 of the CDP ‘Crossakiel Written Statement’

Under this document Crossakiel is classified as a ‘*village – local centre for services and local enterprise development*’ in the County’s settlement hierarchy.

It states that the: “*Development Framework for Crossakiel promotes the future development of the village in a co-ordinated, planned and sustainable manner in order to conserve and enhance the established natural and historical amenities of the village and its intrinsic character*” and as part of the vision for this settlement it indicates that the land use strategy seeks in part to provide employment opportunities for expanding the employment base of the village and to ensure that adequate provision is made for appropriate commercial, community and educational facilities to serve existing and future residents.

Under Section 05 it indicates that Crossakiel has a small range of retail and business services with employment uses including the P.J. Carney’s Aluminium Recycling Plant and motor repairs located in the village centre. It states that: “*the Planning Authority has identified a large parcel of land adjacent to the existing Aluminium Recycling Plant to facilitate future expansion of this business*”.

Strategic Policies include:

SP2: “*to protect the unique character of the village through the provision of appropriate infill development which has regard to the scale, character, topography and amenities of the village*”.

### 5.2.2. Other policies of relevance include:

UD POL 2: “*to protect the traditional building typologies of the historic village core including the Protected Structures listed in the County Development Plan*”.

UD POL 3: “*to provide for infill development in the village centre which respects the scale, massing and character of the historic village*”.

UD POL 4: *“to provide for new industrial building typologies which are visually unobtrusive and of a form and scale which does not injure the rural character or further injure the setting of the village”.*

UD POL 5: *“to retain and respect the established eaves lines of the existing building stock in the village centre”.*

5.2.3. Objectives of relevance include:

LU OBJ 4: *“to provide for the sustainable expansion of the Aluminium Recycling Plant to the west of the village”.*

CF OBJ 2: *“to preserve the ruins of St. Schiria’s Church and associated grounds and to promote access to and a greater appreciation of the site”.*

### 5.3. Regional

5.3.1. **Eastern & Midlands Regional Assembly Regional Spatial & Economic Strategy, 2019 to 2031.**

This is a strategic plan which identifies regional assets, opportunities and pressures as well as sets out appropriate policy responses in the form of Regional Policy Objectives (RPO’s). It provides a framework at a strategic level for investment to better manage spatial planning and economic development to sustainably grow the Region to 2031 and beyond.

Of note RPO 4.79 advocates that Local Authorities shall identify and provide policies that recognise the contribution that small towns, villages, and rural areas contribute to social and economic wellbeing. It states: *“as part of this policy provision that seeks to support and protect existing rural economies”.*

RPO 4.83 states: *“support the consolidation of the town and village network to ensure that development proceeds sustainably and at an appropriate scale, level and pace in line with the core strategies of the county development plans”.*

RPO 6.7 states: *“support local authorities to develop sustainable and economically efficient rural economies through initiatives to enhance sectors such as agricultural and food, forestry, fishing and aquaculture, energy and extractive industries, the bioeconomy, tourism, and diversification into alternative on-farm and off-farm*

*activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage”.*

*In relation to built heritage it states that: “Local authorities, through their city and county development plans and designation through the Record of Protected Structures (RPS) and Architectural Conservation Areas (ACAs), enable places of architectural value to be protected. Good heritage management should be incorporated into spatial planning to promote the benefits of heritage led urban regeneration in historic towns, for example through the protection of historic urban fabric, the reuse of historic buildings and the enhancement of places of special cultural or natural interest. The National Inventory of Architectural Heritage (NIAH) is an invaluable built heritage resource for local authorities and the general public” and in relation to “planning for the regeneration of a historic town” it advocates the need for an integrated approach “that balances the protection of the built heritage and the sustainable development of historic urban areas”.*

#### **5.4. National**

5.4.1. The following Section 28 Ministerial Guidelines and other national policy documents are relevant:

- Project Ireland 2040 - National Planning Framework, 2018.
- The Urban Development and Building Height - Guidelines for Planning Authorities (2018).
- Architectural Heritage Protection, Guidelines for Planning Authorities, 2004.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht, and the Islands, 1999.

#### **5.5. Natural Heritage Designations**

5.5.1. The nearest European site to the appeal site lies to the west of it and is the River Boyne and River Blackwater SAC (Site Code: 002219). At its nearest point it has a lateral separation distance of c1.18km. There are more significant lateral separation distances between the site and the next nearest European site (Note: The River Boyne and River Blackwater SPA (Site Code: 004232) which lies c5.2km to the north east).

## **5.6. EIA Screening**

- 5.6.1. It is a requirement under the EIA Directive (2011/92/EU as amended by 2014/52/EU) that before development consent is given, projects likely to have significant effects on the environment by virtue of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects on the environment.
- 5.6.2. Under Article 2 of the Directive, for a project to require an environmental impact assessment, it must come within one of the categories in Annex I or II of the Directive.
- 5.6.3. Schedule 5 Part 1 sets out that projects require EIA if the stated threshold set therein has been met or exceeded or where no thresholds are set. Subthreshold projects in Schedule 5 Part 2 require screening for EIA, except in cases where the likelihood of significant effects can be readily excluded.
- 5.6.4. The proposed development comprises a 'project' for the purposes of environmental impact assessment and falls within a class set out in Part 2, Schedule 5 of the Planning and Development Regulations, 2001 (as amended), Infrastructure Projects, and falls below the threshold for the class.
- 5.6.5. The site is an existing brownfield site containing existing warehouse light industrial buildings together with its associated works and services with the site benefitting from an existing connection to an existing water supply and an on-site proprietary wastewater treatment system for which the documentation on this file indicates no additional loading would result.
- 5.6.6. In addition, surface water drainage measures in accordance with required standards are proposed and there are no evident drainage features, channels, water courses on the site, adjoining the site or within its immediate vicinity.
- 5.6.7. As set out in Section 5.5 above the nearest European site is the River Boyne and River Blackwater SAC (Site Code: 002219), with it located to the north-west where it is at its nearest point with a lateral separation distance of c1.18km as well as it lies with more significant lateral separation distances to the west, south, east, and north east.
- 5.6.8. This application is also accompanied by a document titled 'Statement of Screening for Appropriate Assessment' prepared by suitably qualified expert and I have had regard to the same.

5.6.9. I consider that no adverse effects on the aforementioned European sites or any others in the wider vicinity would arise from the proposed development the need for environmental impact assessment can be excluded at preliminary examination and therefore, a screening determination is not required.

5.6.10. Based on the above, I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case.

### 5.7. Built Heritage:

5.7.1. The site adjoins St. Schiria's Church of Ireland, which is a designated Protected Structure (Note: RPS No. MH016-022) indicated to be of national importance. It is also listed in the National Inventory of Architectural Heritage (Reg. No. 14312010) where its rating is given as 'regional' and its categories of special interest are given as 'architectural', 'artistic', 'social', and 'technical'.

5.7.2. The NIAH gives the following description for St. Schiria's Church: "*detached Church of Ireland church, built in 1823, now in ruins. Comprising of three-bay side elevations to nave, with three-stage tower and ashlar spire having flanking bays to north-west. Castellations and pinnacles to tower, flanking bays and gable wall. Exposed rubble stone walls to nave with ashlar limestone corner buttresses, roughcast rendered to tower and flanking bays. Pointed arch window openings with ashlar limestone dressings. Surrounded by graveyard. Cast iron gates, with stone gate piers and when guards to front*".

5.7.3. In addition, the NIAH give the following Appraisal for St. Schiria's Church: "*Saint Schiria's is a fine example of nineteenth-century architecture. The exterior is enhanced by the ashlar limestone dressings, particularly by the castellations and pinnacles. Unfortunately, the rood has been removed and the church is becoming a ruin*".

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The grounds of this First Party Appeal can be summarised as follows:

- This proposal seeks the construction of a steel portal frame building to accommodate general storage and light industrial type activities.
- The proposed use includes racked storage of aluminium ingot produced by the adjacent aluminium recycling facility pending onwards dispatch as well as limited scale maintenance works including maintenance of steel skips.
- No additional employment would be created and therefore there is no necessity for staff parking as well as additional foul drainage measures.
- The further information response revised the height by 2m to protect the setting of the adjacent Saint Schiria's Church and the landscape setting of Crossakiel. In addition, the eastern elevation was amended to include a brick finish to match existing buildings on site; an amended landscaping scheme was provided as well as amendments made in respect of surface water design.
- The proposed development is argued to be consistent with national, regional, and local planning provisions, including the proposed development is consistent with permissible land uses on 'E2 – General Enterprise & Employment' zoned land.
- New facilities of this type are trending towards height particularly due to advances in forklift technology.
- Regard was had to the site setting including built heritage.
- There is sufficient distance between the site and residential areas such that restricting hours of operation should not be necessary.
- The landscaping scheme includes native trees, planting, screening, and boundary treatments.
- As the majority of warehousing/industrial operations will be carried out within the enclosed building this will limit noise.
- No high-level outdoor lighting is proposed.

- Section 11.8.1 states that a case can be made from a deviation of the car parking standards on the basis of the end user requirements.
- There will be no significant increase in traffic due to the proposed developments infrequent delivery and collections by articulated lorries and therefore no change to the existing access is proposed or additional staff parking proposed.
- An Architectural Heritage Impact Assessment Report accompanies this appeal submission, and it sets out that the proposed development accords with all relevant local planning provisions in respect of architectural heritage.
- The site forms part of a landscape whose character is classified as 'Moderate Value/Medium Sensitivity area'.
- The built heritage and landscape setting would not be adversely compromised by the proposed development and Saint Schiria's Church would remain uncompromised as a focal point with the landscape treatment in time screening out the proposed building in its context as well as upon entry into the village.
- The Planning Authority raised no foul drainage concerns.
- The proposed development is considered to comprise proportionate growth and appropriately designed development in a rural town in accordance with National Policy Objective 18a as well as Regional Spatial and Economic Strategy for the Eastern and Midland Region's Regional Strategic Outcome No. 12.
- The proposed development is consistent with policy ED POL 17 and RUR SO 10 in respect of promoting rural economic development.
- The proposed development will have no impacts upon Natura 2000 sites, and therefore, no Appropriate Assessment is required.
- The Board is sought to overturn the decision of the Planning Authority.

## **6.2. Planning Authority Response**

### **6.2.1. The Planning Authority's response can be summarised as follows:**

- The issues raised by the appellant in their appeal submission have all been considered by them during the course of their determination of this application.



- The Planning Authority's main concern relates to the impact of the proposed development on the setting of Saint Schiria's Church, a Protected Structure and listed in the NIAH Inventory. In this regard, the Planning Authority has residual concerns regarding the level of accuracy of the Visual Impact Assessment (VIA) including the photomontages provided.
- The Board is requested to have regard to their Planning Reports and Item No. 1 also of the Further Information request.
- The accuracy of the photomontages is of critical importance given the weight placed upon the VIA in the supporting Architectural Heritage Impact Assessment submitted with this appeal.
- The Planning Authority remains of the view that permission for the proposed development be refused and requests that their decision is upheld by the Board.
- The Planning Authority do not wish to put forward a contingency submission as this development has been deemed to be unacceptable.

### **6.3. Referrals**

6.3.1. The Board referred this appeal to An Chomhairle Ealaíon, Department of Culture, Heritage and the Gaeltacht Developments Application Unit, Fáilte Ireland, The Heritage Council and An Taisce. Outside of An Taisce's response no other responses were received.

6.3.2. An Taisce's response can be summarised as follows:

- The Planning Authority's decision is supported.
- This proposal is over-scaled for the site and would inappropriately dominate the setting of Saint Schiria's Church, a Protected Structure.
- The subject site's E2 zoning is considered to be anomalous for an area with the heritage sensitivities outlined in the Planning Officer's report and the Planning Authority's reasons for refusal.
- This site is only suitable for small-scale local enterprise and where a landscape buffer area with appropriate planting is established between any proposed development and the Protected Structure.

- The Board is requested to uphold the Planning Authority's decision.

## **7.0 Assessment**

### **7.1. Preliminary Comment**

7.1.1. Having carried out an inspection of the site and its setting, had regard to the contents of the appeal case file, including all submissions contained therein, alongside regard was had to relevant planning policy provisions, I consider that the substantive issues that arise in this appeal case are:

- Principle of the Proposed Development
- Suitability of the Site for the Proposed Development
- Built Heritage Impact
- Visual Amenity Impact
- Other issues

7.1.2. The matter of 'Appropriate Assessment' also requires examination.

7.1.3. Prior to commencing my assessment, I note to the Board that this application was subject to a request for further information by the Planning Authority. The applicant's response to this request was received by the Planning Authority on the 16<sup>th</sup> day of February, 2021, and it was deemed to be significant in its overall nature. Thus, revised public notices were clarified with the Planning Authority on the 3<sup>rd</sup> day of March, 2021. One of the significant amendments made to the proposed development was the 2m reduction in height of the proposed steel portal frame building from a stated 15.174m to 13.174m.

7.1.4. In addition to this significant documentation was submitted to clarify the overall nature of uses through to various documentation addressing the potential impact of the development on its surrounding sensitive to change setting including but not limited to a Visual Impact Assessment and a Stormwater Infrastructure Report.

7.1.5. Overall, the revisions put forward by the applicant in their further information response, in my view, puts forward qualitative improvements in terms of lessening the potential for adverse impact on the visual and built heritage amenities of its setting.

- 7.1.6. In particular the adjoining Protected Structure, Saint Schiria's Church (RPS No. MH016-222).
- 7.1.7. Moreover, it provides needed additional information and clarity on other matters such as surface water drainage necessary to aiding a more informed determination of the proposed development sought under this application. Therefore, for clarity my assessment below is based on the proposed development as revised by the applicant's further information response.

## **7.2. Principle of the Proposed Development**

- 7.2.1. The site of the proposed development is located on land that under the applicable Development Plan is zoned '*E2 – General Enterprise & Employment*'. The stated land use objective for '*E2*' zoned land is: "*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 proposed development sought under this application essentially seeks planning permission for the construction of a portal frame building with a given 1,671m<sup>2</sup> area for mainly storage but also for light industrial uses and relates to an established site with industrial type uses. In addition to this planning permission is also sought for the expansion of an existing concrete yard area, associated drainage infrastructure and associated site development works.
- 7.2.2. The site is also transitional in its zoning character due to the fact that it is bound by land that is zoned '*G1 – Community Infrastructure*' and '*B1 – Commercial/Town or Village Centre*' on its north eastern boundaries. The stated land use objective for such land is "*to provide for necessary community, social and educational facilities*" (Note: G1) and "*to protect, provide for and/or improve town and village centre facilities and uses*" (Note: B1). In addition, its western and south western boundaries adjoin unzoned land, i.e., lands that are located outside of the development boundaries of Crossakiel.
- 7.2.3. I consider that the general principle of the proposed development to be consistent with the land use zoning of the current Development Plan and with the established brownfield nature of the site. Provided it does not result in an abrupt transition with the more sensitive to change adjoining land use zones within the settlement boundaries of Crossakiel as well as the unzoned rural land. And together with the

proposed development not adversely impacting upon the environment, the visual amenities, the residential amenities, and the like.

### **7.3. Suitability of the Site for the Proposed Development**

- 7.3.1. Whilst I consider that the nature of the proposed development is consistent with the land use zoning of the site, I raise it as a concern that Volume 5 of the Development Plan which sets out 'Crossakiel Written Statement', I raise that the proposed development represents fragmented and poorly considered proposed development at this location. Given that it indicates under Section 05 of this written statement that in relation to the P.J. Carney's Aluminium Recycling Plant that "*the Planning Authority has identified a large parcel of land adjacent to the existing Aluminium Recycling Plant to facilitate future expansion of this business*".
- 7.3.2. This area of land does not include the applicants site area which I acknowledge is adjacent to the southern boundary of P.J. Carney's Aluminium Recycling Plant and there is no link and/or no future link proposed by way of this application between the appeal site and the P.J. Carney's Aluminium Recycling Plant to avoid the movement of aluminium ingot from these two adjacent sites by way of the public road through the heart of this modest village and its historic core. I note that the P.J. Carney's Aluminium Recycling Plant is served by an entrance that opens directly onto 'The Diamond' which is the heart of this historic rural village and whilst it includes an attractive well maintained period building adjoining this entrance the entrance and the remaining site boundaries through to the views into this facility diminish the visual amenity of its streetscape setting.
- 7.3.3. I note to the Board that the Crossakiel Written Statement under objective LU OBJ 4 seeks "*to provide for the sustainable expansion of the Aluminium Recycling Plant to the west of the village*". I note to the Board that the subject site is located to the south and therefore outside of the land identified for the expansion of this facility.
- 7.3.4. Further, there is no robust confirmation that this level of storage is required for the storage of aluminium ingot for P.J. Carney's Aluminium Recycling Plant off site and whether or not this fits in with any masterplan for the expansion of this business that the aforementioned written statement appears to be accommodating to the west and not to the south of the P.J Carney site which this proposed development site is.

- 7.3.5. Given that it is indicated in the submitted documentation that the applicant proposes to store 500 tonnes of aluminium ingot for this adjacent enterprise with movement of the aluminium ingot via a regional road through the heart and centre of a modest rural village. I therefore consider that the proposed development would result in a level of unsustainable development that would result in unnecessary additional emissions from heavy goods vehicles associated with the movement of the aluminium ingots; unnecessary additional wear and tear on a regional road at a point where the movement of aluminium ingot would be dependent upon HGV's; it would also result in adverse environmental through to visual amenity deterioration of the village itself reducing its attractiveness and its overall functional vitality as well as vibrancy.
- 7.3.6. I consider that this approach to the future operations of the site in tandem with the adjacent P.J. Carney site, if permitted, would be contrary to Section 11.8.1 of the Development Plan which indicates that such developments: *"should generally be located in or adjacent to settlements where infrastructure has been provided, where the development can facilitate the integration of land use and transport and in line with the principles of sustainable development in accordance with the objectives of the Meath Economic Development Strategy 2014-2022"*.
- 7.3.7. I also note that the applicant seeks to use part of the proposed building for maintenance of steel skips, with this anticipated at being in the order of the maintenance of one skip a week on average with this comprising of two to three hours of welding per week as well as the application of between two to three coats of paint.
- 7.3.8. In addition, it is indicated that the part of the proposed building for 'routine' inspection of articulated lorries with this requiring the original eaves height of the 12m originally proposed. Given that a typical articulated lorry having a tipping overall height of 11m. The quantum of routine inspections of articulated lorries and any associated maintenance lacks a level of clarity in terms of the information provided in the original application as well as under the applicant's further information response.
- 7.3.9. However, it does appear that both of these industrial type of land uses, whilst contributing to the height of the proposed building in terms of the height required to accommodate a tipped lorry. Alongside the applicant's contention that the trend in warehousing design is for increased height, appear to be ancillary to the main proposed use of the proposed building.

7.3.10. Based on the above considerations I consider that the proposed development puts forward a type of development that, if permitted, would be contrary to sustainable development by way of its fragmented, un-coordinated and poorly resolved approach to development within the applicant's site alongside at this locality within the confines of a modest in size rural settlement in a manner that is inconsistent with local planning provisions for the future development of this settlement. In this regard, if permitted, it would be contrary to the Development Framework set out in the Development Plan for this village which clearly sets out that it seeks co-ordinated, planned, and sustainable development for this settlement in order to conserve and enhance the amenities as well as its intrinsic character.

#### **7.4. Built Heritage Impact**

7.4.1. This appeal site is bound on its northern boundary by Saint Schiria's Church of Ireland and its associated graveyard. This church which was built in c1823 is now in ruins is designated Protected Structure under the Record of Protected Structures ( RPS Ref. MHU016-222) where it is indicated as being of 'National' importance and it is also listed under the National Inventory of Architectural Heritage (NIAH Ref. No. 14312010) under which it is rated as 'Regional' importance with its specified categories of special interest being 'Architectural', 'Artistic', 'Social' and 'Technical'. In addition, the NIAH register sets out the following description for it:

*"Comprising of three-bay side elevations to nave, with three tower and ashlar spire having flanking bays to north-west. Castellations and pinnacles to tower, flanking bays and gable wall. Exposed rubble stone walls to nave with ashlar limestone corner buttresses, roughcast rendered to tower and flanking bays. Pointed arch window openings with ashlar limestone dressings. Surrounded by graveyard. Cast-iron gates, with stone gate and piers and when guards to front."*

It also sets out the following appraisal for it:

*"Saint Schiria's is a fine example of nineteenth-century church architecture. The exterior is enhanced by the ashlar limestone dressings, particularly by the castellations and pinnacles. Unfortunately, the roof has been removed and the church is becoming a ruin".*

7.4.2. The single reason for refusal for the proposed development considered that the proposed development, if permitted, would be contrary to Policy CH POL 10 of the

Development Plan. This Development Plan policy seeks to conserve and protect the architecture of Meath County.

- 7.4.3. It also sets out that the proposed development would be contrary to Objective CH OBJ 13 of the Development Plan which seeks to protect all structures (or where appropriate, parts of structures) within the county which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and which are recorded under the applicable RPS and also the general policy provisions and guidance which are set out under Section 9.6.10 of the Development Plan which deals specifically with matters relating to Architectural Heritage within the county of Meath. Based on the scale and form of the development relative to this Protected Structure would adversely affect its appreciation on approach and in terms of its setting within the village of Crossakiel. It was therefore considered that to permit the proposed development would be contrary to local planning provisions but also the guidance set out under the Architectural Heritage Protection Guidelines and as such would be contrary to the proper planning as well as sustainable development of the area. Moreover, it was considered that, if the proposed development were permitted, it would establish an undesirable future planning precedent.
- 7.4.4. This decision reflects the concerns raised by the Planning Authority's Planning Officer and their Architectural Conservation Officer with the latter commenting on the revisions proposed under the applicant's further information request as resulting in a development that due to size and scale would dominate the Protected Structure and its setting in a manner that was considered unacceptable.
- 7.4.5. The Architectural Conservation Officer also suggested that the applicant consider a re-design with a grouping of buildings of a height no higher than the existing industrial buildings on site and they noted that the setting of this particular Protected Structure is on the top of hill within a lovely rural landscape setting. This setting would be negatively affected by the insertion of a building of this size as well as scale and they concluded that the proposed development should be refused based on it being contrary to CH POL 07, CH OBJ 13, CH OBJ 08, CH POL 10 and LC SP 1 of the Development Plan.

- 7.4.6. The applicants do not accept that this is the case. They argue that by reducing the height of the proposed building by 2m it protects the setting of both the adjacent Protected Structure and the surrounding landscape setting.
- 7.4.7. They also argue that other improvements in the design including the provision of a brick finish to match the existing buildings on site on the front (eastern elevation); the provision of a landscaping scheme of native trees which would provide boundary treatment; and, screening also improve the impact of the proposed development on its setting to a level that neither the adjacent Protected Structure nor the landscape setting would be adversely affected.
- 7.4.8. Accompanying their appeal response, which I note is in addition to the documentation provided by the applicant as part of their further information response seeking to address the built heritage and visual amenity impacts of the proposed development, is a document titled: *'Proposed Building Development at Crossakiel, Co. Meath, Planning ref: KA201626 – Architectural Heritage Impact Assessment Report to support Planning Appeal for Vartane Limited'*. This report comments that the church:
- Is one of a large number of nineteenth century churches developed by the Board of First Fruits in the first quarter of the nineteenth century, with 77 churches developed in the Diocese of Meath during Bishop O'Beirne Episcopate. It is therefore considered that it is of low rarity value.
  - It is situated within its own curtilage which is in use as a graveyard and does not form part of an ecclesiastical ensemble.
  - The building survives as a poorly maintained shell that has lost its roof, lead, and glass window panels, most of its render, internal fittings, and furnishings as well as other original elements that contribute to any special interest. Due to its hazardous condition its value as well as its survival as an upstanding structure is compromised.
  - The architectural special interest is generally low achieving only a moderate significance due to the presence of its graveyard.
  - This building has no frontage on the Crossakiel streetscape, and the proposed building is set at a distance to the south west of it as well as at a lower ground level.



- The given visual impact assessment indicated that the proposed building would have a low magnitude and a moderate visual impact with impact being moderated by existing as well as proposed planting.
- This report recommends that the decision to refuse planning permission be overturned.

7.4.9. Having inspected the site and its setting I concur with the Planning Authority in this case that the Saint Schiria's Church, its curtilage, its setting within the modest urbanscape of the village of Crossakiel through to its location on a high point on a hill within a rolling rural landscape would, due to the proposed buildings height, size and scale would, if permitted, adversely diminish the appreciation of this Protected Structure within its visual setting. I also consider that Saint Schiria's Church is an attractive and dominant built heritage feature within the village setting. Particularly within 'The Diamond' the heart of this modest village. This building provides a strong sense of place and is arguably the most eminent key period man-made historic insertion that positively contributes to the building stock and purposefully designed landscape settings within this village and its wider setting due to its hilltop location.

7.4.10. While I note that a buffer of landscaping along the boundary between this church and the proposed building, through to a reduction in overall height (with the finished floor level given as 150.85, the eaves height of 160.85 and a maximum ridge height of 164.02) and a brick finish is proposed along the boundary between this church the overall built form would be highly visible from many key vantage points including when the church is viewed from the public domain of the Triangle which is the heart of the village of Crossakiel.

7.4.11. In addition, it would take time for the proposed planting to be of a height that would meaningful break the change that would occur to the roofline of the church and its backdrop as viewed from the Triangle and other vantage points within the village as well as from further afield, particularly outside of the village peripheries to the west and south west where the ground levels slope downwards away from the Saint Schiria's Church and the village of Crossakiel which occupy a high point in the surrounding landscape setting.

- 7.4.12. The insertion of landscaping without further consideration of such landscaping in time diminishing the contribution of this church from lower vantage points needs further consideration should this development be permitted.
- 7.4.13. As viewed from the lower lying rural landscape surrounds the proposed structure would in my view result in an intrusive and homogenous by way of design, height, mass, and scale insertion that in the absence of any robust natural features or landscaping improvement to other boundaries would dilute the appreciation of Saint Schiria's Church from these vantage points.
- 7.4.14. In place the view would become more industrial in its nature with the proposed building due to its height, mass, scale, and volume being overbearing alongside adding to the visual incongruity of poorly designed warehouse through to industrial buildings at this location and to the west of it.
- 7.4.15. The submitted revised drawings show that the proposed building would also be sited on ground levels that are higher than the adjoining existing sheds on the P. Carney Site with these indicating to be sited at an FFL of 148.91 with maximum ridge heights of 157.75.
- 7.4.16. In addition to this the existing building on site has a given maximum ridge height of 159.66 and eaves height of 157.66. With this building also sited on lands with an FFL of 150.85.
- 7.4.17. In terms of context, the village setting is characterised by mainly modest in overall height two storey dwellings with Saint Schiria's Church being the only man-made structure that breaks the roofline.
- 7.4.18. Against this context I do not consider that the proposed building as revised could be successfully assimilated into its setting and, if permitted, it would in my view negatively impact the appreciation of Saint Schiria's Church, a Protected Structure, and a key built feature within this village and wider landscape setting. That also contributes to this village and its rural landscape setting's intrinsic character in a manner that would be contrary to the local planning provisions set out by the Planning Authority in their given reason for refusal. Of particular note it would be contrary to CF OBJ 2 of the Crossakiel Written Statement which seeks: *"to preserve the ruins of St. Schiria's Church and associated grounds and to promote access to and a greater appreciation*

*of the site*” and, if permitted, arguably would diminish the latent potential of this church and its visual curtilage going forward.

## **7.5. Visual Impact**

- 7.5.1. A supporting letter prepared by Mullin Design Landscape Architects accompanies the first party’s appeal submission with it indicating that the Visual Impact Appraisal submitted as part of the applicant’s further information request was accurate, robust, and defensible with it being prepared to accepted industry standards. It notes that the principle of the development typology was deemed to be acceptable to the Planning Authority on this site which is adjacent to the Protected Structure. However, it would appear that the Planning Authority’s Conservation Officer would prefer structures of a similar height to that of the existing structures on the site.
- 7.5.2. This letter of support further notes that the proposed development is not uncharacteristic and would not generate significant impact to the landscape character of the area or its setting within a village as well as that the landscaping proposed gave careful consideration of species selection and densities to offer significant screening potential as well as to allow the integration of the structure in its setting.
- 7.5.3. Given the concerns raised in the previous section, which in my view overall lap with visual amenity impact, whilst the land use *per se* may be deemed to be acceptable the nature, scale and mass of this proposed development would result in visual amenity deterioration of the site’s setting in an adverse manner.
- 7.5.4. I also note to the Board that under the Crossakiel Written Statement policy UD POL 4 seeks that new industrial building typologies be visually unobtrusive and of a form as well as scale which does not injure the rural character or further injure the setting of the village and under policy UD POL 5 that such buildings retain and respect the established eaves lines of the existing building stock in the village centre.
- 7.5.5. From the considerations given in the previous section of this assessment it is clear that the proposed building is of a significantly greater height to other buildings of similar through to varying typology. With this including the existing building on the applicant’s site, the adjacent built structures at the P.J. Carney site through to the two-storey building stock which characterises this modest rural settlement.

- 7.5.6. In addition, I consider it would take considerable time for any of the landscape buffering and screening enhancements to be effective in meaningfully reducing the visual impact of the proposed height and mass of the building proposed. Even if semi-mature evergreen coniferous species were included in the additional planting mix to the north and west boundaries of the site.
- 7.5.7. Moreover, whilst in many contexts a backland type location like this has advantages of being better screened and less visible within the public domain, due to the changing ground topography characterising this hilltop village and the site's location, the uncharacteristic height of put forward for the proposed building even as amended would in my view be difficult to visually abate and lessen to an extent where it would have a low to negligible impact.
- 7.5.8. The proposed development, if permitted, would result in a type of development that because of its height is out of character with its setting in a modest rural village and would set an undesirable precedent for other similar developments within the settlement boundaries of the village.

## 7.6. Other Matters Arising

- 7.6.1. **Residential Amenities:** Should the Board be minded to grant permission for the proposed development sought under this application I would advise that conditions to deal with potential nuisances that would arise from the quantum of land uses proposed that have the potential to diminish residential through to environmental amenity of the area. Of particular concern are noise, dust, vibrations, hours of operation through to lighting once operational but also appropriate conditions should be imposed to deal with potential nuisances arising during the construction phase. Subject to suitable conditions that mitigate and control potential adverse nuisances during the construction and operational phases of the development I consider that these particular nuisances can be addressed. I do not however consider that the intensification of heavy goods vehicles between the site and the adjoining Aluminium plant facility on the regional road would not diminish the residential amenities of this village which contains a significant number of residential properties within its village core.
- 7.6.2. **Drainage:** Should the Board be minded to grant permission I recommend that the safeguards set out by the Planning Authority's Water Services in their report dated the

4<sup>th</sup> day of March, 2021, should be imposed. Subject to these safeguards I consider that the proposed development is unlikely to give rise to any public health, environment through to ecological concerns.

### **7.7. Appropriate Assessment**

- 7.7.1. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken on any plan or project not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives.
- 7.7.2. The proposed development is not directly connected with or necessary to the management of a European site and accordingly screening for Appropriate Assessment was carried out. The subject site is not located within or adjacent to any designated European Site. The nearest European site is the River Boyne and River Blackwater SAC (Site Code: 002219), c1.18km to the west, which despite the site being located upstream of it does not appear to be hydrologically connected to the site, via any watercourses or drainage channels. There are more significant lateral separation distances between the site and the next nearest European site (Note: The River Boyne and River Blackwater SPA (Site Code: 004232), which lies c5.2km to the north east.
- 7.7.3. Given the level of separation between the sites and the absence of a hydrological connection, I consider the potential for significant impacts on qualifying interests within the above identified SAC & SPA is low.
- 7.7.4. In terms of the River Boyne and River Blackwater SAC its qualifying interests consist of the following:
- Alkaline fens [7230]
  - Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
  - *Lampetra fluviatilis* (River Lamprey) [1099]
  - *Salmo salar* (Salmon) [1106]
  - *Lutra* (Otter) [1355]

Its site-specific conservation objectives are given as follows: *“to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected”*.

- 7.7.5. Regarding the qualifying interests of the SAC, the subject site, does not contain any of these habitats through to the environment needed for supporting the breeding through to foraging of the River Lamfrey, Salmon through to other. The distance between the site and this SAC together with the nature of the proposed development sought under this application is such that I consider the potential for significant impacts on the qualifying interests of this SAC is low to negligible.
- 7.7.6. In relation to the River Boyne and River Blackwater SPA there is over 5km lateral separation distance between the site and this European site. Due to this significant level of lateral separation, the changing context of the landscape in between, the lack of biodiversity on this brownfield site, I consider that the potential for significant impacts on qualifying interests within the SPA, including in-combination impacts, is low to negligible.
- 7.7.7. Based on the above consideration this inland site has no known connectivity with any European site and it contains no known habitat to support any of the Special Conservation Interests of any European sites in its locality and wider vicinity. Therefore, having regard to the nature, scale, and location of the proposed development, the nature of the receiving environment, and the separation distance to the nearest European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on any European site.

## 8.0 Recommendation

- 8.1. I recommend that planning permission be **refused**. I note that reason and consideration number two relate to a **new issue** in the context of this appeal.

## 9.0 Reasons and Considerations

1. It is considered that, by reason of its design, the excessive height, the mass, the scale through to the juxtaposition of the proposed building relative to the adjacent

Saint Schiria's Church, a designated Protected Structure (RPS Ref. No. 14312010), the proposed development would materially and adversely affect the character and setting of this Protected Structure, in a manner that would be contrary to Policy CH POL 10 of the Meath County Development Plan, 2013 to 2019, as varied and extended.

This policy seeks to conserve and protect all such structures from development that would diminish their intrinsic character and their appreciation.

In addition, Volume 5 of the Development Plan which sets out the 'Crossakiel Written Statement', under objective CF OBJ 2, seeks to *preserve the ruins of St. Schiria's Church and associated grounds as well as seeks to promote greater appreciation of the site*. The proposed development would, if permitted, result in a deterioration of its immediate setting and diminishment when appreciated particularly from the immediate and wider setting in a manner that would be contrary to this objective.

The proposed development, would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

2. Having regard to the access arrangements associated with the proposed storage use of the building proposed, with this being the primary proposed use of the building proposed, and its relationship to adjoining property, it is considered that the proposed development represents inappropriate uncoordinated development that would result in additional heavy goods vehicles using the R154 (Athboy to Oldcastle Road) in the heart of the settlement of Crossakiel which would not only result in a substandard development but would negatively impact upon the vitality and viability of the existing centre of Crossakiel in a manner that would be

contrary to Section 11.8.1 of the Meath County Development Plan, 2013 to 2019, as varied and extended.

This section of the Development Plan indicates that such developments: *“should generally be located in or adjacent to settlements where infrastructure has been provided, where the development can facilitate the integration of land use and transport and in line with the principles of sustainable development in accordance with the objectives of the Meath Economic Development Strategy 2014-2022”*.

In addition, the proposed development, if permitted, in the form proposed would be contrary to Strategic Policy SP 2 of Volume 5 of the Development Plan which sets out the ‘Crossakiel Written Statement’. This strategic policy seeks: *“to protect the unique character of the village through the provision of appropriate infill development which has regard to the scale, character, topography and amenities of the village”* and would result in unnecessary wear and tear of this regional road.

For these reasons, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Patricia-Marie Young  
Planning Inspector

25<sup>th</sup> day of October, 2021.