



An
Bord
Pleanála

Inspector's Report ABP- 311834-21

Development	Retention of the demolition of 3 no. previous potato storage sheds & the erection of replacement potato storage shed.
Location	Braystown, Lobinstown, Navan, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	21/1562.
Applicant	Meade Potato Company.
Type of Application	Retention Permission.
Planning Authority Decision	Grant of Retention Permission.
Type of Appeal	Third Party v Grant of Retention Permission.
Appellant	McKeever Family.
Observer(s)	None
Date of Site Inspection	9 th June 2023
Inspector	Enda Duignan

1.0 Site Location and Description

- 1.1.** The address of the appeal site is Braystown, Lobinstown, Navan, Co. Meath. The site has a stated area of c. 2.92ha. and comprises a portion of an existing agricultural production facility known as Meade Farm which would appear to produce fruit, vegetables and associated biproducts on a commercial scale. The appeal site relates to the eastern corner of the overall facility and comprises an existing potato storage shed which is the subject of this application for retention. The larger landholding comprises farmland, additional storage and production facilities, toilets, offices and portacabins associated with the packaging and distribution of the agricultural produce. There are extensive areas of hardstanding surrounding the various buildings on the site which includes surface level lorry parking and car parking for employees of the operations. The main access to the appeal site is from the L-1603 to the west and an internal link road leads to the facility which is located within the eastern portion of the overall landholding. The existing potato storage shed is located proximate to the eastern site boundary with the L-5601. There is an additional vehicular entrance to the site from the L-5601 at this location which was in operation at the time of my inspection of the appeal site.
- 1.2.** In terms of the site surrounds, lands are predominantly in agricultural use with some one-off rural dwellings located along the surrounding road network. There is an existing detached dwelling to the south of the appeal site (Third Party appellant) on the opposite side of the L-5601 and there are a number of one off houses further to the north along the western side of the L-5601.

2.0 Proposed Development

- 2.1.** The proposal seeks retention permission for the demolition of 3 no. previously existing potato storage sheds with a stated floor area of 670.52sq.m., and their replacement with a new potato storage shed measuring c. 854sq.m. The replacement shed has a south-western abuttal to an existing permitted potato storage shed and is of a similar form and height. The storage shed is constructed of corrugated metal walls and roof panels and metal roller shutter doors on its north-western and south-eastern elevations. The storage shed has a double height space with a maximum height of c.

8.7m.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council granted retention permission for the development subject to compliance with 12 no. conditions.

Condition No. 2 restricted the use of the structure to the storage of potatoes only.

Condition No. 3 included limitations with respect to noise levels at noise sensitive locations.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Meath County Council Planning Report forms the basis for the decision. The report provides a description of the site and surrounds, a detailed overview of the policy that is relevant to the development proposal and summarises the observation on the planning file. In terms of their assessment, the Planning Authority considered the proposal to be in accordance with the policy of the county development plan and the principle of the development to be retained was acceptable. The proposal, including mass, form, height, materials and layout were also considered to be acceptable in terms of design, height and integration within the surrounding landscape. The Planning Authority noted that as the replacement shed is for potato storage purposes only, which is the same as that of the sheds it replaces, no concerns are raised with respect to noise and odour. A grant of retention permission was therefore recommended, subject to compliance with 12 no. conditions.

3.2.2. Other Technical Reports

Water Services: No objection subject to compliance with conditions.

3.2.3. Prescribed Bodies

Irish Water. No objection subject to compliance with conditions.

3.2.4. Third Party Observations

1 no. observation/representation was prepared on behalf of the McKeever Family (Third Party appellant). A summary of the matters raised are outlined as follows:

- It is submitted that the residential amenity of the observer is significantly negatively impacted by the development which arises from the sheer scale and mass of the structure.
- It is stated that the role of the structure is unknown and not described in the application to any degree to allow assessment of the extent of direct and indirect impacts.
- Impacts include noise which is an ongoing and significant concern for the observer and any expansion and intensification of the plant increases noise volumes. This is of particular concern given the absence of any detail of the types of machines and processes envisaged to be conducted in the extension.
- Concerns highlighted with regard to the piecemeal nature of development on the appeal site and there is a legacy of seeking retention permission by the Applicants.
- Concerns regarding the validity of the planning application, particularly the absence of a site notice and the inadequacy of the application content.
- Concerns regarding the overall scale and size of the structure which is significantly larger than the 3 no. structures it replaces. The proposal will have impacts on the environment and is visually obtrusive.
- Concerns regarding traffic movements associated with the development to be retained.
- Concerns regarding the lack of detail with respect to water supply and wastewater connections.
- Concerns regarding the potential for light and noise disturbance associated with the large roller shutter doors.
- The scale of the facility is commensurate with the scale and type of development prescribed for the purposes of Part X of the Planning and Development Act, 2000 (as amended) (referred to herein as the Planning Act) and Part 10 of the Planning and Development Regulations, 2001 (as amended)

(referred to herein as the Planning Regulations). The rate of packed potato and other vegetable throughput is in excess of the EIAR thresholds at Schedule 5(7)(b) of the Regs.

4.0 Relevant Planning History

4.1. Overall Meade Farm Landholding

221511: Application currently at additional information stage which sought permission for the retention of a pump house and the boring of two wells as constructed and all associated works

22966: Application current at additional information stage which sought permission for the retention of an extension to rear of existing potato/vegetable storage shed (originally granted under Ref. No. SA/100855) with associated existing extended ancillary concreted yard to access/service building extension as constructed, together with permission for proposed removal of existing proprietary effluent treatment system & polishing filter & provision of replacement proprietary effluent treatment system and polishing filter and all associated works.

21/1166 (ABP Ref. 312576): Planning permission granted by the Planning Authority for 1) construction of a farm distillery and farm shop with associated retail area, café, exhibition space, associated parking, ware housing, 2) proposed storm drainage and treatment infrastructure including retention pond, 3) proposed sewerage treatment system comprising of an advanced treatment unit and associated percolation area, 4) all ancillary site development works. Significant Further information/Revised plans submitted with this application.

The application is currently the subject of a Third Party appeal to the Board.

LB191460 (ABP-307042-20): Planning permission granted by the Planning Authority and the Board in September 2020 for the installation of 1,300 no. Solar PV panels on the roof of 2 no. existing potato storage sheds, and associated site works.

LB191307: Planning permission granted by the Planning Authority in August 2020 for an extension to the north west of the existing potato storage shed to consist of ancillary first floor office accommodation and all associated works.

LB190697: Retention permission granted by the Planning Authority in September 2019 for amendments to the development permitted previously under P.A. Ref. LB151080 (extension to side of existing potato storage shed). Amendments comprised the re-siting of the extension 18m to the south west (away from public road) on site and minor alterations as constructed, together with the retention of a previous extension to the south west of the existing potato storage shed as constructed and all associated works.

LB190700: Planning permission granted by the Planning Authority in September 2019 for the retention of extensions to the side of the existing potato/vegetable storage shed (granted under P.A. Ref. SA100855) as constructed and all associated works.

LB151080: Planning permission granted by the Planning Authority in January 2016 for an extension to the side of an existing potato storage shed and all associated works.

LB151079: Planning permission granted by the Planning Authority in January 2016 for an extension to the rear of the existing potato/vegetable storage shed revised, from that granted permission under Ref. No. LB/140987 and all associated works.

SA121026: Planning permission granted by the Planning Authority in May 2015 for a potato/vegetable storage shed extension and associated covered yard to rear of existing building and all associated works.

LB140987: Planning permission granted by the Planning Authority in April 2015 for an extension to side and rear of existing potato/vegetable storage shed and all associated works.

SA100855: Retention permission granted by the Planning Authority in January 2011 for an existing car parking and lorry parking bays as constructed, together with permission for proposed potato/vegetable storage shed with attached 3 storey office block accommodating reception, offices, canteen, staff and toilet facilities to replace existing office/toilet accommodation on site with associated car parking and the provision of new proprietary effluent treatment system and soil polishing filter to replace existing septic tank on site and all associated works.

SA100520: Retention permission granted by the Planning Authority in September 2010 for a storage/packing area to rear of premises (previously in open yard area), primary treatment and storage unit for potato wash water, placement on site of 4 portacabin type structures and smoking area and their use in connection with Meade Potato Company all as constructed, and all associated works.

SA901253: Retention permission refused by the Planning Authority in October 2009 for a storage/packing area to rear of premises (previously in open yard area) primary treatment and storage unit for potato wash water, placement on site of 4 portacabin type structures and smoking area and their use in connection with Meade Potato Company all as constructed and all associated works.

SA802918 (ABP Ref. PL.17.232871): Planning permission granted by the Planning Authority and the Board for a proposed private roadway to be used by agricultural and commercial vehicles from existing premises at Braystown Lobinstown to proposed new junction at Bob's Cross, Heronstown, Lobinstown, construction of piers and walls to form new entrance onto public road from private road, together with realignment of existing public roads (L-1603/L-5601) to facilitate the proposed private road/junction and all associated works.

SA802526: Planning permission granted by the Planning Authority for an ESB substation/customer switchroom building to existing premises and all associated site works.

SA95122: Planning permission granted by the Planning Authority in March 1995 to construct a potato refrigeration store.

SA70499: Planning permission refused by the Planning Authority for the construction of a three-storey office unit to include staff facility areas for canteen toilets, locker rooms, also to include shelf life test area and reception area to rear of existing vegetable store, to remove pre-fabricated units, to install an Oakstown BAF wastewater treatment system and to retain storage/packing area to rear of premises (previously in open yard area), and primary treatment and storage unit for potato wash water.

SA50447: Planning permission granted by the Planning Authority for the construction of a three storey office unit to include staff facility area for canteen, toilets, locker rooms, also to include shelf life test area and reception area to rear of existing vegetable store, and to install Oakstown BAF wastewater treatment system.

SA70499: Planning permission granted by the Planning Authority in August 2007 for the construction of a three-storey office unit.

SA901317: Planning permission granted by the Planning Authority in December 1990 to erect a potato packaging and storage unit.

SA20301 (ABP Ref. PL.17.202572): Planning permission granted by the Planning Authority and the Board for the construction of potato and vegetable store and for retention of loading bay and store to rear of premises.

5.0 Policy and Context

5.1. National Policy

5.1.1. Project Ireland 2040 National Planning Framework (NPF)

Section 5.4 (Planning and Investment to Support Rural Job Creation) of the NPF highlights that 'creating the environment to support job creation in rural areas will be a key enabler to rejuvenating rural towns and villages, sustaining vibrant rural

communities and reversing population decline'. In terms of agriculture, the agri-food sector continues to play an integral part in Ireland's economy and is Ireland's largest indigenous industry, contributing 173,400 direct jobs and generating 10.4% of merchandise exports in 2016. The NPF notes that much of the economic benefits in the agri-food sector are dispersed throughout the country making it particularly vital to rural areas and economic development generally. National Policy Objective (NPO) 23 is relevant to the consideration of the appeal which seeks to '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.'

5.1.2. Regional Spatial and Economic Strategy for the Eastern and Midland Region (RSES).

Section 4.8 (Rural Places: Towns, Villages and the Countryside) of the RSES recognises the major contribution that rural places make towards regional and national development in economic, social and environmental terms. Rural areas in the Region, including the Gaeltacht area, contribute to Ireland's unique culture and identity, and provide significant natural resources, biodiversity, environmental qualities and landscape features.

Regional Policy Objectives (RPO) that are relevant to the development proposal include:

RPO 4.79: Local authorities shall identify and provide policies that recognise the contribution that small towns, villages and rural areas contribute to social and economic wellbeing. As part of this policy provision that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agri-business, renewable energy, tourism and forestry

enterprise is supported.

Agriculture RPO 6.24: Support the Departments of Agriculture, Food and the Marine, and Communications, Climate Action and Environment to enhance the competitiveness of the agriculture sector with an urgent need for mitigation as well as real and effective and adaptation mechanisms for the long-term sustainability of the agri-sector.

5.2. Local Policy

5.2.1. Meath County Development Plan (CDP), 2021-2027.

The appeal site is located within a rural area of Co. Meath and within the 'North Navan Lowlands' landscape character area which has a moderate character value and a moderate sensitivity as specified in Appendix 5 (Landscape Character Assessment) of the current CDP.

Given the nature of the proposal and the established use on site, Section 4.11.1 (Rural Enterprise) of the current CDP is relevant to the consideration of the appeal and the Plan accepts that there is a need to develop a rural economy that offers viable and sustainable employment for existing communities. There is also a need to strengthen the provision / retention of services, regenerate rural communities and promote the economic development of rural areas. This manifests itself in the need to both acknowledge the need for, and promote the development of, small scale enterprises in rural areas.

It is also 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. It is equally accepted that there are certain types of rural enterprises, especially those that involve processing of natural resources, which serve rural communities which have a critical role to play in sustainable rural development. It is stated that there are already a number of successful enterprises of this nature

existing in the County in the food processing and development areas, as well as the extractive industry.

The following policies of the CDP are relevant to the consideration of the 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 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 24:** To consider, on their individual merits, the reuse of redundant agricultural buildings and the development of new buildings to accommodate farm diversification / enterprise within an overall farmyard complex.

In terms of the Rural Development Strategy (Chapter 9), policies of note include:

- **RUR DEV SO 7:** To support the continuing viability of agriculture, horticulture and other rural based enterprises within rural areas and to promote investment in facilities supporting rural innovation and enterprise with special emphasis on the green economy, in the context of sustainable development and the management of environmental resources.
- **RUR DEV SO 8:** To support and protect the existing economic base and seek to diversify the economy through both inward investment and the promotion of agriculture, forestry and tourism related industries in rural areas.

In terms of 'Employment in Agriculture' (Section 9.7.1), the 'goal' is 'To maintain a vibrant and healthy agricultural sector based on the principles of sustainable development whilst at the same time finding alternative employment in or close to rural areas to sustain rural communities.' Policies of note include:

- **RD POL 10:** To encourage and facilitate agricultural diversification into agri-businesses such as organic foods, rural tourism and small to medium sized

enterprises subject to the retention of the holding for primarily agricultural use and the proper planning and sustainable development of the area.

- **RD POL 11:** To protect the economic and social benefits of local country markets devoted to the sale of local agricultural and craft produce and to support their role as visitor attractions.
- **RD POL 12:** To facilitate the development of agriculture while ensuring that natural waters, wildlife habitats and conservation areas are protected from pollution.
- **RD POL 13:** To protect agricultural or agri-business uses from unplanned and/or incompatible urban development.

Section 11.6.8 (Agricultural Buildings & Structures) of the CDP notes that the design, scale, siting and layout of agricultural buildings should respect, and where possible, enhance the rural environment.

Objective DM OBJ 62 seeks to ensure that 'All applications for agricultural buildings and structures shall address the following criteria as part of a planning application;

- To require that buildings are sited appropriately in order to minimise obtrusion on the landscape, having regard to the Landscape Character Assessment contained in Appendix 5.
- The use of dark coloured cladding, for example dark browns, greys, greens and reds are most suitable for farm buildings, and roof areas should be darker than walls.
- Developments shall comply with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2014, (GAP Regs 2014).
- All planning applications for agricultural development shall be accompanied by comprehensive details of all land holdings and herd number(s), if applicable.
- All new and existing agricultural developments will be required to contain sufficient detail which demonstrates that all effluent, including yard run-off, is collected and stored within the confines of the development.
- In the case of new farm enterprises, a clear evidence base must be provided

which demonstrates the need for the proposal and details of how any buildings proposed form part of a comprehensive business plan for the farm holding supported by Teagasc.

5.3. Natural Heritage Designations

There are no European designated sites within the immediate vicinity of the site. The nearest designated sites are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232) which are located c. 9.4km to the south of the appeal site.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party planning appeal has been prepared and submitted on behalf of the McKeever Family. The grounds of appeal can be summarised as follows:

- It is noted that the appellant had reported the unauthorised development and Appendix 2 of the appeal submission contains a series of 12 emails from members of the appellant's family to the County Council's Executive and members. In frustration at the lack of enforcement action by the Council, the appellant has escalated this matter to the Minister of State for Housing. It is submitted that the development for which retention permission is sought is not minor and is illegal under the planning and development statutes due to its size and location. It is against this background that the appellants instructed a submission to be made to the application for retention permission.
- It is contended that the development for which retention is sought is a functional part of a larger operation. It is submitted that the application site boundary indicated on the site location map does not indicate the lands under the control of the applicant that adjoin the application site. Aside from the absence of such markings being contrary to the minimal requirements for a planning application, it serves to obfuscate the fact that the building for which retention permission is sought is a fully integrated extension to a larger building to the rear and it is submitted that the development is an extension of the Meade Farm complex. It

is the appellant's contention that a new private roadway and entrance has become the main entrance to the Meade Garm operation and that the entrance onto the local road shared with the Applicant is a secondary entrance. The appellant is eager for the Board to note that the development is not insignificant in its own right, especially when viewed against one of the two proximate dwellings owned by the appellants. Drone footage imagery has accompanied the appeal submission which demonstrates that the extension is fully integrated with, and part of the overall complex. It is submitted that at a minimum, the Applicant should have been requested to submit details of the intended use, hours of operation, traffic and human resource arrangements for the development and its function as part of the larger facility.

- The covering letter in support of the application refers to the building being slightly larger than the existing structures that preceded the storage shed. It is stated that the increase in floor area represents in excess of a 25% increase in the floor area of the buildings it replaces, which cannot be considered insubstantial in comparison to what existed prior to the development. Photographs are submitted to demonstrate the significant scale of the development and the resultant overwhelming impact on the appellant's family home. In addition to the additional floor area, the increase in height of the declared 2m represents an overall increase in volume of the storage facility and as such a significant intensification of the storage potential of the facility. The appellants also feel that the building as constructed appears taller than what is detailed on the submitted drawings. It is contended that the development represents a significant increase in storage capacity volume and has therefore the capacity to generate environmental impacts significantly greater than the three buildings it replaces.
- It is stated that the replacement structure is visually dominant in its rural setting and serves to alter the landscape character of the immediate area and negatively impacts on the residential amenity of the appellant's family home. It is stated that the appellants feel very strongly that the drawings submitted with the application are minimal in the information on the potential impact of the development generally and in particular, the drawings would benefit from being

resubmitted on foot of a topographical survey of the site.

- The drawings do not have any notations as to the use or arrangement of the internal floor area or whether there is a mezzanine floor or racking system proposed for the larger of the two rooms created in this structure. It is noted that there is a separate room annotated as a sampling room. However, there is no information as to what process sampling is and how that interacts with the remainder of the structure larger facility to the immediate west.
- There is no information submitted with the application in respect of the traffic movements associated with the proposed replacement structure. Having regard to the location of the structure relative to the appellant's homes within, immediate clarification is required as to the intended haul routes for products being brought onto the site and whether that will increase any traffic and turning movements onto the adjacent local road which is of limited width and alignment.
- The drawings submitted do not show that there is any water supply or wastewater connections in the replacement structure for retention. The appellant is seeking clarification on this point and if such connections exist.
- There is no information as to the working hours of the proposed facility. It is now indicated that there will be two roller shutter doors on the northern elevation of the replacement development and a further roller door on the southern elevation of the building. Pedestrian doors to the side of these roller shutter doors are also noted. It is submitted that the roller shutter door proposed on the southern elevation is closer to the appellant's home than the previously existing storage sheds. As such there is potential for light and noise disturbance to the appellant's property outside of daytime hours.
- It is submitted that the application is deficient in its description and depiction of all associated site works. No details of the construction, purpose or any other site development works facilitating the development for retention are provided.
- It is submitted that the Planning Authority has utterly failed to consider the matters raised on behalf of the appellant by moving directly to the decision. It is also noted that it is impossible for the Planning Authority to have been aware of such fundamental matters such as hours of operation for the extension given it has not been detailed in the application. The decision of the Planning

Authority is ineffective and defective as regard to the enforceability of the conditions imposed on the decision which are either unenforceable, irrelevant, imprecise or repeated and failed to comply with the Development Management Guidelines for Planning Authorities, 2007 which outlines the basic criteria for planning conditions. Notably, it is submitted that Condition Nos. 3 & 4 failed to meet the criteria for planning conditions as being both imprecise and unenforceable. It is also stated that Condition Nos. 6, 7, 8 and 10 related to the construction phase of the development that is all but complete, as is visible on the site.

- The scale of the facility already operated as Meade Farm is commensurate with the scale and type of development prescribed for the purposes of Part X of the Planning Act and Part 10 of the Planning Regulations. It stated that the 2009 permission for the main entrance to the site signaled the beginning of its development as a fruit and vegetable growing, packaging processing and distribution operation, and since then it has been subject to numerous further incremental extensions but has never been subject to EIA. It is stated that the rate of packed potato and other vegetables throughput of Meade Farm is an excess of the thresholds of Schedule 5, Part 2, Class 7(b) i.e. 'installations for packing and canning of animal and vegetable products, where the capacity for processing raw materials would exceed 100 tonnes per day'. In the same vein, the facility is engaged in the production of potato starch that is subject to EIA or at Schedule 5, Part 2, Class 7(g) i.e. 'all industrial starch manufacturing installations'. It is submitted that that the Planning Authority's narrow screening approach to EIA did not possess sufficient information as to the size, scale and use of the development for retention, the building to which it is attached and the processes that this enlarged extension will support. It is highlighted that the Planning Officer only considered the narrow activity of potato storage and it is submitted that the 25% increase in storage space for potatoes, could trigger EIA under Schedule 5, Part 2, Class 13(a).
- It is submitted that, at the very least, the development should be subject to EIA Screening on the basis that it is a fully integrated part of an operation to which Schedule 5, Part 2 applies.

6.2. Planning Authority Response

A response has been received from the Planning Authority dated 29th November 2021 which summarises the grounds of appeal and notes that they are satisfied that all matters outlined in the Third Party appeal submission were considered in the course of its assessment as detailed in the planning officer's reports.

6.3. First Party Response

A response to the Third Party appeal has been prepared on behalf of the Applicant and refers the Board to the Planning Authority's report and its conclusion and recommendation. It is stated that they concur with the Planning Authority's findings and have nothing further to add.

6.4. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the grounds of appeal, and I am satisfied that no other substantive issues arise. The issue of Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Residential & Visual Amenity
- Other Matters
- Appropriate Assessment
- EIA Screening

7.1. Principle of Development

- 7.1.1. The proposal seeks retention permission for the demolition of 3 no. existing attached potato storage sheds and the construction of a larger replacement potato storage shed at the same location. The replacement structure has a stated floor area of c. 854sq.m., representing an increase in floor area of c. 184sq.m. from the combined floor area of the demolished structures. It is evident from the submitted documentation and my

observations when undertaking an inspection of the appeal site that the storage shed is physically connected to and is an integrated element of the established food processing and distribution facility on the larger landholding, which operates under the name of Meade Farm. The Applicant has outlined in the application documents that the demolished buildings were originally constructed in 1981, 1984 and 1990 respectively and were falling into a poorer state of repair and there were challenges in bringing them up current standards for water proofing, insulation etc. It was noted that the subdivided nature of the 3 no. buildings also constrained their use, with the new building being a portal frame with no intermediate pillars allowing for a more efficient use of the space. Under the current CDP, it is policy of the Council to support the location of once off medium to large-scale rural enterprise and it is accepted that there are certain types of rural enterprises, especially those that involve processing of natural resources, which serve rural communities which have a critical role to play in sustainable rural development. Policy Objective ED POL 19 seeks 'To support and facilitate sustainable agriculture, agri-food, horticulture, forestry, renewable energy and other rural enterprises at suitable locations in the County. In addition, Policy Objective RUR DEV SO 7 seeks 'To support the continuing viability of agriculture, horticulture and other rural based enterprises within rural areas and to promote investment in facilities supporting rural innovation and enterprise with special emphasis on the green economy, in the context of sustainable development and the management of environmental resources'. There is also support at national level for developments of this nature through NPO 23 which seeks to '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.'

7.1.2. Concerns have been highlighted by the Appellant with respect to the extent of unauthorised development that has occurred on site, including the development proposal. I have provided an overview of the planning history of Meade Farm within

Section 4 of this report, and I note that it is not within the remit of this appeal to address the nature and use of previously permitted development or allegations of unauthorised development. Notwithstanding this, it is evident from inspecting the appeal site and examining the site's planning history that the existing permitted development on site comprises an agri-business and that the development to be retained is ancillary to this use, whereby it comprises a replacement potato storage shed. Having regard to the nature and use of the development to be retained and its ancillary use to the established agricultural enterprise, the relatively modest increase in floor area (i.e. c. 184sq.m.) and policy support at local and national level for developments of this nature, I am satisfied that the principle of the development to be retained is acceptable at this location and is in accordance with the pertinent policy of the current CDP.

7.2. Residential & Visual Amenity

- 7.2.1. As noted in the foregoing, the replacement structure is larger than the pre-existing structures, with a total floor area of c. 854sq.m. and a maximum height of c. 8.7m. I note the demolished structures had a height of c. 6.5m above natural ground level with a total floor area of c. 670sq.m. The Third Party appellant has raised significant concerns with respect to the scale and height of the structures and its overall overbearing visual impact when viewed from their properties. The Third Party appellants reside within properties to the south of the appeal site, with one of the appellant's properties being located within c. 70m of the appeal site. On its south-eastern (rear) and north-eastern (side) elevations, the replacement building has a total length of c. 36m and c. 24.5m respectively. The height of the replacement building generally aligns with the height of the immediately adjoining structures on the larger landholding. The storage shed is constructed of corrugated metal walls in a dark green colour which I consider to generally accord with Objective DM OBJ 62 of the current CDP. This policy indicates that the use of dark coloured cladding, for example dark browns, greys, greens and reds are most suitable for farm buildings. Given the overall scale of the replacement structure, its relationship with the existing structures on the wider site and the siting and set back of the structure from neighbouring properties, I am satisfied that the development to be retained is acceptable in design terms and will not unduly detract from the residential amenity of the surrounding area by reason of

overshadowing or by being visually overbearing.

7.2.2. Further to the above, the Third Party appellant has raised concerns with respect to the potential for noise and odour impacts and impacts associated with lighting from the development given the inclusion of roller shutter doors. In response to concerns over odour and noise, the Planning Authority have indicated that as the replacement shed is for potato storage purposes only, which is the same as that of the sheds it replaces, no adverse impacts are expected, and standard conditions have been attached to the grant of permission. In terms of lighting, the Planning Authority note that no additional external floodlighting forms part of the development proposal. However, the Third Party appellant has highlighted that the conditions are unenforceable, irrelevant, imprecise or repeated and fail to comply with the Development Management Guidelines for Planning Authorities, 2007 which outline the basic criteria for planning conditions. In addition, the appellant has raised concerns regarding the insufficient level of detail that has supported the application including the intended hours of operation, additional traffic movements generated by the development etc. I note that the development description is clear insofar as that the proposal is for a replacement structure only and no changes to the use or the hours of operation are proposed as part of the application. From my observations on the appeal site and my internal inspection of the existing building, I can confirm that the storage shed would appear to be utilised solely for the storage of potatoes. It is also relevant to highlight that a condition has been attached to grant of permission which explicitly restricts the use of the structure to the storage of potatoes only.

7.2.3. I would concur with the Planning Authority that the nature of the proposed development (i.e. potato storage shed) is not a noise generating activity. Notwithstanding this, Condition No. 3 has been included which restricts noise levels off site, at noise sensitive locations. Concerns with regards noise emanating from the existing development on the larger landholding is a matter for the Environment Section of the Local Authority and is beyond the scope of this appeal. In terms of lighting, I note that there is no external flood lighting proposed as part of the development and there are no amendments proposed to the hours of operation. I also did not observe

any external lighting to be in place around the structure when I inspected the appeal site. I therefore concur with the recommendations of the Planning Authority, and I am satisfied that the retention of development is acceptable and will not unduly detract from the residential amenity of properties within surrounds, particularly when taken within the context of the established development on the site.

7.2.4. Concerns have been raised by the Third Party appellant with respect to scale, height and form of proposed development which they consider to have a detrimental impact on the character of this rural area. The Appellants note that the submitted drawings submitted with the application are minimal in information and do not appear to represent the true impact of the development to be retained. It is also contended that the drawings would benefit from being resubmitted on foot of a topographical survey of the site. The appeal site is located within a rural area of Co. Meath and within the 'North Navan Lowlands' landscape character area which has a moderate landscape value and a medium landscape sensitivity as specified in Appendix 5 (Landscape Character Assessment (LCA) of the current CDP. The LCA notes that there is medium potential capacity to accommodate large farm buildings although setting and location would need to be considered to avoid degrading the condition of farmland. The LCA also notes that if buildings are necessary to increase viability of farmland, good management will be necessary. I note that there are no designated protected views or prospects in the surrounding area. In terms of topography, the site slopes gently in a southerly direction and the south-eastern boundary comprises a raised grassed bank and trees. A line of trees has also been planted along the inside of the western side of the L-5601, to the south of the site entrance which supplements the existing roadside trees and hedgerow. It is evident that the existing agricultural enterprise and its associated buildings on the site has already altered the rural landscape at this location. This is particularly evident when viewing the site from longer views and along the local road network to the south. When inspecting the appeal site, I observed the site to be screened to a significant extent by roadside trees and hedgerow on the approach along the local road to the east of the site. I am satisfied that the development to be retained is not a visually obtrusive feature in the existing landscape, particularly when taken into consideration the extent of permitted development on site and the structures

to which it is attached. Therefore, it is my view that the development does not further erode or detract from the character and visual amenity of the surrounding rural area and I recommend that retention permission be granted in this instance.

7.3. Other Matters

- 7.3.1. The Appellants object to the proposed development on the grounds that the application submitted to the Planning Authority did not comply with the requirements of the Planning Regulations with regards the erection, location and visibility of site notices and the depiction of the full extent of the lands with the ownership of the Applicant. It was therefore contended that the application was invalid. I note that the adequacy of the site notice is a matter for the Planning Authority to consider at the initial validation stage. In addition, Article 26(4) of the Planning Regulations notes that “Where, on inspection of the land to which the application relates, the planning authority considers that the requirements of articles 17(1)(b), 19 or 20 have not been met, or the information submitted in the planning application is substantially incorrect or substantial information has been omitted, the planning application shall, notwithstanding the fact that an acknowledgement has been sent to an applicant in accordance with sub-article (2), be invalid.” I note from the Planning Authority’s Planning Report that the site was inspected on 30th September 2021 and concerns with respect to the adequacy of the site notice had not been raised as an issue at this point.
- 7.3.2. In terms of site boundaries, concerns have been raised by the Third Party appellant that the full extent of the lands with the ownership of the Applicant have not been identified on the Site Location Map as required under Article 22(2)(b)(ii) of the Planning Regulations (i.e. lands outlined in blue). From the information submitted with the application and appeal, only a red line boundary has been identified on the Site Location Map. I again note that this is a matter for consideration of the Planning Authority at validation stage. Overall, I am satisfied that matters raised by the appellant did not prevent the concerned party from making representations to the Council on the proposed development. The third-party appellants have made a valid planning appeal to Board and the planning assessment represents my *de novo* consideration of all

planning issues material to the proposed development.

7.4. Appropriate Assessment

- 7.4.1. The nearest designated sites are the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299) and the River Boyne and River Blackwater Special Protection Area (SPA) (Site Code: 004232), which are both located c. 9.4km to the south of the site. I note the un-serviced nature of this rural location which means that the site does not benefit from access to public mains drainage or water supply. I also acknowledge the prevalence of agricultural activities in the immediate vicinity. Despite these factors, I am nonetheless of the opinion that taking into consideration the nature, extent and scope of the proposed development, the nature of the receiving environment, with no direct hydrological or ecological pathway to a European site, that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

7.5. EIA Screening

- 7.5.1. As noted in the foregoing sections, the proposal seeks retention permission for the demolition of 3 no. previously existing potato storage sheds and their replacement with a new potato storage shed measuring c. 854sq.m. The replacement storage shed is constructed of corrugated metal walls and roof panels with a metal roller shutter doors on its north-western and south-eastern elevations and the double height space has a maximum height of c. 8.7m.
- 7.5.2. Following on from commentary raised by the Appellant, Part 2, 7 (b) of the Planning Regulations provide that EIA is mandatory for 'Installations for packing and canning of animal and vegetable products, where the capacity for processing raw materials would exceed 100 tonnes per day'. Further to this EIA is mandatory for 'All industrial starch manufacturing installations' (Part 2, 7 (g)). Although no specific information has been included within the application documents pertaining to the nature of the existing operations on the wider site, it would appear from reviewing the Applicant's website that the existing Meade Farm facility both produces potato starch and is involved in

the growing, packing and distribution of vegetable products.

- 7.5.3. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination, it can be concluded that there is no real likelihood of significant effects on the environment. As indicated within their grounds of appeal, the appellants have claimed that the rate of packed potato and other vegetables within the farm complex is in excess of the thresholds listed in Schedule 5, Part 2, 7 (b) (i.e. in excess of 100 tonnes per day) of the Planning Regulations. However, I note that there is no empirical evidence to substantiate this claim. The appellant has also highlighted that potato starch is being manufactured on the larger landholding without the benefit of planning permission and has never been subject to EIA. With respect to the matters of unauthorised development, I note that Planning Enforcement is the role of the respective Planning Authority, and An Bord Pleanála has no role in this particular matter. Whilst it is apparent that the existing building is connected to the larger facility, I am conscious of the nature of the use to be retained, whereby retention permission is solely being sought for a replacement potato storage shed which I confirmed to be the case when undertaking my internal inspection of the existing building. As demonstrated within my assessment of the application, likely significant effects on the environment will not arise due the nature of the development to be retained (potato storage shed) which does not result in production of wastes, pollutants or environmental nuisance, the overall size of the development (i.e. an increase in floor area of c. 184sq.m.) and to the nature of the receiving environment, whereby the structure is located within and connected to an established agricultural enterprise and removed from ecologically sensitive sites. Given the proposal seeks to retain the storage shed only, I do not consider Schedule 5, Part 2, 13 (a) (Changes, extensions, development and testing) to be applicable to the subject proposal. As there is no likelihood of other significant effects on the environment, the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

8.1. Grant of retention permission is recommended.

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Meath County Development Plan, 2021-2027, and the specific characteristics of the site and surrounds, it is considered that, subject to compliance with the conditions set out below, the development to be retained would not seriously injure the residential amenities of the area or of property in the vicinity, is acceptable in design terms and would constitute an acceptable form of development at this location. The development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development to be retained shall comply with the plans and particulars lodged with the application on 12/08/2021 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 and the development shall be completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The use of this replacement shed shall be restricted to the storage of potatoes only. Any change of use shall obtain a prior grant of planning permission.</p> <p>Reason: In the interest of proper planning and sustainable development of the area.</p>
3.	<p>The noise level arising from the development shall not exceed 55 dB(A) Leq (1 hour) between 0800 to 1800 hours, Monday to Saturday inclusive, when measured at the nearest residential dwelling. At all other times the noise level shall not exceed 45 dB(A) Leq (1 hour) measured at the same locations. No pure tones should be audible at any time.</p>

	Reason: In the interest of residential amenity.
4.	Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services. Reason: In the interest of public health.
5.	The operation of this development shall not give rise to any emissions of malodours, fumes, gas, dust or other deleterious materials, industrial effluent and noise, vibration or electrical interference generated on site such as would give rise to reasonable cause for annoyance to any person in residence or public place in the vicinity. Reason: In the interest of public health and residential amenity.
6.	No additional signage or advertising shall be erected on site without the prior written approval of the Planning Authority whether or not such development would otherwise constitute exempted development. Reason: In the interest of visual amenity.
7.	The applicant should be responsible for the full cost of repair in respect of any damage caused to any adjoining public roadway or arising from the development and shall make good any such damage for width to the satisfaction of Meath County Council. Reason: In the interests of the proper traffic management of the area.
8.	The Applicant shall enter into water and wastewater connection agreement(s) with Irish Water, if required. The Applicant shall be required to adhere to the standards and conditions set out in that agreement. Reason: In the interest of public health.
6.	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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation

<p>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 the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Enda Duignan
Planning Inspector

27/06/2023