



An
Bord
Pleanála

Inspector's Report

ABP-310923-21

Development

(a) Vary planning permission Ref: 75/1168 to remove condition 1 which stated as follows: "That the use of the building shall be restricted to redistribution of animal feed-stuffs and activities incidental thereto, and that in particular, processing of feedstuff and other manufacturing activities shall not be carried on. (b) Retain the change of use from animal feeds storage to use as a storage depot.

Location

Jarretstown, Dunboyne, Co. Meath.

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

21842

Applicant(s)

Peter Cafferkey, Tommy Gallagher and Derek Hynes.

Type of Application

Permission for retention.

Planning Authority Decision

Refuse permission.

Type of Appeal

First Party.

Observer(s)

None.

Date of Site Inspection

15th November 2021.

Inspector

Barry O'Donnell

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.47ha and is located in the townland of Jarretstown, c. 3km south of Dunboyne and close to the county boundary between Meath and Kildare. The site contains two established commercial shed-type buildings, which are set back from the road, and an adjacent area of hardstanding, to the east of the buildings.
- 1.2. Access to the buildings is provided adjacent to the west site boundary and there is a separate access to the hardstanding area, located near the east site boundary.
- 1.3. The site is in a rural area, which contains a number of one-off properties and which is served by a narrow road of c.4.5m in width.

2.0 Proposed Development

- 2.1. The proposed development entailed within the public notices comprised: -
 - Vary planning permission Reg. Ref. 75/1168 to remove condition No. 1 which stated:
 - That the use of the building shall be restricted to redistribution of animal feed-stuffs and activities incidental thereto, and that in particular, processing of feedstuff and other manufacturing activities shall not be carried on.
 - Retain the change of use from animal feeds storage to use as a storage depot used in accordance with the provisions of Class 5 of Part 4 Article 10 of the Planning and Development Regulations 2001 (as amended) which is defined as follows: 'Use as a wholesale warehouse or as a repository.'

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused permission on 29th June 2021 for 3 No. reasons as follows: -
 1. *Based on the information submitted, it is not considered that the applicant has demonstrated a justification or need for a commercial storage facility at this*

location and therefore the proposed development would materially contravene SS OBJ 12 'To ensure that Small Towns develop to cater for locally generated development and that growth occurs in tandem with local services, infrastructure and demand' and SS OBJ 4 'To focus development on the high quality integrated growth and consolidation of the identified Large Growth Towns enabling them to act as key employment and service centres in the county, to ensure that all other towns develop at a sustainable rate to facilitate self-sustaining expansion and to protect agricultural and amenity lands for their primary purpose. This would therefore establish an undesirable future precedent for developments of this kind and be contrary to the proper planning and sustainable development of the area.

- 2. It is the policy of the County Development Plan (ED POL 21) to permit development proposals for industrial or business enterprises in the countryside where certain criteria are met. The proposed development, as presented, is considered to materially contravene said policy as it relates to intensification of site use for two new businesses with no rural locational requirements. It is considered therefore that the proposed development, if permitted, would be contrary to the proper planning and sustainable development of the area.*
- 3. The proposed development is considered to represent an intensification of use of the original permitted use. In addition, based on the details received, adequate sightlines in both directions are not demonstrated. It is therefore considered that the proposed development, if permitted, would endanger public safety by reason of a traffic hazard or obstruction of road users or otherwise.*

3.2. Planning Authority Reports

- 3.2.1. A planning report dated 29th June 2021 has been provided, which reflects the decision to refuse permission.
- 3.2.2. Regarding the proposal to remove condition No. 1 of Reg. Ref. 75/1168, the report states that the current sub-divided use of the building is for commercial purposes and that the development is not in accordance with Section 4.4.1 of the development plan (2013-2019) and is inconsistent Economic Development Policy ED POL 21. The report recommends that permission for this aspect of the development should be refused.

- 3.2.3. Regarding the change of use from animal feeds storage to use as a storage depot, the report states that this part of the development is not in accordance with Section 4.4.1 of the development plan (2013-2019) and is inconsistent with Economic Development Policy ED POL 21. The report recommends that permission for this aspect of the development should be refused.
- 3.2.4. The report also questioned the status of an existing septic tank on the site, where no details had been provided, and also referenced comments provided by the Transportation department, which requested additional information in respect of parking proposals and proposed sightlines and also requested a traffic impact assessment including details of peak hour trip generation.
- 3.2.5. The report recommends that permission be refused for 3 reasons, which are consistent with the Planning Authority's decision to refuse permission.
- 3.2.6. Other Technical Reports

A **Water Services** report dated 31st May 2021 has been provided, which outlines no objection to the development subject to a number of recommended conditions, including a requirement to complete a BRE 365 result for the proposed soakaway and including provision of climate change.

A **Transportation** report dated 23rd June 2021 has been provided which recommends the following additional information be requested: (a) demonstration of unobstructed sightlines of 90m x 3m in both directions from the site accesses, (b) demonstration of removal of a specified section of the roadside boundary hedge and a setback of 4m from the road edge, to allow for a 4m wide verge, (c) demonstration of potential for 9 parking spaces and (d) a traffic impact assessment, which should include details of peak hour trip generation.

The planning report outlines that the **Environment** department was also consulted on the application, but did not provide a report.

3.3. Prescribed Bodies

- 3.3.1. Irish Water made a submission on 2nd June 2021, which outlined no objection to the development subject to incorporation of a number of recommended conditions.

3.4. Third Party Observations

3.4.1. One letter of observation was received, the issues raised within which can be summarised as follows: -

- The development was considered to be framed as a rural enterprise but it was argued that it is not rural and the parties are not rural. Arguments that the development generates rural business were disputed.
- Concerns were expressed that the removal of condition No. 1 of Reg. Ref. 75/1168 would undermine local agreements regarding the operation of businesses from the site.
- Concerns were expressed that the development is contrary to the development plan and the proper planning and sustainable development of the area.
- It was considered that the development would be more appropriately located in a business park.
- The use of site 3 within the application site was questioned.
- The observer objected to use of the planning process to regularise and extend the commercial use of the site.
- Concerns were expressed regarding the impact of traffic from the site.
- Commitments within the application documents regarding traffic levels were considered to be unenforceable.
- The adequacy of the public notices was questioned.

4.0 Planning History

4.1.1. Planning history records for the site are extensive and include the following: -

RAS51941 - (ABP Ref. ABP-305436-19) Section 5 application 'Whether or not the subdivision of the unit into two separate units, whether the use of part of the existing building for use for storage of materials and whether the use of the yard Area 3 for the storage of materials is or is not development or is or is not exempted development'. The Board issued a split decision as follows: -

(a) the subdivision of the unit into two separate units is development and is exempted development,

(b) the use of existing unit number 1 for the storage of materials not solely comprising animal feedstuffs is development and is not exempted development, and

(c) the use of the yard Area 3 for the storage of materials is development and is not exempted development

DA050418 - Permission refused for a bungalow style private dwelling with effluent treatment unit and associated works.

DA040437 - Permission refused for a bungalow style private dwelling with effluent treatment unit and associated works.

001675 - Permission refused for construction of a dormer bungalow with septic tank & puraflo effluent treatment system.

001259 - Permission granted for alterations to the front facade of existing warehouse building & to provide office accommodation within. The application involved the sub-division of a structure previously approved under planning ref. P75/1168

001258 – (ABP Ref. PL17.127077) Permission granted for demolition of part of an existing warehouse, construction of a replacement warehouse with office accommodation and including a septic tank & puraflo effluent treatment system.

982094 - Permission refused for a dormer bungalow with septic tank and puraflo effluent treatment system.

75/1168 – Permission granted for retention of existing use and buildings on the site. The grant of permission included condition No. 1 which stated: -

1. That the use of the building shall be restricted to redistribution of animal feedstuffs and activities incidental thereto, and that in particular, processing of feedstuffs and other manufacturing activities shall not be carried on.

Reason: To confine uses to those acceptable in the area in accordance with the proposals in the applicant's architects' letter of 07/01/76

Enforcement records

- UD17066 - Warning letter issued in respect of change of use of agricultural zoned site to commercial use.
- UD02188 - Enforcement notice served regarding concreting a builder's yard, storage of plant and machinery, workshop and store buildings, burning of rubbish.

5.0 Policy Context

5.1. National Planning Framework

NPO 21: 'Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT-based industries and those addressing climate change and sustainability.'

NPO23: 'Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy 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 which are vital to rural tourism.'

5.2. Meath County Development Plan 2021-2027

- 5.2.1. The new 2021-2027 development plan was adopted and has taken effect since the appeal was submitted.
- 5.2.2. The site is in a rural, unzoned part of County Meath. Section 4.11 of the development plan relates to the Rural Economy and it outlines that there is a need to develop a rural economy that offers viable and sustainable employment for existing

communities and that this is manifested in the need to both acknowledge the need for and promote the development of small scale enterprises in rural areas.

5.2.3. Section 4.11.1 'Rural Enterprise' states that '*It is the policy of the Council to support the location of once off medium to large-scale rural enterprise if it is demonstrated, to the satisfaction of the council, that the enterprise can be more readily accommodated in a rural setting than provided in a designated settlement centre and subject to standard development management considerations being applied.*' The section also states that '*The promotion and facilitation of micro enterprises (up to a maximum of 10 employees) is a key area for the generation of sustainable employment opportunities in rural areas.*'

5.2.4. The following policies are of relevance to this appeal: -

ED POL 16: To support the location of a once off medium to large-scale rural enterprise only in instances where it is demonstrated, to the satisfaction of the Council, that the enterprise can be more readily accommodated in a rural setting than in a designated settlement centre and subject to standard development management considerations being applied.

ED POL 18: 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 policy shall not apply to sites accessed from the National Road Network.

ED POL 19: To support and facilitate sustainable agriculture, agri-food, horticulture, forestry, renewable energy and other rural enterprises at suitable locations in the County.

ED POL 26: Meath County Council shall positively consider and assess development proposals for the expansion of existing authorised industrial or business enterprises in the countryside where the resultant development does not negatively impact on the character and amenity of the surrounding area. In all instances, it should be demonstrated that the proposal would not generate traffic of a type and amount

inappropriate for the standard of the access roads. This policy shall not apply to the National Road Network.

5.3. **Natural Heritage Designations**

5.3.1. The site is not located within or adjacent to any Natura 2000 site. The nearest European site is the Rye Water Valley / Carton SAC (Site Code 001398), which is approx 2.5km south-west.

5.4. **EIA Screening**

5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application.

5.4.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.4.3. The subject development is (a) removal of a condition which limited the use of the subject building to redistribution of animal feed-stuffs and activities incidental thereto and (b) retention of change of use from animal feeds storage to use as a storage depot (within the provisions of Class 5 of Part 4 Article 10 of the Regulation), on a site with a stated area of 0.5ha. The development falls well below the applicable site area threshold of 20 ha.

5.4.4. The site is in a rural area, which is characterised by low-density residential development and agricultural land and the existing building on the site is permitted for use for storage purposes. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development would not give rise to significant or hazardous waste, pollution or

nuisances and it would not give rise to a risk of major accidents or risks to human health. Wastewater would continue to drain to an existing septic tank and surface water will continue to drain to an existing soak pit.

5.4.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site outside of any sensitive location specified in Article 109 of the Planning and Development Regulations 2001 (as amended),
- The existing permitted use of the building on the site for storage purposes,
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.4.6. 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.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows: -

- Refusal reason No. 1
 - The Planning Authority fails to acknowledge the fact that the structure and the use of the storage facility/warehouse have planning permission and the Board has previously determined that subdivision into two storage units did not constitute development.

- The use as an animal feedstuff storage warehouse has ceased for in excess of 20 years and the use is abandoned.
 - The site owners have attempted to find suitable alternative uses for the property. It is unsuitable for agricultural use, in view of the roadside location.
 - There is a requirement to ensure that the building does not fall into decay and given it is permitted for use as a warehouse, it should continue. The only thing preventing this from happening is condition No. 1 of Reg. Ref. 75/1168, which requires that it should be used for animal feed distribution only.
 - The intensity of the use can be controlled by condition and the applicants have no objection to a limit on vehicle movements or a condition restricting use.
 - One of the users of the site, Delcom, is a rural broadband cabling company and the justification for them to be on the site is based on the need to be located in the rural areas they serve.
 - Another user, Gilt Homes, is suited to the location as it is close to the applicant's home and is convenient for access. Gilt Homes has used the site for years without any impact on the surrounding area.
 - Having regard to the permitted warehouse use, the replacement of the use with a similar warehouse use would accord with the proper planning and development of the area.
- Refusal reason No. 2
 - The applicant disagrees with refusal reason No. 2. The Board has previously determined that subdivision of the warehouse into 2 units does not constitute an intensification of use and confirmed that it is exempted development. The Inspector's report stated that the use was a low-intensity use.
 - The previous animal feed business on the site involved staff on the site and considerable HGV traffic. There is no such traffic associated with the proposed uses and there are no visiting members of the public.
 - Refusal reason No. 3

- The Board has previously determined that subdivision of the warehouse into 2 units does not constitute an intensification of use. Reference is made to the Inspector's report, which discussed the issue.
- The development will involve reduced traffic movements, in contrast to the permitted use. This is outlined in the traffic report which is provided as part of the appeal.
- It is noted that the Transportation department did not object to the development. On this basis a revised sightline drawing has been provided. Parking spaces are also identified but it is not envisaged that there will be a demand for 9 spaces on the site.
- The development will not give rise to a traffic hazard and would not be contrary to the proper planning and sustainable development of the area.
- Other matters
 - Submission by Ted Fleming
 - The observation outlines that the applicants live in Kildare and Dublin but fails to acknowledge that the site is located on the border with Kildare and Dublin.
 - The details provided within the application are based on professional planning opinion and are based on interpretation of planning policies and the previous decision by the Board.
 - The applicants' role in the rural area has been clearly set out in the application documents.
 - The applicants are not aware of any agreement being in place with residents. It is also highlighted that the former use has terminated and ownership has changed. The Planning system must facilitate change.
 - References to urban sprawl and ribbon development fail to acknowledge that the structure is in place and has permission. The only matter for consideration is whether the proposed use is acceptable in planning terms.

- References to applications for a house on the site are not relevant to this application.
- Delcom confirms that a number of years ago, c. 2 miles away an incident occurred whereby a horse was spooked and reared. Delcom was not responsible for this incident. Comments regarding this incident should be disregarded.
- Condition No. 1 of Reg. Ref. 75/1168
 - It is contended that the condition is no longer necessary, in view of recent planning records and the abandonment of the former use. It is not enforceable or reasonable, having regard to the abandoned use.
 - As it has already been determined by the Board that there is no material change of use, no intensification of use and no additional traffic arising from operations, the proposed continued use of the site accords with the proper planning and sustainable development of the area.

6.2. Planning Authority Response

6.2.1. A submission was received on 23rd August 2021, the contents of which can be summarised as follows: -

- The PA is satisfied that all relevant planning considerations outlined in the appeal were considered in its assessment of the application, as detailed in the planning report.
- The Board will note the rural, unzoned location, planning history including planning conditions attached to previous grants of permission, the nature of existing businesses on site, the content and issues raised in the third party submission and all internal reports on the application.
- The proposed development is not considered to be consistent with the proper planning and sustainable development of the area and permission should be refused.

6.3. Observations

6.3.1. None received.

6.4. Further Responses

6.4.1. None received.

7.0 Assessment

7.1. Having inspected the site and considered the contents of the appeal, I consider the main planning issues in the assessment of the proposed development are as follows:

- Material contravention
- Principle of development;
- Intensity of use of the site;
- Access and parking;
- Surface water drainage
- Other issues;
- Appropriate assessment.

7.2. Material Contravention

7.2.1. Refusal reason Nos. 1 and 2 of the Planning Authority's decision state that the development would materially contravene objectives SS OBJ 12, SS OBJ 4 and policy ED POL 21 of the 2013-2019 development plan. I note that, in the intervening period since the appeal was lodged, the new 2021-2027 county development plan was adopted and has taken effect.

7.2.2. The identified policies, which have been superseded by the new development plan, stated: -

SS OBJ 4 To focus development on the high quality integrated growth and consolidation of the identified Large Growth Towns enabling them to act as key employment and service centres in the county, to ensure that all other towns develop

at a sustainable rate to facilitate self sustaining expansion and to protect agricultural and amenity lands for their primary purpose.

SS OBJ 12 To ensure that Small Towns develop to cater for locally generated development and that growth occurs in tandem with local services, infrastructure and demand.

ED POL 21 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

7.2.3. I have given consideration to each of these stated instances of material contravention and, in the case of objectives SS OBJ 4 and SS OBJ 12, I consider the issue of material contravention does not arise, in view of the rural location of the site and the smallscale nature of the proposed development. In the case of policy ED POL 21, I am of the view that it is not so specific as to be demonstrably contravened and, therefore, I do not consider that the development is in material contravention of it. I am therefore satisfied that the provisions of Section 37(2) of the Act are not applicable in this instance.

7.3. Principle of Development

- 7.3.1. The subject site is located in a rural, unzoned area of County Meath. Section 4.11.1 of the new development plan relates to Rural Enterprise and it states that it is the policy of the Council 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 (Policy ED POL 18). Policy ED POL 19 also supports rural enterprise, in suitable locations.
- 7.3.2. The subject building has been permitted for restricted storage and distribution use under Reg. Ref. 75/1168 (restricted to redistribution of animal feed-stuffs and activities incidental thereto) and the Board has previously determined that internal sub-division of the building into 2 no. separate units comprised exempted development (ABP Ref. ABP--305436-19). The commercial use of the building and its sub-division internally have therefore been established.
- 7.3.3. The applicants seek permission to remove condition No. 1 of Reg. Ref. 75/1168 and to retain the change of use of the site to use as a storage depot, used in accordance with the provisions of Class 5 of Part 4 Article 10 of the Regulations '*Use as a wholesale warehouse or as a repository.*'
- 7.3.4. Regarding the specific nature of the uses ongoing on the site, I note that the grounds of appeal state the following: -
- Unit 1 and the yard area are operated by the applicant, Derek Hynes. The business operated from the site by Mr. Hynes (Delcom) is entirely operational in the rural area and there is a need to store machinery in a location which is accessible to the areas the business serves. The unit is used as a lock-up for machinery and equipment, which is collected each morning and returned each evening. There are 5-10 people employed by the company, each of whom is based locally and all of whom work off-site.
 - Regarding the yard area, Mr. Hynes intends to extend his business, which will require the purchase of and storage of more machinery and equipment.

- Unit 2 is operated by the applicant, Tommy Gallagher (Gilt Homes) as a storage facility for his building business. Mr Gallagher is the only person accessing the unit and he does so a couple of times per week.

7.3.5. I note that in its Order in respect of Ref. ABP--305436-19, the Board determined that the permitted use of the existing structures on the site falls within Class 5 of Part 4 of Schedule 2 use as a wholesale warehouse and repository and that use for the storage of materials would come within the same use class.

7.3.6. In view of the smallscale nature of both businesses and the fact that the uses are purely storage use, I consider policy ED POL 18 is applicable and I note that it supports *'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.'*

7.3.7. In this instance, Units 1 and 2 are within an existing building which has been permitted for similar commercial storage use and I am satisfied that the ongoing use for which permission is sought does not give rise to environmental or landscape and visual impacts.

7.3.8. Regarding traffic levels, a Traffic Report has been provided as part of the appeal, prepared by TPS M Moran & Associates, which models traffic levels for the permitted warehouse use of the site, using TRICS data for similar warehouse forms of development and compares modelled traffic to traffic levels associated with the proposed development. The Report suggests that the permitted use would give rise to 16 2-way movements over a typical operating day. By comparison, the subject development is stated to give rise to 2 or 3 trips per day, or some 15 trips over a 5-day working week.

7.3.9. I consider the assessment of trip generation from the proposed uses is understated, based on information provided by the applicants in relation to the pattern of usage of the site as outlined in Section 7.3.4 of this report, however; and notwithstanding this, in view of the purely storage nature of the uses and the small scale nature of both businesses, I would accept that it is likely to generate low traffic numbers and is unlikely to have any significant or undue impact on the local road network.

- 7.3.10. In view of the above considerations, I consider the use of units 1 and 2 is in accordance with policy ED POL 18 and is acceptable.
- 7.3.11. Regarding the yard area, I note that the grounds of appeal state that permission for the use of this area is required as the applicant Derek Hynes intends to extend his business and that this will require the purchase of and storage of more machinery and equipment. In my view, this is an indication of intent to intensify the use of the site, but no further details of the nature of the expansion, with reference to employee numbers or increased traffic generation, have been provided. The yard area is significantly larger than Unit 1 and has the potential to facilitate material intensification of the use of the site. Having given consideration to the information provided as part of the appeal, I consider the applicant has not adequately demonstrated compliance with Policy ED POL 18.
- 7.3.12. I note that the grounds of appeal state that the applicants have no objection to a limit on vehicle movements or a condition restricting the intensity of use but I do not consider a condition limiting the intensity of use or vehicle movements could be practically enforced.
- 7.3.13. A refusal of permission is therefore recommended for this part of the development.

7.4. Access and Parking

- 7.4.1. There are two separate accesses to the site; (1) adjacent to the west site boundary, which provides access to Units 1 and 2 and (2) towards the east site boundary, which provides access to the yard area.
- 7.4.2. The Transportation department report identified that visibility sightlines of 90m x 3m are required from both accesses and it was indicated that significant work would be required to provide unobstructed sightlines from the east entrance. As part of its recommendation, the Transportation department requested that the applicant should submit a revised layout which demonstrates removal of the roadside boundary between the east entrance and the existing building and provision of a new boundary which is set back 4m from the road edge. A grass verge 4m in width was required in the intervening space.
- 7.4.3. As part of the appeal a further drawing has been provided, which demonstrates the provision of 90m x 3m sightlines in both directions from each access, in accordance

with the Planning Authority's requirements. In both instances the identified sightline is to the centre of the road.

- 7.4.4. The identified sightline from the east access requires removal of all trees along the south site boundary. I noted on my visit to the site that trees along this boundary are primarily Leylandii. I would not object to removal and replacement of these trees, in the manner requested by the Transportation department. Should the Board decide to grant permission I would recommend a condition be attached requiring submission and agreement of a landscaping plan.
- 7.4.5. The identified sightline from the west access incorporates an area of verge which is in third party ownership.
- 7.4.6. Regarding parking, the further drawing provided as part of the appeal identifies the provision of 9 No. parking spaces within the yard area and adjacent to Unit 2. I have previously recommended that permission be refused for change of use of the yard area. The omission of this element of the development would remove the identified parking area from the site.
- 7.4.7. I note that the grounds of appeal state there is not the demand for the required level of parking, as staff drive to the site to collect machinery and then leave again. I also note that the accompanying notes under table 11.2 of the development plan (car parking) states that parking standards for this type of development are set down as maxima standards. It was evident on my visit to the site that there is some smallscale, informal parking of vehicles taking place adjacent to the west site boundary and this does not impede access to the site. In view of the smallscale nature of the businesses and the smallscale parking requirement, I am satisfied that a level of car parking can be provided in this area, to meet the needs of both businesses operating on the site. Should the Board decide to grant permission, I recommend a condition be attached requiring the applicant to submit and agree proposals for parking within the existing hard area to the north and west of Unit 1.

7.5. **Surface Water Drainage**

- 7.5.1. Surface water is identified as draining to an existing soakpit within the site. Its location and specification are not clarified within the application documents. I note that the Water Services department requested that the applicant should complete a BRE 365 assessment for the soakaway and that the system should take account of

increased rainfall due to climate change. Should the Board decide to grant permission, I would recommend a condition be attached requiring that surface water drainage proposals should be agreed with the Planning Authority.

7.6. **Other Issues**

- 7.6.1. There are a number of residential properties on the opposite side of the road, including in close proximity to the subject site but, in view of the storage nature of the uses on the site and the low level of traffic generated by the uses, I do not consider the development has any unacceptable noise or other nuisance impacts on adjacent residential occupiers.
- 7.6.2. I note that the grounds of appeal provide detailed responses to a number of issues raised within the third party letter of objection to the application. No third party observation has been received in respect of the appeal and I am satisfied that the substantive planning issues have been addressed.

7.7. **Appropriate Assessment**

Appropriate Assessment Screening

Compliance with Article 6(3) of the Habitats Directive

- 7.7.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background on the Application

- 7.7.2. A screening report for Appropriate Assessment was not submitted with application. Therefore, this screening assessment has been carried out de-novo.

Screening for Appropriate Assessment- Test of likely significant effects

- 7.7.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 7.7.4. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of the development

7.7.5. The development is summarised at Section 2 of this Report. In summary, permission is sought for (a) removal of a condition which limited the use of the subject building to redistribution of animal feed-stuffs and activities incidental thereto and (b) retention of change of use from animal feeds storage to use as a storage depot (within the provisions of Class 5 of Part 4 Article 10 of the Regulations). The site has a stated area of 0.47ha and it consists of an existing building which is permitted for commercial storage use and an external yard area. Foul drainage is proposed to drain to an existing septic tank on the site and surface water is proposed to drain to an existing soakaway.

Submissions and Observations

7.7.6. The submissions from the applicant and the Planning Authority are summarised as Section 6 of this Report.

European Sites

7.7.7. The development site is not located in or immediately adjacent to a European site. The nearest European site is the Rye Water Valley / Carton SAC (Site Code 001398), which is approx 2.5km south-west. A summary of the SAC is outlined below.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)	Connections (source, pathway receptor)
Rye Water Valley / Carton SAC (Site Code 001398)	Petrifying springs with tufa formation, Vertigo angustior, Vertigo moulinsiana	2.5km	None

Consideration of potential significant effects

7.7.8. There is no watercourse within or adjacent to the site. There is a watercourse approx 650m north which itself drains into the River Liffey, but I consider it is remote from the site. There is therefore no hydrological connection between the subject site and the European site. Taking this into consideration, together with the nature and scale

of the proposed development, I do not consider there is any potential for likely significant effects on qualifying interests within the SAC.

Screening Determination

7.7.9. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site Nos. 001398, or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

7.7.10. This determination is based on the following:

- The absence of any identified hydrological connections between the subject site and the European site.
- The smallscale nature of the development.

8.0 Recommendation

8.1. I recommend that permission is refused for the following elements of the proposal: -

- Retain change of use of the external yard area from animal feeds storage to use as a storage depot used in accordance with the provisions of Class 5 of Part 4 Article 10 of the Planning and Development Regulations 2001 (as amended) which is defined as follows: 'Use as a wholesale warehouse or as a repository.'

8.2. I recommend that permission is granted for the following elements of the proposal:

- Removal of condition No. 1 of permission Reg. Ref. 75/1168.
- Retain change of use of Unit 1 and Unit 2 as storage depots used in accordance with the provisions of Class 5 of Part 4 Article 10 of the Planning and Development Regulations 2001 (as amended) which is defined as follows: 'Use as a wholesale warehouse or as a repository.'

9.0 Reasons and Considerations

Reasons and Considerations (1)

The proposed development which has the potential to give rise to a material intensification of the use of the site, has not been adequately justified in the context of Policy ED POL 18 of the Meath County Development Plan 2021-2027, which supports rural entrepreneurship and the development of micro businesses in rural areas where environmental and landscape impact is minimal and such developments do not generate significant or undue traffic. In the absence of adequate justification, the proposed development is considered to be contrary to the provisions of Policy ED POL 18 of the development plan and is contrary to the proper planning and sustainable development of the area.

Reasons and Considerations (2)

Having regard to the permitted commercial use of the existing structures and the nature and scale of the proposed development it is considered that the proposed development would not have any unacceptable environmental or landscape impact, would not generate significant or undue traffic, would not impact on the amenity of adjoining residential occupiers and would be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1.	The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Reason: In the interest of clarity.
2.	Permission is granted for the use of Units 1 and 2 only for storage purposes, in accordance with the provisions of Class 5 of Part 4 Article 10 of the Planning and Development Regulations 2001 (as amended). Reason: In the interest of clarity.
3.	Within 3 months of the date of this Order the applicant shall submit proposals for (a) improved visibility sightlines from the existing site access

	<p>and (b) vehicle parking on the site, for the written agreement of the Planning Authority. Agreed measures shall be provided on the site within 6 months of the date of this Order.</p> <p>Reason: In the interest of road safety and to ensure adequate provision is made for parking within the site</p>
4.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>

Barry O'Donnell
 Planning Inspector

18th November 2021.