



An
Bord
Pleanála

Inspector's Report

ABP-312297-21

Development	Retention of 1,163 square meter concrete yard and change of use from vacant greenfield site to ancillary storage yard
Location	Maddens Hardware, Main Street, Dunshaughlin, Co Meath.
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	211913
Applicant(s)	Peter, Rosemary and John Madden
Type of Application	Retention and Permission
Planning Authority Decision	Grant
Type of Appeal	First Party
Appellant(s)	Niall and Fiona Colgan Alison and Sean Burns.
Observer(s)	None
Date of Site Inspection	21 st of September 2022.

Inspector

Karen Hamilton

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1.0 Site Location and Description

- 1.1. The site contains a household hardware shop, associated storage yard, carpark, located along the main street in Dunshaughlin, Co Meath. The shop fronts directly onto the main street and access into the back of the site (yard and car park) is from the Main Street. The subject site includes a concrete yard with staked materials associated with the operation of the hardware shop and a carpark for customer parking.
- 1.2. An Aldi supermarket has been recently developed to the north, directly adjoining the site. The Aldi carpark and the carpark for the subject site are adjacent to each other and separated by a c. 1.2m high iron fence.
- 1.3. A residential estate, Hanson Wood, is located to the east of the site. A 2m high block wall separates the subject site with the residential estate.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Retention of 1,163m² concrete yard and change of use from vacant greenfield site to ancillary storage yard (Timber Storage, Pallet Racking not exceeding 3.6 meters high, Gas Cylinder Storage and General Storage of Palletised Outdoor Goods),
 - Relocation of 7 no. storage containers.
 - Erection of 1.25- to 1.5-meter-high timber panels above top of existing blockwork wall on East and South site boundaries
 - All associated site works and landscaping including raised tree and hedge planting and low-level lighting columns.

3.0 Planning Authority Decision

3.1. Decision

Decision to grant permission with 11 conditions of which the following area of note are summarised below:

C2: No open storage of goods within 1m of the boundary walls and the installations of a crash barrier within 3 months of the final grant of permission.

C3: No open storage or racking to exceed a height of 3.5m. The location of racking should not impact vehicular movement. The proposed fence and timber fencing panels shall not exceed a height of 3.6m and shall be erected within 3 months of the grant of permission.

C4: No machinery operation outside the hours of 0800 to 1900, loading and unloading to the north of the storage containers and noise levels shall not exceed 55 dB (A) L_{Aeq} , 1hr between 0800 to 1900 Monday to Saturday.

C5: The storage containers permitted shall be removed within 3 years from the final grant of permission.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the area planner reflects the decision to grant permission. The planner's assessment has been summarised below:

3.2.2. Principle of Development

- The proposed development is incidental to the established use on the site (Class 1 retail use) and does not form part of Class 5 storage use.
- It is sufficiently clear from the development description to understand the proposed use.
- The site is zoned as Town Centre where shop is permissible and garden centre/ plant tool is open for consideration.
- In relation to the scale and density of the proposal it is considered the proposal is acceptable is acceptable.
- The Inspector's report on the previous application (ABP 307369-20) and the impact as a transitional site on the adjoining residential amenity is noted.
- The previous Inspector notes the absence of landscaping, noise attenuation barriers, heightened walls and light overspill.

- The noise on site inspection was no greater than the movement of vehicles associated with the car park.
- It is not considered there is noise associated with heavy plant machinery.
- The applicant has submitted a Noise Impact Assessment which notes noise associated with the operation of the site is intermittent.
- Information in relation to the location and height of the raked materials is noted and accepted.
- The proposal is consistent with the planning policy and does not impact the residential amenity.

3.2.3. Siting, Layout & Design

- No issues in relation to the siting, layout or design.

3.2.4. Environment, Heritage & Other

- Archaeological Area of interest: although the site is in an area it is not subject to any constraints i.e.: recorded monuments or protected structure. The applicant has submitted a desk-based analysis which concludes no archaeological impacts.
- Public Health: No public health impacts are apparent.
- Surface Water: The proposal connects to the public system and the Water Services have no objection to the works.

3.2.5. Other Technical Reports

Transportation Section: Request additional information of the movement of passengers from the car park to the retail entrance and the square footage of the development.

Water Services: No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water: No objection subject to conditions.

3.4. Third Party Observations

Two third party submissions received from the appellants. The issues raised are similar to the grounds of appeal and have been summarised below.

4.0 Planning History

4.1.1. ABP 307369-20 (Reg Ref RA200305)

Permission refused for the following:

- retention of 4 no. 6m high lamp standards, 1503m² concrete yard,
- relocation of 7 no. storage containers and
- permission for 2 no. additional 6m high lamp standards, 2.5m high Weld Mesh Fencing, lamp fittings to be mounted on 6 no 6m high lamp standards, 12 no. CCTV cameras to be mounted on 6 no. 6m high lamp standards, Timber Storage Racking, Pallet Racking, Gas Cylinder Storage, general storage of palletised outdoor goods, signage to existing buildings and amendments to 2 no gate designs approved under Planning reference RA180257 and all associated works

Two reasons for refusal are stated below:

1. On the basis of the information submitted with the application and appeal including the statutory notices, the Board is not satisfied that the details of the proposed development and the development for which retention permission is sought, are sufficiently clear, or describe the full nature and extent of development carried out to date on this site, specifically with regard to the use of the site and elements of signage. In this context, the Board is, therefore, precluded from granting permission for the proposed development and the development for which retention permission is sought.

2. On the basis of the information submitted with the application and appeal, the Board is not satisfied that the proposed development and the development for which retention permission is sought, would not seriously injure the amenities of adjoining residential properties, by reason of, light pollution, noise, visual impact and the absence of appropriate visual buffers

along the perimeters of the site. In this regard, the proposed development and the development for which retention permission is sought, would be contrary to the proper planning and sustainable development of the area.

Note: The Board noted the recommendation from the Inspector for a third reason for refusal namely that, notwithstanding the nature, scale and scope of the development sought under this application it is considered that the archaeological significance of the site is such that any development of the site, including the provision of a concrete yard, in advance of a comprehensive archaeological assessment, carried out to the requirements of the appropriate authorities, would be premature and would, therefore, be contrary to the proper planning and sustainable development of the area. However, given the substantive reasons for refusal set out above and noting that this constituted a new issue in the context of the appeal, the Board decided not to pursue this matter further in the current appeal.

4.1.2. **Reg Ref RA/180257**

Planning permission was granted for the erection of 2 no. entrance gates, boundary fencing, wall and railings and relocation of 21 no. car parking spaces on a 0.31ha site as well as associated works. The proposed development includes all site development works on the 0.31ha site.

4.2. Aldi Store and part of the site along the north

4.2.1. **ABP-304121-19 (Reg Ref No RA180255)**

Permission granted for the demolition of the existing building on site and the construction of a single-story discount foodstore (to include off licence use) with a gross floor area of 1,638 m² (net retail area 1,152 m²). The development includes the erection of 2 no. free standing double sided internally illuminated signs, 1 no. internally illuminated gable sign, 1 no. poster sign and entrance glass signage. The proposed development will be served by 90 no. car parking spaces. The proposed development includes vehicular access from Lagore Road and pedestrian access from Main Street. The proposed development includes all engineering works, landscaping works, boundary treatments and site development work on the 0.66-hectare site.

5.0 Policy Context

5.1. Meath County Development Plan 2021-2027

The subject site is zoned as B1, Commercial Town or Village Centre, where it is an objective *“To protect, provide for and/or improve town and village centre facilities and uses”*

- The primary land use is employment generating, service and retail provision.
- Retail is a permitted use.
- Garden Store and Plant & Tool Hire is open for consideration.

5.2. Natural Heritage Designations

The site is generally removed from sites of nature conservation interest, with the nearest designated site >10km to the northwest of the town (River Boyne and River Blackwater SPA and SAC).

5.3. EIA Screening

Having regard to the nature of the proposed development to be retained and the development for which planning permission is sought, the nature of the receiving environment, and significant lateral separation distance to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal are submitted from the residents of properties to the east of the site (No. 23 & 24 Hanson Wood). The issues raised in both submissions are similar and have been summarised under common themes below:

6.1.1. Principle of Development

- The proposal remains the same as the previous proposal refused by the Board (ABP 307369).
- The proposal does not comply with Core Principle 2 of the county development plan and does not support sustainable communities.
- The landscaping plan will not benefit the residents.
- In relation to the retail element, the bulk storage will also be visible from the Main Street.
- The development will lead to a significant increase in the storage of raw materials.
- There is no consideration for the increase in footfall, movements etc.
- The Dunshaglin Civic Trust plan (2001) considered the hardware business should be relocated out of town.
- The proposal is not an expansion of the business as this was previously a greenfield site and not part of the business to the front of the site.
- The residential use was present before the change of use occurred.
- Maddens yard is more akin to a builder's yard rather than a garden centre or hardware store.

6.1.2. Transitional Areas

- The development plan provides guidance for development in transitional areas which should not be abrupt.
- The Inspector's report on the previous application considered that noise generating activities should be kept away from boundaries.

6.1.3. Light Pollution

- There is currently a visually obstructive flood light on the building onto the concrete yard.
- The light affects the rear bedrooms of the house.
- The lighting report fails to acknowledge new lights and cameras attached to the building. (Photo submitted).

6.1.4. Noise Pollution

- There is no assessment in the Noise Assessment of the impact of the proposal on the surrounding residents.
- The conditions imposed by the planning authority do little to restrict any spikes in noise activities.
- There is excessive noise from the movement of the gas cylinders on the site.
- The Noise report is inadequate and only taken over 7 days. The report is not representative of the noise on the site.

6.1.5. Visual Impact

- The proposed fence is unsuitable for the site, adjoining a residential area.
- The proposed fence will reduce natural light into the properties and have a negative visual impact and is unacceptable.
- The landscape report notes heights of up to 7.2m and it is assumed this is an error.

6.1.6. Archaeology

- There is concern in relation to the use of the site as the area is designated “Recorded Monument ME01673-SEID-settlement cluster” (development plan objective CH0BJ7).

6.1.7. Additional Information

- USB is attached which includes the appellant’s submission to the previous application refused by the Board.
- The proposed works will have a negative impact on the valuation of the existing properties.
- There is concern in relation to the maintenance of the fence and landscaping.

6.2. Applicant Response

A Planning Consultant, on behalf of the applicant, has submitted a response to the grounds of appeal and is accompanied by a report from a Landscape Consultant and

a Noise Consultant. The applicant has addressed those issues raised in the grounds of appeal as summarised below:

6.2.1. Landscaping Issues and boundary fence

- A small fence above the boundary wall is considered appropriate as a noise abatement proposal.
- The fence will not have a negative impact on the visual amenity of the adjoining properties.
- The landscaping plan is secure, structurally sound and has been tried and tested.
- The erection of the fence is not contrary to Irish Law.
- The accuracy of the photomontages submitted are questioned as this has been overstated.
- The plans submitted with the application are correct.
- An error in item 3.2 of the landscaping report should now read to include the erection of steel posts, independent of the existing boundary and the use of pressure treatment boards.
- A maintenance contract for the management of the trees will be in place between the client and the landscape consultant.
- The boundary treatment along the east of the site will be amended to include the removal of the fencing and an increase in planters with Beech to provide visual screening.
- A lower height of the fence along the rear of No. 24 can be facilitated.
- Drwg 21119_LP_01_F accompanied the submission with the new boundary treatment.

6.2.2. Noise/ Noise Report

- A background to the noise assessment is provided.
- A recording beside No. 24 and 27 was undertaken and the consultants spoke with the residents before the survey.

- The measured recording of noise outside No 24 Hanson Woods was recorded between 51 - 53 dB (A) L_{Aeq} , 16hr.
- Noise levels conducted during the gas delivery ranged from 58 – 70 dB (A) L_{Aeq} , 5min. The gas delivery will only be heard if the window was open, will last no more than 30 mins and will be every 10 to 14 days. This will not cause a massive impact on the residential amenity.
- There is only occasional noise from the operation in Maddens yard.
- There is no evidence to suggest that any Noise assessment was undertaken for the residential development beside a commercial use.
- The Noise Assessment is considered acceptable and accurate.
- There is minimal vegetation on the site and would have provided no attenuation.
- All works are undertaken between the hours of 08.00 am and 5.30pm.

6.2.3. Boundary treatment

- A hedge was to be retained as part of the Hanson Wood development. The applicant did not have control of the lands when the residential development was being undertaken.
- The proposed fencing is not needed for acoustic reasons as the noise report is not recommend mitigation measures.
- The applicants are happy to remove the fencing and rely on the proposed planting to screen the development.
- The planting of trees at a height of 3 m will not provide any screening for the appellants.
- The car parking is already permitted and in place.
- All higher racking will be placed away from the boundary walls.
- The proposed fence is an independent structure and will not be placed above the existing boundary wall.
- 2m is the height of a fence for exempted development not for all boundaries in Ireland.

6.2.4. Lights

- The applicant has replaced lights on the rear of the property, these do not form part of the application.
- Enforcement is not within the remit of An Bord Pleanála.
- The light spills only onto the yard and not the dwellings to the rear of the site.

6.2.5. Archaeology

- The construction of the yard began in 2019.
- No archaeological material was unearthed during the works.
- The desk top study did not reveal any material associated with the area.
- Having regard to the works undertaken it is reasonable to assume that any materials shallow would not be disturbed and remain below the surface.

6.2.6. Principle of uses

- There is no material intensification of Maddens building.
- The works are compatible with the site and the town centre zoning.
- The uses are not garden centre rather associated with the retail production the shop.

6.2.7. Additional information

- Letter from the gas delivery indicating deliveries between 2019 and 2021.

6.3. **Planning Authority Response (PA)**

A response was received from the PA which reiterates the report of the area planner. The submission queries the use of the photographs submitted with the grounds of appeal and the perceived impact on the visual amenity, particularly given the views in question and the location of the proposal beside the Aldi carpark.

6.4. **Observations**

None submitted.

6.5. Further Responses

The applicant's response to the grounds of appeal was recirculated by the Board. Further submissions observations were received from the appellant in no.23 and 24 Hanson Woods. The issues raised in both submissions are similar and have been summarised under common themes below.

6.5.1. Landscape Consultant submission

- The fence is not considered small.
- The construction of the fence independent to the boundary wall is noted. This could cause a health and safety risk.
- The timber fence remains intrusive on the existing property.
- The planting should be carefully considered beside residential properties, be appropriately maintained, planted into the ground and along both the south and east boundary.
- The height of a boundary over 2m is generally not acceptable.
- The removal of the fence is welcomed.

6.5.2. Noise Assessment

- The previous concerns in relation to the noise survey are reiterated.
- The movement of the gas cylinders can be heard from inside the houses.
- The fence will not act as a noise abatement structure.
- A 1m buffer would help mitigate forklift breaches against the wall.

6.5.3. Planning concerns

- Information in relation to RA180257 is incorrect.
- The rear of property's No 23 Hanson Wood faces onto Maddens yard.
- The developer has undertaken unauthorised works.
- The delivery of gas cylinder occurs as frequently as every 5 days.

7.0 Assessment

7.1. I consider the main issues of the appeal can be dealt with under the following headings:

- Principle of Development
- Impact on Residential Amenity
- Impact on Visual Amenity
- Archaeology
- Other
- Appropriate Assessment

Principle of Development

Zoning

- 7.2. The proposed development consists of the change of use of a previously greenfield plot to a concrete yard for the storage of general storage and outdoor goods associated with the Maddens Hardware Store. The grounds of appeal consider the use is not compatible with the town centre zoning and is more a depot style proposal which should be located outside the town centre.
- 7.3. The site is located on lands zoned as B1, Commercial Town or Village Centre, where it is an objective "*To protect, provide for and/or improve town and village centre facilities and uses*". The grounds of appeal consider the use of the concrete yard and the storage of materials is more akin to a garden centre or plant & tool hire business which is only open for consideration within this land use zoning.
- 7.4. The PA note the use of Maddens Store as a retail business (Class 1) and the use of the storage yard is ancillary to the main use. It was not considered the use formed a separate use (Class 5) and the proposal could be assessed as a planning unit.
- 7.5. Upon site inspection I noted a range of goods staked on the site. These included timber products for gardens etc, gas cylinders, bark and stone etc for garden decoration. I note Maddens is advertised as a Home and Garden Store and I consider these products are ancillary to the main use. Retail use is permitted in the B1 town centre zoning and Garden Store and Plant & Tool Hire is open for

consideration. Whilst I note the range of products on the site may also be applicable for a garden store, I do not consider the nature and scale at this location would have a negative impact on the current use of the site. I consider the use is ancillary to the Maddens store and compatible with the land use zoning for the site.

Planning History

- 7.6. A similar development was recently refused by the Board (ABP 307369-20 (Reg Ref RA200305) for two reasons. The Board did not consider there was sufficient information submitted with the application and appeal to assess the full extent of the nature of the retention, signage, and absence of appropriate visual buffers. In this regard, the Board did not consider they could adequately assess the impact on the residential amenity of the adjoining properties.
- 7.7. The grounds of appeal do not consider the proposal has significantly changed and the issues from the previous application remain the same. I note the reasons for refusal referred to the absence of sufficient information to assess the proposal rather than the impact of the proposed development. I also note the development description has been amended slightly to include retention of the change of use and works to the concrete yard only and not retention of additional lights etc.
- 7.8. I have undertaken a site inspection and assessed the plans and particulars submitted and I consider there is sufficient information to undertake an assessment of the impact of both the retention of works and proposed works on site. In this regard I do not consider the reasons for refusal from the previous application are entirely relevant for this decision making.

Conclusion

- 7.9. Having regard to the location of the site within the town centre of Dunshaghlin and associated with a home and garden business, I consider the principle of the change of use of the site acceptable.

Impact on Residential Amenity

- 7.10. The grounds of appeal have been submitted from both residents of the dwellings to the east of the site, No. 23 & 24 Hanson Wood. The most significant cause of concern raised relates the impact from the noise of the operation of the site, the light

spill from the flood lighting at the rear of the building and the impact from the proposed timber fencing. I have addressed these separately below.

Noise

- 7.11. The application was accompanied by a Noise Impact Assessment. The noise survey was undertaken over a 7-day period at two noise sensitive locations, in front of No 24 and No 27 Hanson Woods. The results indicated a recording of between 51- 53 dB (A) LAeq, 16hr. The grounds of appeal do not consider the noise survey is adequate to sufficiently assess the impact of the proposal. It is considered the 7-day survey is too low and the results do not consider the spikes in activity, particularly from the delivery of gas cylinders to the site.
- 7.12. The applicant's response to the grounds of appeal includes a report from the noise consultant, reiterating the results from the noise survey and responding to the appellants concerns in relation to the gas cylinder delivery. Whilst the consultant acknowledges the gas deliveries would generate noise greater than the average recording (up to 70 dB (A) LAeq, 5min) it was conserved this would occur over a 5min period and only once every 10 to 14 days. Invoices from the gas deliveries in 2021 have been submitted as evidence.
- 7.13. I note the nature and scale of the product on site, most of which would require bulk deliveries and subsequently collection on an individual basis. The car park associated with Maddens is located directly beside the storage yard, therefore any traffic movements would be kept to a minimum. Condition no. 4 restricts the hours of delivery, restriction on loading and cap on noise levels. I consider the restriction of deliveries during the daytime, loading location and cap on noise levels would prevent any significant negative impact on the adjoining residential amenity.
- 7.14. Having regard to the timing and duration of gas delivery on the site I do not consider the noise associated with this activity would have a significant negative impact on the adjoining residential amenity. The gas storage is at two locations (east and south). I consider the positioning of these cylinders along the south, as illustrated on the site layout map, would ensure a reduction in the impact from the noise, during deliveries, which can be reasonably conditioned.

Light pollution

- 7.15. The Planning Statement which accompanied the application refers to the proposed inclusion of low-level lighting bollard (max. 12m high). Specification for the bollards accompanied the application and the site layout plan illustrate c. 12 throughout the site.
- 7.16. The grounds of appeal refer to the lighting on the rear of the existing building and consider the light emitted from these has a negative impact on their amenity as it shines to the rear bedrooms. A photograph of the lights during the evening have accompanied the appellant's submission
- 7.17. The response from the applicant refers to the location of these lights on the existing building and notes that these do not form part of the application, and enforcement is not within the remit of the Board. This aside, they do not consider the light spill will impact the properties at No 23 and 24 Hanson Woods, due to the orientation of these properties.
- 7.18. I note the size and scale of the proposed lighting bollards throughout the site, and I do not consider the light omitted from these would have a significant negative impact on the residential amenity. In the absence of any details on the lighting attached to the building, I cannot undertake an assessment of the impact on the residential amenity. Whilst the applicant refers to the unauthorised nature of these lights (enforcement) I consider that having regard to the orientation of the lights towards the yard, they are ancillary to the operation of the proposed development. The Maddens building has been outlined in blue (within the applicants control or ownership) on the site layout, therefore under Section 34 (4) (a) the Board can include a condition which "*appears to be expedient for the purposes of or in connection with the development authorised by the permission*". Having regard to the absence of any information on the lighting attached to the building, I can not undertake an assessment and consider they should be removed, and any necessary permissions obtained.

Conclusion

- 7.19. Having regard to the nature and scale of the proposed development, I do not consider the proposed development would have a significant negative impact on the

residential amenity of the adjoining residents, subject to the inclusion of conditions relating to noise, deliveries and the erection of lighting on the buildings.

Impact on Visual Amenity

- 7.20. The proposal includes the erection of a timber fence, above the existing 2m high block wall along the south and east boundaries. The proposed timber fence (1.23m above the wall) will be mounted on a steel frame. The grounds of appeal have concerns in relation to the impact of this fence on the visual amenity and have submitted graphics of the proposed fence along the eastern boundary.
- 7.21. The applicant's response refers to the use of the fencing for noise abatement although considers it not entirely necessary to mitigate against any negative impact. The applicant is prepared to accept a condition to remove the fencing, should the Board consider this necessary.
- 7.22. I have concerns in relation to the design of the fence along the rear of No 23 and No 24 Hanson Wood. In this first instance the fence has the potential to impact the evening sunlight into the rear garden of both properties and cause a negative visual impact due to its location above the existing boundary wall. I note the Noise Impact Assessment does not recommend the use of this fence as a noise barrier rather the landscaping design proposal refers to the use of the fence as a barrier.
- 7.23. The landscape design proposal also includes tree planting along the eastern boundary, in the form of planters. I consider the use of the fence unnecessary and unacceptable along this location. I consider the use of landscaping more appropriate, and the use of semi-mature species can ensure sufficient noise abatement and provide visual screening.
- 7.24. Therefore, having regard to the location and orientation of the boundary wall to the west of No 23 and 24 Hanson Wood and the location and design of the proposed timber fence, I consider the fence would have a significant negative impact on the visual and residential amenity of the residents and should not be permitted. Having regard to my assessment of the works in its entirety I consider a condition to prevent the erection of this fence is acceptable.

Archaeology

- 7.25. The settlement of Dunshaghlín is a National Monuments Services Zone of Archaeological Potential. Appendix 9 of the Meath County Development Plan 2021-2027 does not list any historic monuments on the site. The Board order on the previous refusal on the site (ABP 307369-20 (Reg Ref RA200305) noted the absence of any comprehensive archaeological assessment with the application although considering the substantive reasons for refusal this was not included as a reason for refusal.
- 7.26. The grounds of appeal have raised concern that the area is designated “Recorded Monument ME01673-SEID-settlement cluster” (development plan objective CH0BJ7) and the proposal could have a negative impact on any archaeology.
- 7.27. Section 8.6 of the development plan provides guidance for the archaeological heritage in County Meath. Reference is provided to the National Monuments Service for information on archaeology¹. I note the site is location within a Zone of Notification². This Zone of Notification also extends to residential lands in Hanson Woods and the Aldi store to the north of the site.
- 7.28. The application was accompanied by a desktop Archaeological Assessment. The grounds of appeal also note the nature of the works on the site, which relate to grounds works and considers any archaeological material would remain in place.
- 7.29. I note the Archaeological Report on the Aldi supermarket directly adjacent on the site (north) (ABP 304121-19 Reg Ref RA10255) and the Inspector’s Report which noted any archaeological features that survive sub-surface at the site would remain below ground (under the car park). I consider the works proposed on the subject site are similar in nature and would not have involved any deep excavation and/or disturbance of any archaeological features of interest. Accordingly, I do not consider the proposed development would give rise to any significant impact on archaeology on the site.

¹ <https://www.archaeology.ie/archaeological-survey-ireland>

² <https://maps.archaeology.ie/HistoricEnvironment/>

Other

- 7.30. Steel Containers: The development description indicates the relocation of the steel containers to the rear of the existing buildings. These are currently used for storage. The submitted plans illustrate the current location of the steel containers, and no alternative locations are included. Condition No 5 requires the removal of the steel containers from the site within 3 years from the grant of permission unless authorised by a further grant of permission.
- 7.31. The grounds of appeal have not raised any concerns in relation to these containers. I note they are temporary in nature, scale and design and I do not consider they are visually inappropriate for a permanent storage solution. I consider a condition like condition no. 3 is appropriate to ensure a permanent storage solution is included on the site.

Appropriate Assessment (AA)

- 7.32. The applicant did not submit an AA screening assessment. The PA undertook an AA screening, noted the sites within a 15km radius and the absence of any direct or indirect links between the site and any European Site and concluded the proposal would not be likely to have a significant effect on any European Site(s).
- 7.33. I note the location of the closest European Sites being the River Boyne and River Blackwater SAC/SPA (>10km) and the absence of any direct hydrological links between the site and the River Boyne and/or River Blackwater. The proposed change of use from greenfield to storage yard will not generate any effluent or pressure on the public treatment system.
- 7.34. Having regard to the above, notably the location of the proposed development within an established urban area, integrated with existing services and significantly removed from any European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the development for the reasons and considerations set out below and subject to the following conditions.

9.0 Reasons and Considerations

The subject site is located within the Dunshaughlin Town Centre on lands designated as B1, Commercial/Town or Village Centre in the Meath County Development Plan 2021-2027, where it is an objective “To protect, provide for and/or improve town and village centre facilities and uses”. It is considered that the proposed development is consistent with the zoning objective for the site, ancillary to the main home and garden store use and, having regard to its detailed design and subject to compliance with the conditions set out below, would not adversely impact the visual or residential amenity of the adjoining residents or the on archaeological heritage of the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. 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>Reason: In the interest of clarity</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) Removal of the timber fencing proposed above the existing boundary wall.</p> <p>(b) Within 3 months of this grant of permission the applicant shall relocate all gas cylinders to the storage area along the south of the site as illustrated on the site layout map (Drwg 202002-52)</p>

	<p>(c) Within 3 months of this grant of permission the applicant shall remove any lighting attached to the Maddens building which does not have the benefit of permission.</p> <p>Revised drawings and photographic evidence showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
3.	<p>The storage containers hereby permitted shall be removed from the site within 1 year from the final grant of permission unless authorised by a further grant of permission.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>Site development shall be carried out only between the hours of 0800 to 1900 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>Reason: In order to safeguard the residential amenities of property in the vicinity</p>
5.	<p>The noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at No 25 Hanson Wood or at any point along the boundary of the site between 0800 and 1700 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>

6.	<p>No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the visual amenities of the area</p>
7.	<p>The landscaping scheme shown on drg no. 202002-53 as submitted to the planning authority on the 30th of July 2021 shall be carried out within 3 months of the date of commencement of development.</p> <p>In addition to the proposals in the submitted scheme, the following shall be carried out:</p> <ul style="list-style-type: none"> • All planting shall be of semi-mature and a native species • All plant boxes shall be placed c. 1m from the boundary walls. <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.</p> <p>Reason: In the interest of residential and visual amenity.</p>
8.	<p>The applicant or developer shall enter into water wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
9.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p>

	Reason: In the interest of public health.
10.	<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 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>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

Karen Hamilton
Senior Planning Inspector

30th of September 2022