



An  
Bord  
Pleanála

## Inspector's Report ABP-311002-21

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<b>Development</b>	Single storey industrial unit with 6 adjacent, ancillary steel silos. Unit to contain 3 separate industrial processes (mortar production, bagging of bulk powders, manufacture of steel girders), office space and welfare facilities.
<b>Location</b>	21, 22 & 23 Oaktree Business Park, Dunderry Road, Trim, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	TA201886
<b>Applicant(s)</b>	Keegan Landholdings Ltd.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	To grant with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Eco Advocacy.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	13 <sup>th</sup> December 2021.
<b>Inspector</b>	Deirdre MacGabhann

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## 1.0 Site Location and Description

- 1.1. The 0.84 ha appeal site is situated on the northern side of Trim Town in an existing industrial estate, Oaktree Business Park. The site comprises nos. 21, 22 and 23 Oaktree Business Park and is currently undeveloped. Access to the site is from an internal access road within the Business Park and access to the Business Park is from a minor road to the east (L4023-2). Occupants of the Business Park are mixed and include Danish pellet boilers, car servicing, kitchen manufacture, lighting, brewing, tool hire, business centre, coffee supplies, play centre, electrical wholesale, food waste facility and concrete paving.
- 1.2. To the south of the appeal site and Business Park is the Eamon Duggan Industrial Estate. Access to the Industrial Estate is via an internal estate road, from the Business Park, and directly from the R154 Athboy Road to the south of the Estate. Residential development lies on the southern side of the R154.

## 2.0 Proposed Development

- 2.1. The proposed development, as revised by way of significant further information and clarification of further information (submitted 21<sup>st</sup> May 2021 and the 3<sup>rd</sup> June 2021 respectively), comprises a single storey enclosed industrial unit (floor area 2,138sqm, 15.2m high) located along the eastern side of the appeal site. Adjacent to the unit (to the south) are six no. steel silos (98.7sqm and 12m in height). The unit contains three industrial processes, office space (231.8sqm) and welfare facilities.
- 2.2. Proposed industrial processes are:
  - Bulk powder bagging machine. Fine calcium carbonate powder will be brought to the site from the applicant's production plant at Trammon. It will be blown into the proposed silos and conveyed from the silo to the automatic bagging machine within the industrial unit. The machine will bag, weigh and seal the powder in a fully automated plant, stack and wrap the bags on pallets ready for export.
  - Steel girder manufacturing plant. Steel coils will be brought to the site and fed into an automated steel machine to produce steel girders. Girders will be

exported off-site for use in the applicant's Keegan Precast operation in Trammon, Rathmolyon.

- Dry mortar plant. Dry sand products produced by Keegan Calcium Carbonate will be brought to site from the Calcium Carbonate Plant at Trammon and blown into the proposed silos. From here it will be conveyed into the dry mortar plant, and mixed with various dry additives and sold in silos or bagged through the bagging plant.

2.2.1. Noise from the plant will not exceed 55dB during the day or 45dB at night and will be monitored at the boundary of the site. The industrial processes will take place in an enclosed industrial building which will be airtight, with little or no dust produced within the unit as a whole. If dust arises, dust monitoring will be introduced and limited at site boundaries to 350mmg/m<sup>2</sup> per day. Operational hours will be from 7am to 7pm Monday to Friday, 8am to 2pm on Saturdays and no work on Sundays or Bank Holidays.

2.2.2. The following vehicle movements are proposed. These equate to 50 vehicle movements per week.

	Bagging Plant	Dry Mortar	Steel	Total
Load/day	2	2	1	5
Movements/day	4	4	2	10
Movements/week	20	20	10	50

2.2.3. 10 no. people will be employed on the site, with additional movements by car, bike or on foot.

2.3. Walls and railings are proposed on the western and northern site boundaries and 3m high security fencing along the southern and eastern boundaries. Perimeter planting is proposed within the site boundaries, principally to the south and west. HGV access is via a proposed entrance to the west, with separate car and pedestrian access to the north of the site. 18 no. car parking spaces and a bicycle rack is proposed to the north of the site. A service yard is proposed to the west of the

industrial unit. Surface water will be disposed of via an attenuation area to an existing surface water drainage pipe in the adjacent road.

2.4. Submitted with the application are:

- Applicant report.
- Civil Engineering Report.
- Transportation Planning Report.
- Calculations in respect of surface water management and discharge, including soakaway design.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.1.1. On the 9<sup>th</sup> July 2021, the planning authority decided to grant permission for the development subject to 22 no. conditions. These include restricting the development to light industrial purposes (Class 4, Planning and Development Regulations, 2001, as amended – ‘the Regulations’) (C3), archaeological pre-development testing of the site (C4), revisions to surface water management infrastructure (C8), construction environmental management plan (C9), construction management plan (C10), means to limit noise and dust from the site during construction and operation (C17, C18, C19) and development contributions (C21 and C22).

#### **3.2. Planning Authority Reports**

3.2.1. Planning Reports

- 9<sup>th</sup> February 2021 – Refers to the planning history of the site, its policy context, submissions and observations made. It considers that the development is acceptable in principle given the zoning of the site. The report screens the development for AA (not required) and EIA (more information required in respect of manufacturing of steel girders and whether this falls within Schedule 5 of the Regulations). The report considers that the design of the development is acceptable, including the height of the structure, given its setback from the public road. The report recommends further information in

respect of environmental impact assessment, provision of a landscaping plan and matters raised in technical reports and by prescribed bodies (treatment of surface water and pre development testing).

- 9<sup>th</sup> July 2021 – Considers that the matters have been adequately addressed. Recommends a grant of permission subject to conditions.

### 3.2.2. Other Technical Reports

- Water Services (7<sup>th</sup> January 2021) – Recommends further information in respect of surface water management and disposal. Subsequent report (15<sup>th</sup> June 2021) considers that the development does not comply with requirements of the Water Services Section and recommends further information in respect of surface water management and discharge.
- Transportation (28<sup>th</sup> January 2021) – Number of parking spaces is below standard but as the applicant has confirmed that this is adequate to accommodate the anticipated number of staff. No objections.

### 3.3. Prescribed Bodies

- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (DTCAGSM) (19<sup>th</sup> January 2021) – Recommend pre-development testing given large scale of site and location in area of high archaeological potential.
- Irish Water – No objection subject to conditions.
- An Taisce (21<sup>st</sup> January 2021) – Past failures to comply need to be addressed as a preliminary matter.

### 3.4. Third Party Observations

3.4.1. On file are third party observations, made by the appellant. Issues raised are:

- Inconsistency with established uses on the site.
- Impact on amenity of area/Trim town.
- HGV traffic.
- Noise and disturbance.

- Source of aggregates and planning status.
- Applicant's (and related companies) history of unauthorised activity.
- Societal impacts of unauthorised development.

## 4.0 Planning History

- PA ref. TA50020 – Permission granted to John Keegan in 2005 for 10 units (6 no. x 281sqm, 2 no. x 387sqm and 2 no. x 457sqm), on the subject site, for light industrial and related uses to include wholesale to trade, warehousing, light manufacturing, storage, distribution and ancillary office accommodation, signage, walls and railings to north and west site boundaries, 3m high security fence along east and southern boundary, 60 car parking spaces, landscaped areas and connection to site services.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The current development plan for the subject site is Meath County Development Plan 2021-2027, which took effect from the 3<sup>rd</sup> November 2021. The Minister for Local Government and Planning has issued, in accordance with Section 31 of the Planning and Development Acts (as amended), a Draft Direction in respect of the Plan and zoning of certain lands. However, this does not affect the zoning of the appeal site.
- 5.1.2. Trim is identified in the current County Development as a '*Self-Sustaining Growth Town*'. The vision for the town is to maximise the number of local job opportunities while investing and expanding in the tourist product, based around Trim Castle and River Boyne. Oaktree Industrial Park is identified as one of the key locations in town for employment enterprise and employment generating uses. Policies of the plan promote the development of the Industrial Park (policy objectives TRM OBJ 6 and ED OBJ 46). Zoning of the Industrial Park is E2 'General Enterprise and Employment'. The objective of the zoning 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*. Permitted uses include industry, general and light. Development management objectives for industrial, office, warehousing and business park development are set out in section 11.6.7 of the Plan.

## 5.2. Natural Heritage Designations

- 5.2.1. Approximately 1km to the south of the subject site, the River Boyne flowing west to east through Trim town, is designated as a Special Area of Conservation (SAC) and a Special Protection Area (SPA), the River Boyne and River Blackwater SAC and SPA, site codes 002299 and 004232 respectively.

## 5.3. EIA Screening

- 5.3.1. Schedule 5 of the Planning and Development Regulations, 2001 (as amended) (the Regulations) sets out classes of development which require environmental impact assessment. Proposed uses on the site, bagging of bulk powder, manufacture of steel girders from coils of steel and production of dry mortars, do not fall within any of the specified classes of development. Of note:

- Appendix A of the 'Report to accompany the planning application' provides details on the bulk powder bagging machine. This provides for the automated bagging of fine calcium carbonate powder. It involves no chemical conversion process (Class 6, Part 1 of Schedule 5 of the Regulations) or smelting or burning of minerals (Class 5, Part 2 of Schedule 5).
- The manufacture of steel girders is described in Appendix B of the 'Report to accompany the planning application'. It essentially comprises the use of machinery to bend and weld coils of steel to make truss girders. There is no smelting operation involved in the proposed process (Class 4(a), Part 1 of Schedule 5 of the Regulations), or processing of metals (Class 4, Part 2 of Schedule 5).
- Appendix C of the 'Report to accompany the planning application' provides information on the dry mortar production plant to be used to produce various calcium carbonate dry sand products. The plant essentially comprises the

automated mixing of dry ingredients. Again, there is no chemical conversion or heat treatment or processing of materials.

- 5.3.2. Class 10 (Infrastructure projects), Part 2, Schedule 5 requires environmental impact assessment of industrial estate development projects, where the area exceeds 15ha. The proposed development comprises an industrial development on a site of 0.84ha, substantially below this threshold.
- 5.3.3. As a sub-threshold development, the industrial processes which are proposed, will take place within an enclosed environment and with limited emissions in respect of noise and dust. The development is situated in an existing industrial estate, is removed from nearby residential development and is not directly connected to any sensitive ecological site (surface water will drain via attenuation and bypass interceptor to the existing local authority surface water drainage system in the public road, foul water for 12 persons will discharge to the public sewer). Having regard to these factors, the characteristics of the development and its location, impacts are unlikely to be significant in terms of magnitude or spatial extent and there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

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

- 6.1.1. The third party grounds of appeal are:
- Established use. The proposed use is different to established uses on the site and would detract from the amenity of the area/Trim town (HGVs). Development is for a heavy industrial type plant. Other businesses are generally retail and light commercial. Development incompatible with residential uses close to the site (dust/other particulates). Compatibility with zoning of adjoining land (e.g. if for housing). Development is too noisy, dirty and unsightly to be adjacent to a residential area.
  - Traffic. Development would give rise to significant HGV movements which would be incompatible with existing consumer and light commercial traffic.

- Nuisance. Noise from tonal bleeping, laden and unladen trucks, loading operations, manufacture of steel girders. Dust from production of dry mortar and bagging of bulk powders. Risk of lime and cement dust and silica dust exposure. Significant draw on electricity. Adequacy of supply. Inappropriate use in middle of residential area and impact on enjoyment of homes. Need for walls on all sides to protect adjoining uses.
- Source of aggregates. Question source of aggregates and planning status of these sites.
- Corporate structure. Ownership of company and compliance by related companies within the group.
- Section 35 of Planning and Development Act should be invoked due to past failures to comply. Applicant's history of unauthorised development and compliance issues at numerous sites (see details in submission). Further grants of permission would be contrary to natural justice, set an inappropriate precedent and be contrary to proper planning and development. Inaccurate reference to PA ref. 01/1242 in Planning Report (not parent permission, refers to another site).
- Water services. Inadequate response by applicant to matters raised. Planning authority should conduct an independent assessment (not developer paid).
- EIA screening. EIA cannot be excluded. Screening should be conducted.
- Timeframe. No reference to timeframe. Operation should be subject to review after 5 or 10 years.
- Proximity of development to Duleek, health and safety issues regarding quarry lakes, unacceptable proposals for restoration (point nos. 63-67 of appeal).
- Flawed Layout Plan and buildings elevations (measurements, levels).

## 6.2. Applicant Response

6.2.1. In response to the appeal (20<sup>th</sup> August 2021), the applicant makes the following comments:

- The appellant objects to all of the applicant's operations.
- Matters related to the appeal:
  - Use: The development is not a heavy industry type. It is a totally enclosed facility, compatible with the zoning objectives for the site, similar to other activity within the Industrial Estate and appropriate on the brownfield site.
  - Traffic: A traffic count submitted with the application concluded that the levels of traffic associated with the site, with the HGV movements associated with the development, would not adversely impact on the operation of public roads in the area.
  - Nuisance: The operation is totally enclosed. There will be no loading shovels in use. All manufacturing equipment will be new and comply with EU noise regulations.
  - Fencing: A 3m security fence was chosen for the east and southern boundaries of the site, as these are adjacent to other industrial buildings or a cul-de-sac with minimal pedestrian and vehicular traffic. A block wall, rendered to match the building, with railings to 1.75m was deemed more suitable and aesthetically pleasing for the north and west boundaries, adjacent to public roads and footpaths.
  - EIA: The development is not of a type which is listed under Part 1 or Part 2 of Schedule 5 of the Regulations. Therefore the need for an EIA can be excluded and a screening statement is not required. The Planning Report (9<sup>th</sup> July 2021) states that the applicant has adequately addressed this matter.
- Other matters. The appellant raises matters in the appeal which have been repeatedly raised in all objections to the applicant's proposed developments (Table 1 of response). Matters raised are not relevant to the proposed

development, are vexatious and should be dismissed. No objections have been made by the appellant to other development proposed within the Business Park.

### **6.3. Planning Authority Response**

- 6.3.1. In response to the appeal (9<sup>th</sup> August 2021), the planning authority submits that all matters were examined by the planning authority and have been addressed in the Planning Report. Considers the development to be consistent with policies and objectives of the Meath County Development Plan 2013-2019 (as varied).

### **6.4. Observations/Further Responses**

- None.

## **7.0 Assessment**

- 7.1. Having regard to the application details and documentation on file and my inspection of the appeal site, I consider that the main issues in this appeal are:

- Compatibility with zoning of the site.
- Traffic.
- Environmental impact assessment (addressed in section 5.3 of the report).
- Other matters (water services, timeframe, plans).

- 7.2. I do not consider the appeal to be vexatious or without substance, as it raises legitimate planning matters. With regard the appellant's concerns on the past performance of the applicant and associated companies, I comment as follows:

- The appellant considers that the planning authority should have invoked section 35 of the Planning and Development Act, 2000 (as amended) ('the Act) due to the past performance by the applicant, and his associated companies, at numerous sites, which has resulted in unauthorised development, lack of compliance with conditions of permissions and enforcement action. The appellant also raises concerns regarding the planning status of the quarry providing material for the subject development.

- Section 35 of the Act enables a planning authority to refuse planning permission for a development where the authority is satisfied that a person is not in compliance with the terms of a previous permission, has carried out substantial unauthorised development or has been convicted of an offence under the Act and where the authority form the opinion that there is a real and substantial risk that the development in respect of which permission is sought would not be completed in accordance with the terms of the permission. Section 35 of the Act does not apply to the Board.
- I have reviewed the material on file submitted by the appellant, including references to court proceedings. From this, there is evidence of a lack of compliance by the applicant (and his associated companies) with the terms of planning permission(s) and/or unauthorised development. However, all of the cases referred to raise site specific issues, are removed from the subject site and are largely associated with quarrying. Further, many of the instances cited would appear to be the subject of enforcement action.
- The planning authority, with responsibility for enforcement, in deciding to grant permission for the development, has considered that there is no substantial risk that the proposed development will not be completed in accordance with the terms of the permission. Whilst I am mindful of the public frustration associated with lack of compliance with the planning code, I do not consider that there is evidence of a real and substantial risk that the proposed development, in an urban area and high profile site, would not be completed in accordance with the terms of the permission.
- With regard to the source of material for the subject development, I note that the applicant intends to import and export materials from and to a site in Tromman, County Meath. I am assuming this refers to the applicant's quarry at Tromman. This quarry lies c. 24km to the south of Kells and is the subject of a current case before the Board, ABP-305049-19, an application for substitute consent for quarry. Whilst the proposed development raises questions in terms of sustainability in respect of the movement of materials, the applicant is entitled to bring forward the application for the development (which may be motivated by unstated business requirements). Further, it is

for the planning system to adjudicate on the planning status of the quarry at Tromman and the planning authority to ensure compliance with the terms of any permission which is in place. Both of these issues are outside the scope of this appeal.

- The Planning Report dated 9<sup>th</sup> July 2021 refers to development contributions paid in respect of 'parent permission 01/1242'. This refers to a development at Oakfield Business Park (construction of roadways etc.). However, it is not clear how/if this relates to the subject development as there is no 'parent permission' for the development. I would infer from this, in the absence of an explanation, full development contributions should be sought from the applicant if the Board decide to grant permission for the development.

### **7.3. Compatibility with zoning of the site.**

- 7.3.1. The appellant argues that the development is different from the uses established in the current complex, is incompatible with nearby residential development and zoned lands (e.g. if zoned residential) and would detract from amenity of Trim town (HGVs travelling to and from the town). It is also argued that external boundary treatment is inadequate.
- 7.3.2. The appeal site is zoned E2 General Enterprise and Employment. The objective of the zoning 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'*. Permitted uses include industry, general and light.
- 7.3.3. There are numerous businesses established in Oaktree Business Park. These are referred to by the appellant and the applicant, in response to the appeal and include 'lighter' uses such as wholesalers, hire centres and a gym alongside 'heavier' uses including a sheet metal fabrication company, food waste processing, pet cremation and brewing.
- 7.3.4. The proposed development comprises industrial uses i.e. for the 'making of any article' and the 'treatment of minerals' (cited from the definition of industrial process, article 5 Planning and Development Regulations, 2001, as amended. A light industrial building is defined in the Regulations as *'an industrial building in which the*

*processes carried on or the plant or machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'.*

- 7.3.5. The applicant argues that the proposed uses will be carried out in a fully enclosed unit, with no dust or other particles emanating from the building and no use of loading shovels. This is supported by the technical specifications for the proposed machinery (appendix A to C of report to accompany planning application) and proposed emission levels for noise and dust at site boundaries, which are used to prevent adverse effects on third parties. In addition, the proposed development is situated within the existing industrial estate and is separated from any residential development or land zoned outside the industrial area, by existing industrial/business uses. Condition no. 4 of the planning authority's grant of permission restricts use of the site to Class 4 light industrial purposes. Having regard to the foregoing, I am satisfied that the development is one which is consistent with the zoning objectives for the site and with concurrent land uses within the Business Park.
- 7.3.6. Strategic objectives for Trim town, a '*self-sustaining growth town*', are for it to be an attractive heritage town with a diverse modern economy and vibrant centre complementing its nationally significant cultural heritage and picturesque setting adjacent to the historically significant Trim Castle and River Boyne.
- 7.3.7. Oaktree Business Park and the adjoining Eamon Duggan Industrial Estate are located to the north of the town, on the edge of the existing built up area. The industrial area is physically removed from the town centre and separated from the historic core by established residential development. Policies of the Plan also support the on-going development of Oaktree Business Park and employment generation in Trim to offset long distance commuting (ED OBJ 46, ED OBJ 47)).
- 7.3.8. Having regard to the foregoing, I am satisfied that the development of itself, would not detract from the amenity of Trim Town. I consider the traffic effects of the development below.
- 7.3.9. The proposed development provides for a 3m high security fence along its southern and eastern boundary and a block wall and railing (to a height of 1.75m) along the western and northern boundary (with landscaping behind). The eastern boundary of the appeal site lies adjacent to another industrial site/buildings. The southern,



western and northern boundaries face internal estate roads. Policies of the County Development Plan require, for industrial development, boundaries which are visible from the public road to be of high architectural quality (policy DM OBJ 61). Having regard to this requirement, the location of the development within the existing industrial estate, in part bounding other sites, and the layout of the site, it is considered that the external boundary treatment as proposed, is appropriate. However, if the Board are minded to grant permission for the development, they may wish to extend the block wall and railing along the southern boundary of the site along the short section of public road which the site adjoins.

#### **7.4. Traffic**

- 7.4.1. The appellant argues that the proposed development will give rise to significant traffic movements, in particular of HGV vehicles in an industrial estate where there is a substantial amount of consumer and light commercial traffic. It is also argued that HGV movements would detract from the working and living environment of Trim town
- 7.4.2. The applicant's Transportation Planning Report describes the two access points to the appeal site, sightlines available at existing and proposed junctions and pedestrian footpaths externally and internally to the industrial estate/business park. The report states that traffic counts are required along the R154 and L4023 road to help determine traffic volumes passing both access routes to the business park. However, this information is not provided. Instead it is stated that at the time of observation, traffic flows along the R154 and L4023 were light, with traffic moving freely and within capacity on both roads, with no queuing.
- 7.4.3. On inspection of the site on Monday 13<sup>th</sup> December at c.3.30pm, I noted low levels of traffic on the R154 and L4023, no queuing on either road in the vicinity of the site or at entrances to the business park/industrial estate. Similarly, traffic movements within the business park/industrial estate were very low. Sightlines at existing entrances to the business park/industrial estate are satisfactory and proposed sightlines (90m in each direction) are adequate within the confines of the park/estate and have been accepted by the planning authority.
- 7.4.4. Materials will be moved into and out of the site by articulated vehicle, with twin steered tractor, with a maximum length of 16.5m. The applicant proposes a

maximum of 50 HGV vehicle movements a week. The number of HGV movements is based on a stated total of 5 loads per day (bagging plant, dry mortar and steel) and 10 vehicle movements per day (5 loads in and 5 loads out) and 50 per week i.e. 25 loads in and 25 loads out. This equates to c.10 vehicle movements per day, based on a total of 5 loads per day i.e. 10 vehicle movements per day or one per hour over a 10 hour day.

- 7.4.5. Section 4.5 of the applicant's Transportation Planning Report is unclear in this regard. Whilst it refers to a total of 50 movements/week in the table on page 11, in the text above the table, the report states that the 50 HGV trips per week represents 10 movements per day which equates to c.20 two way (arrival and departure) movements per day, or two movements per hour over a 10 hour day.
- 7.4.6. The error whilst substantial (i.e. doubling HGV numbers), nonetheless gives rise to a relatively small amount of HGV traffic (1-2 trips per hour by a HGV vehicle) in the context of the traffic that is likely to be associated with the existing industrial estate and local road network. Further, HGV vehicles are already associated with some of the uses within the Business Park e.g. food waste transport, paving materials, window manufacture.
- 7.4.7. With regard to HGV movements through/in the vicinity of Trim town, I would accept that these have the potential to cause local environmental effects and to detract from the amenity of the town and that it is appropriate therefore for the applicant to identify haul routes for such trips.
- 7.4.8. Having regard to the foregoing, if the Board are minded to grant permission for the development I would recommend a condition requiring (a) clarity on the number of HGV trips/day in advance, (b) identification of haul routes to be agreed in advance by the planning authority and (c) HGV trips to be actively monitored by the applicant and submitted regularly to the planning authority, to aid compliance and if necessary enforcement.

## 7.5. Other matters

- 7.5.1. The appellant raises the following matters, which I comment on briefly below.
- Response to request for further information. The appellant argues that the response to the request for further information is inadequate. For the reasons

stated in section 5.3 of this report, I consider that sufficient information has been provided by the applicant in respect of environmental impact assessment. Discharge of surface water will be via an attenuated system, with bypass filter, into the existing surface water network which serves the business park, with final discharge to an open channel watercourse to the east of the Business Park (see point 1(ix) of ORS response to FI, dated 27<sup>th</sup> May 2021). Calculations of discharge rates and suitability of attenuation system are based on a soil infiltration test and BRE 365 infiltration test and have been accepted by the planning authority. I note that a landscaping plan has also been submitted in response to FI and I consider this to be generally adequate for the development, given its location in an established industrial area.

- Electricity usage. It is argued that the development will give rise to significant electricity draw. However, the appellant has provided no evidence in respect of this assertion and the technical information on file gives no indication of likely energy draw (e.g. relative to other options). Further, there is no information on file to suggest excessive energy use. I note that the planning authority's grant of permission requires, where possible, use of low energy vehicles and plant.
- Timeframe. The Government's advice on temporary permissions is set out in section 7.5 of the Development Management Guidelines. This refers to three main factors to be considered '*First, the grant of a temporary permission will rarely be justified where an applicant wishes to carry out development of a permanent nature that conforms with the provisions of the development plan. Secondly, it is undesirable to impose a condition involving the removal or demolition of a structure that is clearly intended to be permanent. Lastly, it must be remembered that the material considerations to which regard must be had in dealing with applications are not limited or made different by a decision to make the permission a temporary one. Thus, the reason for a temporary permission can never be that a time limit is necessary because of the adverse effect of the development on the amenities of the area. If the amenities will certainly be affected by the development they can only be safeguarded by ensuring that it does not take place*'. In this instance, I have

considered the consistency of the proposed development plan with the policies of the County Development Plan and the likelihood of adverse effect on the amenity of the area. For the reasons stated I consider that the development is consistent with the zoning for the site and that adverse effects are unlikely to arise. Further, the proposed development is clearly intended to be permanent. Having regard to these considerations, I am of the opinion that a temporary permission is not warranted.

- Points 63-67 of appellant's submission. These would appear to relate to another planning application/appeal.
- Layout Plans and Elevations (if relevant to this case). The appellant argues that these are flawed in that there is a lack of clarity regarding the scale of the drawings (millimetre or metre), an absence of levels/contours (to demonstrate relative height), OS sheet number for OS map. Planning authorities are responsible for validating a planning application. However, I note from my inspection of the layout plans and elevations, it is evident that drawings are in metric scale. Finished floor levels are indicated relative to contours and the site location map indicates a OS sheet number.

## 8.0 **Appropriate Assessment**

- 8.1. The proposed development lies within an existing built up area and within the confines of an existing industrial estate. The development, and industrial estate, is physically removed from the River Boyne, a designated SAC and SPA (see above), as it flows through Trim and is separated from it by urban development. Emission from the site to air will be limited by virtue of the enclosed structure that is proposed and the technology to be used in the processing of materials. Foul water arising will be discharged into the existing public sewerage system and surface water will be discharged into the existing surface water system that serves the estate. The existing surface water system discharges to a stream to the east of the estate and it is likely that the waterbody ultimately discharges into the River Boyne (see flow direction map from EPA's catchment.ie). The proposed development does not utilise water in processing and discharges from the site will be from hard surfaces. It is stated in the application documentation, supported by technical specifications, that

processing will take place within an enclosed facility, such that there will be no dust outside of the industrial unit. Consequently, discharges from hard surfaces (roofs/roads) are unlikely to be very different from existing units within the Business Park. Further, in the context of the wider industrial area inputting to the surface water system, flows from the site are likely to be modest.

8.2. Having regard to these arrangements, and in the absence of the proposed attenuation of surface waters and direction through a bypass interceptor with sump to allow for settlement of sand/silt, significant effects on water quality to the discharge stream are unlikely as a consequence of the development, or therefore in downstream waters.

### 8.3. **Conclusion in respect of Appropriate Assessment**

8.4. Having regard to the nature, scale and location of the proposed development in the wider context of the existing business park and to the nature of the receiving environment, 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 a European site.

## 9.0 **Recommendation**

9.1. It is recommended that the Board grant permission for the development subject to conditions.

## 10.0 **Reasons and Considerations**

Having regard to the policies and objectives of the Meath County Development Plan 2021-2027, the scale and detailed design of the proposed development, its location within an existing industrial estate removed from residential development and on land zoned E2, it is considered that the proposed development would be consistent with the policies and objectives of the County Development Plan and would not seriously injure the residential amenities of the area or the amenity of properties in the vicinity of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 3<sup>rd</sup> day of June 2021 and the 15<sup>th</sup> day of June 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The development shall constitute a single unit and shall be used for Class 4 light industrial purposes only, as defined in the Planning and Development Regulations, 2001 (as amended), unless authorised by a further grant of permission.</p> <p><b>Reason:</b> In the interest of clarity and the amenities of the area.</p>
3.	<p>Samples of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of the visual amenities of the area.</p>
4.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:-</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to commencement of development. The archaeologist shall assess the site and monitor all site development works.</p>

	<p>The assessment shall address the following issues:-</p> <ul style="list-style-type: none"> <li>(i) the nature and location of archaeological material on the site, and</li> <li>(ii) the impact of the proposed development on such archaeological material.</li> </ul> <p>A report containing the results of the assessment shall be submitted to the planning authority. No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the National Monuments Service.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
5.	<ul style="list-style-type: none"> <li>(a) Prior to the commencement of development, details of HGV vehicle trips/day (within the confines of the limits set out in the application documents) and haul routes to be used by HGVs to access the site during operation, shall be submitted to the planning authority for written agreement.</li> <li>(b) During operation, HGV movements associated with the site shall be recorded on a daily basis (in-coming and out-going and associated process). Details shall held by the applicant on site, for inspection by the planning authority, and submitted on an annual basis to the satisfaction of the planning authority.</li> </ul> <p><b>Reason:</b> In the interest of clarity and amenities of the area.</p>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>

7.	<p>The landscaping scheme as submitted to the planning authority on the 3<sup>rd</sup> day of June 2021, shall be carried out within the first planting season following substantial completion of external construction works. This shall include:</p> <p style="padding-left: 40px;">a. Provision of block wall and railings along the southern boundary of the site to match that proposed along western and northern boundaries.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. Planting at the proposed entrance shall be managed to ensure that sightlines are maintained at all times.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
8.	<p>Notwithstanding the provisions of the Planning and Development Regulations 2001 (as amended), or any statutory provision amending or replacing them, no changes to the exterior of the building or the site, including the replacement of windows, doors, rainwater goods, erection of advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements, roller shutter doors or other security devices shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the visual amenities of the area.</p>
9.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements for the planning authority for such works.</p> <p><b>Reason:</b> To ensure adequate servicing of the development and to prevent pollution.</p>



10.	<p>Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to the planning authority for written agreement. This plan shall provide details of intended construction practice for the development, including:</p> <p>A method statement(s) for incorporating environmental control measures to avoid siltation, erosion, surface water run-off and accidental pollution events.</p> <p>(a) Means to ensure that non-native species are not introduced or transferred to the area.</p> <p>(b) Location of designated refuelling area, management of hydrocarbons and arrangements for accidental spills.</p> <p>A record of daily checks that the works are being undertaken in accordance with the CEMP shall be kept for inspection by the planning authority.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety.</p>
11.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including the management of construction traffic (number and frequency of vehicles to access site and haul routes), arrangements for off carriageway parking facilities for all traffic associated with the development, noise management measures, and off-site disposal of construction/demolition waste, means to manage dust and dirt and the hours operation of the construction site.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
12.	<p>Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>

13.	<p>(a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge).</p> <p>(b) Details of a survey and monitoring programme shall be submitted to the planning authority for written agreement, prior to the commencement of development.</p> <p><b>Reason:</b> To control dust emissions arising from the development and in the interest of the amenity of the area.</p>
14.	<p>During the operational phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed</p> <p>(a) an Leq,1h value of 55 dB(A) between 0800 and 1800 Monday to Friday (inclusive) and 0800 to 1400 on Saturdays.</p> <p>(b) an Leq, 15 min value of 45 dB(A) at any other time.</p> <p>There shall be no clearly audible tonal component or impulsive component in the noise emission from the site at any noise sensitive receptor.</p> <p>Details of a survey and monitoring programme shall be submitted to the planning authority for written agreement, prior to the commencement of development.</p> <p><b>Reason:</b> In order to protect public health and the amenities of property in the vicinity.</p>
15.	<p>During construction and operation, the developer shall endeavour to utilise low emission and low energy vehicles and plant where possible.</p> <p><b>Reason:</b> In the interest of public health and sustainable development.</p>
16.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid</p>

	<p>prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Deirdre MacGabhann

Planning Inspector

10<sup>th</sup> January 2022