



An
Bord
Pleanála

Inspector's Report ABP- 312466-22

Development	Demolition of 2 no. existing farm buildings and the construction of 2 no. agricultural storage sheds.
Location	Hilltown Little, Bellewstown, Co. Meath.
Planning Authority	Meath County Council.
Planning Authority Reg. Ref.	21/2000.
Applicant	Keegan Land Holdings Limited.
Type of Application	Permission.
Planning Authority Decision	Refusal of Permission.
Type of Appeal	First Party v Refusal of Permission.
Appellant	Keegan Quarries.
Observer(s)	Kieran Cummins Jonathon Pierson
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 Hilltown Little, Bellewstown, Co. Meath. The appeal site is located on the eastern side of the L-56172-0, c. 1.5km to the north-west of the village of Bellewstown as the crow flies. The site has a stated area of c. 1.147ha. and comprises a parcel of land containing 2 no. agricultural buildings which the Applicant has indicated were previously in use as poultry sheds. The existing buildings are in a dilapidated state of repair with the roofs of each building partially collapsed. The site is accessed from an existing agricultural entrance located towards the northern end of the site's roadside (western) boundary. Each shed has a linear form with stated area of c. 1,560sqm. and total lengths measuring c. 84m. The sheds have a pitched roof with a maximum height of c. 4.9m and are splayed relative to the western boundary with varying setbacks provided. The peripheries of the site are heavily overgrown and the roadside boundary comprises a dense hedgerow which is interspersed by trees of varying maturities.

1.2. In terms of the surrounding area, 2 no. residential dwellings are located to the immediate north of the site. The lands to the east and north-east are in agricultural use and are identified as being with the ownership of the Applicant. Lands which were quarried are located to the south of the site which is also within the Applicant's Blue Line boundary. The remainder of the lands within the surrounds are predominantly in agricultural use.

2.0 Proposed Development

2.1. Planning permission is sought for the demolition of the existing agricultural buildings and the construction of 2 no. new agricultural storage sheds. Each shed has a stated floor area of c. 2,722sq.m. and have lengths of c. 89m and depths of c. 31m. The proposed sheds have a pitched roof form with a maximum height of c. 11.8m. Materials and finishes for the proposed sheds comprise a combination of concrete and galvanized panels for the elevations with a galvanized corrugated plate roof.

2.2. The proposed sheds are to be located proximate to the site's roadside (western) boundary and a new hardstanding driveway is proposed along the eastern (rear)

boundary which connects to the existing agricultural entrance and provides access to each shed.

3.0 Planning Authority Decision

3.1. Decision

Meath County Council refused permission for the following no. 3 no reasons:

1. Based on the information submitted, in particular the absence of any documentation and relating to the need and size for the proposed development, it is not considered that the applicant has demonstrated a justification or need for agricultural structures of this scale at this location. The proposed development would, therefore establish an undesirable future precedent for developments of this kind and be contrary to the proper planning and sustainable development of the area.
2. It is considered based on the information submitted with the application that the applicant has not demonstrated that the proposed development by virtue of its size, scale and sighting on an elevated site would not be visually obtrusive and detrimental to the visual amenities of the area, and would therefore materially contravene objective HER OBJ 49 of the Meath County Development Plan 2021-2027 which seeks 'To ensure that the management of development will have regard to the value of the landscape, its character, importance, sensitivity and capacity to absorb change as outlined in appendix 5 Meath Landscape Character Assessment and its recommendations', and objective HER OBJ 50, 'To require landscape and visual impact assessments prepared by suitably qualified professionals to be submitted with planning applications for development which may have significant impact on landscape character areas of medium or high sensitivity'. It is considered that the proposed development would interfere with the character of the landscape, would seriously injure the visual amenities of the area, and depreciate the value of property in the vicinity, would set an undesirable precedent for similar future developments in the rural area and would be contrary to the proper planning and sustainable development of the area.
3. It is policy (RED POL 38) of the Meath County Development Plan 2021-2027,

‘To ensure that all development accessing off the county’s road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard’.

Having regard to the failure of the particulars submitted with the application to demonstrate visibility splays in accordance with the requirements, the Planning Authority is not satisfied on the basis of the information submitted that safe visibility splays can be provided in each direction to the required standards. Accordingly, to permit the proposed development would endanger public safety by reason of a traffic hazard, contrary to the aforementioned policy provisions of the Meath County Development Plan 2021-2027, and thereby contrary to the proper planning and sustainable development of the area.

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, an overview of the policy that is relevant to the development proposal and a summary of the 3 no. observations on the planning file.

In terms of their assessment, the Planning Authority note that no supporting justification has been provided with the application for the need and size of the proposed structures. The Planning Authority also refer to the planning history of the larger landholding, and it is noted that the structures are excessive and display significant elements more commonly associated with a commercial use not relating to agriculture. As such, the principle of the proposed development was not deemed to be acceptable. It was also considered that the proposal would be visually obtrusive and detrimental to the visual amenities of the area by reason of its size, scale and sitting on an elevated site. Concerns were also highlighted with respect to the lack of visibility splays for the existing entrance. A refusal of permission was therefore recommended for 3 no. reasons.

3.2.2. Other Technical Reports

None.

3.2.3. Prescribed Bodies

None.

3.2.4. Third Party Observations

Three (3) no. observations were received by the following Third Parties:

- Peter Sweetman.
- Jonathan Pierson.
- Kieran Cummins.

The issues raised in the observations can be summarised as follows:

- The application should not be considered by the Planning Authority as there is an outstanding court order relating to this site.
- Concerns regarding the scale of the proposed sheds which may be utilised for quarry related purposes.
- It is stated that there are European directives and subsequent case law implications to be considered regarding this site and there may also be compliance issues having regard to the EIA, Habitats and Birds directives.
- Concerns highlighted with respect to the illegal quarrying of the lands within the ownership of the Applicant. Extensive examples of alleged unauthorised and illegal quarrying and other developments carried out by the Applicant across the country have been provided.
- It is highlighted that various Keegan Companies are closely connected and should be considered as one unit when assessing past compliance with various companies within the group.
- It is highlighted that there is a significant track record of unauthorised and illegal developments together with a myriad of compliance issues across scores of sites operated by Keegan Quarries around County Meath and other counties across the country. The Planning Authority is therefore requested to have regard to Section 35 of Schedule 4 of the Planning and Development Act, 2000

(as amended) which provides for the refusal of planning permission for past failures to comply.

- It is stated that there is a real and substantial risk that the development in respect of which permission is sought would not be completed in accordance with such permission, if granted, and accordingly planning permission should not be granted to the Applicant concerned in respect of this development.
- Concerns are highlighted with respect to the illegal felling of trees by the applicant on other sites within their control.
- Concerns are also highlighted with respect to the Applicant's attitude of archaeological issues in the past and the observer has no confidence that this Applicant would safeguard archaeological sites.
- It is stated that given that the enforcement section of the County Council has failed to undertake its functions with respect to the Applicant, it is considered necessary that there be appropriate consequences to an Applicant for previous unauthorised developments. It follows that this application should be refused having regard to the proper planning and sustainable development of the area.
- The observer raises a range of societal impacts associated with the development and the applicant's track record of unauthorised development.
- Concerns highlighted with respect to the presence of asbestos within the existing structures and how this is to be managed.
- Concerns highlighted with respect to the commercial nature of the proposed use given its overall size.
- It's highlighted that there are no mains water supply or sewerage facilities serving the appeal site and any effluent emanating from an on-site septic tank would flow downhill towards the wells of the nearby properties.
- Concerns highlighted with respect to traffic impacts associated with the proposed development. It is contended that the proposed development would endanger public safety by reason of a traffic hazard and/or an obstruction of road users.
- The observer considers that the proposed development would interfere with the character of the landscape and with views and prospects with special amenity value and beauty, which is necessary to preserve.

- An observation notes that the Planning Authority has four distinct sets of legal tasks when it deals with an application such as this. Firstly, it must assess the planning merits of the application in accordance with the Planning and Development Act, 2000 (as amended) to ensure that the proposed development is in accordance with the proper planning and sustainable development of the area. The Planning Authority is then also required to form and record a view as to the environmental impacts of the development, considering the EIA report if furnished by the applicant, the views of the public concerned and applying its own expertise and to screen the development for Environmental Impact Assessment. Thirdly, the Planning Authority is the competent authority having regard to responsibilities under the Habitats Directive. Finally, the development must be assessed for compliance with the Water Framework Directive. It is stated that the description of this development does not comply with the regulations.

4.0 Relevant Planning History

4.1. Appeal Site

None.

4.2. Applicant's Landholding

22750 (ABP-316435-23): Planning permission granted by the Planning Authority for the continued extraction of an existing rock quarry (currently permitted under Ref. No. PL17.QD0013). The development also consists of: (i) the provision of a private link road to serve the quarry and adjoining agricultural land linking the L56172 Mullagh Road with the L1615 in the north east; (ii) the relocation of the quarry access/egress point on the L56172 Mullagh Road southwards to create an access/egress point on the L56172 Mullagh Road; (iii) two access/egress points for the private link road; (iv) accesses and egress points from the link road to agricultural land for agricultural purposes; (v) associated gates, piers and boundary fencing; (vi) hard and soft landscaping, barrier systems and cut and fill areas associated with the road; (vii) the continued use of the existing on-site office, shed and car park area.

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

SA/110858: Planning permission granted by the Planning Authority in November 2012 for the restoration of c. 3.8 hectares of unauthorised quarry workings using inert overburden and soils, of which c. 40,000 cubic metres will be imported soils and stones. The development consisted of retention of a site office, workmen's canteen, toilet facilities, existing septic tank system, wheel wash, weigh bridge, pump house and other ancillaries on an additional 0.4 hectares of lands for a period of up to 3 years to complete the works.

AA/150917: Extension of Duration of Planning Permission Ref. No. SA/110858 granted by the Planning Authority for a further years for the restoration of c. 3.8 hectares of unauthorised quarry workings using inert overburden and soils, of which c. 40,000 cubic metres will be imported soils and stones. The development consisted of retention of wheel wash, weighbridge, pump house and other ancillaries on an additional 0.4 hectares of lands for a period of up to 3 years. The expiry date for this permission is 15th November 2018.

5.0 Policy and Context

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

The appeal site is located within a rural area of Co. Meath and within the 'Bellewstown Hills' landscape character area which is of Very High Value and a Moderate Sensitivity as specified in Appendix 5 (Landscape Character Assessment) of the current CDP.

The following polices of the CDP are relevant to the consideration of the appeal:

- **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), polices of note include:

- **RUR DEV SO 6:** To protect and enhance the visual qualities of rural areas through sensitive design.
- **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 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.

In terms of landscape capacity, the current CDP contains the following policies and objectives which are relevant to the consideration of the proposed development:

HER POL 52 To protect and enhance the quality, character, and distinctiveness of the landscapes of the County in accordance with national policy and guidelines and the recommendations of the Meath Landscape Character Assessment (2007) in Appendix 5, to ensure that new development meets high standards of siting and design.

HER OBJ 49 To ensure that the management of development will have regard to the value of the landscape, its character, importance, sensitivity and capacity to absorb change as outlined in Appendix 5 Meath Landscape Character Assessment and its recommendations.

HER OBJ 50 To require landscape and visual impact assessments prepared by suitably qualified professionals be submitted with planning applications for development which may have significant impact on landscape character areas of

medium or high sensitivity.

In terms of site access, Policy RD POL 38 seeks 'To ensure that all development accessing off the county's road network is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard'.

5.2. Natural Heritage Designations

- 5.2.1. 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), c. 7km to the north of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale the proposed development, which comprises the demolition of the existing agricultural sheds and the construction of 2 no. new agricultural storage sheds and its location in an un-serviced rural area, 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

A First Party planning appeal has been prepared by Keegan Quarries Ltd. The appeal submission notes that Keegan Landholdings are not actively engaged in farming. However, the directors of the company farm c. 500 acres of land and at present do not have any storage facilities for the produce farmed on the land. The grounds of appeal can be summarised as follows:

Refusal Reason 1

- It is stated that the site was chosen for the construction of agricultural storage sheds based on the current use of the lands and the fact that there are two derelict agricultural buildings on the site. It is stated that these are unsightly,

contain asbestos and need to be demolished urgently. The submission notes that the logical and sustainable solution to creating facilities for the storing of the goods produced on the lands farmed by the company directors is to replace the current unsightly buildings with new storage facilities on the same site.

- It is confirmed that the company directors currently do not have any grain storage facilities. The nature of tillage farming and the volatility associated with such farming activity means that the company directors urgently require the ability to store grain and/or any agricultural produce. Having the ability to store grain on one of their sites would allow them to maximize the value of the grain. As grain prices fluctuate, having storage facilities available to the Applicant allows them to sell grain at the optimum time and reduces transportation costs. Based on the foregoing, it is stated that there is absolute justification for the need for agricultural structures at this location.
- The applicants wholly disagree that the proposed use would be contrary to the proper planning and sustainable development of the area and the proposed use is consistent with the already established use on the site and is therefore compliant with proper planning and development.

Refusal Reason 2

- The Applicant fundamentally disagrees with the Planning Authority's assertion that the application would be visually obtrusive and detrimental to the visual amenities of the area. The existing sheds on the appeal site have fallen into disrepair and continue to deteriorate, especially during periods of bad weather. It is stated that the sensible and sustainable approach will be to demolish and replace these current agricultural buildings with new modern agricultural grain storage.
- It is stated that the company directors are actively involved in farming and have a desire to continue with these farming practices and indeed increase the level of farming activities across all the lands owned in the Keegan Group. It is stated that the height of the new buildings need to be increased in order for grain trailers to tip safely inside the sheds. In addition, the reloading of grain onto articulated trucks for further transportation requires the buildings to be of a

certain height. It is stated that the current agricultural buildings are set into the hillside and cannot be seen from the surrounding areas. It is accepted that the new buildings will be visible from the road, but they will be a dramatic improvement on the visually intrusive agricultural buildings that currently exist on the site.

- The applicants do not accept that the proposed development would interfere with the character and landscape of the area as the existing buildings have already established the character and use and these derelict buildings need to be removed in the interest of a clean, tidy and sustainable operation. It is contended that the proposed new buildings will dramatically improve the visual impact on the surrounding area. It is stated that the new purpose built grain stores would be far more aesthetically pleasing and would dramatically improve the value of properties within the vicinity.
- The Applicant contends that the proposal would not establish an undesirable precedent for future developments and the principle of constructing agricultural buildings on this site has already been established.

Refusal Reason 3

- It is contended that the Planning Authority is incorrect in stating that the development would cause a traffic hazard. It is stated that farm work, by its nature is seasonal and the traffic movements to and from the site would be minimal. It is confirmed that the lands and sheds were and are currently in agricultural use and there is an existing double gate for ingress and egress of the site. It is respectfully submitted that there are ample sight lines in both directions in a straight stretch of road to allow for safe entry and exit from the site. It is stated that a visibility splay in both directions from the gate can be provided if the Board deem necessary and can be done by way of condition.

The appeal submission provides commentary on the Planning Authority's Planner's Report with specific commentary regarding site location and description, development plan and policy contexts and planning considerations which includes design, scale and sighting, impact on neighbouring properties, transportation and other matters. The

Board is respectfully requested to overturn Meath County Council's decision to refuse planning permission.

6.2. Planning Authority Response

A response has been received from the Planning Authority dated 8th February 2022 which notes that they are satisfied that all matters outlined in the First Party appeal were considered during the course of its assessment of the planning application as detailed in the planning officer's report and the Board is requested to uphold its decision to refuse planning permission.

6.3. Observations

Two (2) no. observations were received by the following Third Parties:

- Jonathan Pierson.
- Kieran Cummins.

Jonathan Pierson.

The issues raised in the observation can be summarised as follows:

- Whilst the decision to refuse permission is supported, it is noted that the Planning Authority had failed to address the issue of refusal under Section 35 of the Planning and Development Act, 2000 (as amended). It is highlighted that the Applicant is in continuing breach of both planning legislation and at least one High Court Order. It is stated that this High Court Order was served in relation to a breach of planning legislation, relating to the unauthorised quarrying of the very lands to which an extant application refers, to restore the unauthorised destruction of the environment, as far as possible. It is stated that no such restoration works have taken place to date.
- The First Party appellant, using the headed note paper of Keegan Quarries Limited, even though the application was made in the name of Keegan Land Holdings Limited, has lodged the appeal to the Board. The confusion over which of the many legal entities involved is further muddied by the appeal itself.
- The observer notes that it is justifiable to lift the veil of the numerous flagrant transgressions of planning legislation, many still persisting, to prevent the

Applicant from further such transgressions. It is stated that the details of all the Applicants disregard for Irish planning law are known to the Board, and from the observation made to Meath County Council.

- The observer questions the need for storage facilities at this location and questions the applicant's claims that they have no other storage facilities on their sizeable landholdings. The observer also notes that there are other landholdings within the applicant's ownership which would be more suitable for developments of this nature.
- The observer concurs with the Planning Authority who have raised concerns with respect to the visual impact of the proposed development on the receiving landscape by virtue of its size, scale and siting on an elevated site.
- Given the narrow width of the existing road, it is contended that the site would be entirely unsuitable for articulated lorries with the existing local road being unsuitable for anything larger than a transit van.

In support of the submission, the observer has enclosed a USB drive which contains a video which they note provides evidence of how dreadful the prospect is of heavy goods vehicles attempting to access the site. On this particular occasion, the video includes an incident with a heavy goods vehicle on the existing local road network. It is stated that the Board should consider the effect of blocking access to local people and properties due to a development of this nature, in the event of a requirement for emergency service vehicles. The original observation to the application is also enclosed.

Kieran Cummins.

The issues raised in the observation can be summarised as follows:

- The observer notes that much of their original submission to the Planning Authority related to Section 35 of the Planning and Development Act, 2000 (as amended) and they regret that the Planning Authority's decision to refuse permission failed to also invoke this section of the Act for past failures to comply. A copy of the observer's original submission is enclosed and it is considered that Section 35 of the Planning and Development Act, 2000 (as

amended) should have been invoked and the Board is urged to do so in this instance.

- The observer is alarmed by the Applicant's commentary that existing quarry in the site's vicinity and its planning history is irrelevant to the proposed application. It is stated that related companies under the management of the same director conducted a large unauthorised quarry operation at this site. This was ultimately determined by the High Court, which ordered the reinstatement of the unauthorised quarry and there is no evidence of this having been complied with in any way. It is considered therefore that it would be irresponsible for any authority to facilitate further grants of planning consent in circumstances where a High Court Order requiring reinstatement remains outstanding on the same lands.
- The observer notes that it is essential that a schedule of other farmed lands within the applicant's ownership should be provided and a schedule of all livestock in the applicant's name to be requested. Notwithstanding this, it is believed by the observer that the lands cited by the Applicant are principally located in south Meath and north Kildare, at a far removed location from the appeal site. It is stated that transporting large quantities of grain across the county is not sustainable and would give rise to enormous emissions, which are contrary to current policies on reducing emissions.
- It is noted that the appeal site is elevated, and it is considered that the proposed structures would be visually obtrusive and would create an undesirable precedent at this location.
- It is further submitted that the road network in the area is unsuitable to accommodate large vehicular traffic associated with the proposed development and the existing road is very narrow and winding in places.

6.4. Further Responses

None sought.

7.0 Assessment

The main issues are those raised in the grounds of appeal and the Planning Report,

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
- Landscape & Visual Impact
- Site Access
- Other Matters
- Appropriate Assessment

7.1. Principle of Development

7.1.1. The proposal seeks planning consent for the demolition of the existing sheds on the appeal site and the construction of 2 no. new replacement structures for use as grain/animal feed/agricultural related products storage. Given the location of the appeal site within a rural area, I would concur with the commentary of the Planning Authority whereby the principle of development is accepted. Notwithstanding this, concerns were raised by the Planning Authority with respect to the scale of these structures, particularly in the absence of a supporting justification for a proposal of this nature. It was considered that the scale of the proposed structures were excessive and displayed significant elements more commonly associated with a commercial use not relating to agriculture. In addition, the Planning Authority had regard to the planning history of the larger landholding which included enforcement notices and a High Court Order. In response to first reason for refusal, the appeal submission indicates that the site was chosen based on the current use of the lands and the fact that there are two derelict agricultural buildings on the site which they note require urgent removal given their dilapidated state of repair and the presence of asbestos. The submission notes that the company directors currently farm c. 500 acres of land and at present do not have any storage facilities for the produce which is farmed on their land. Having the ability to store grain on one of their sites would allow them to maximize the value of the grain which they note is absolute justification for the need for agricultural structures at this location.

7.1.2. In terms of agricultural development, Section 9.8.1 (Agricultural Buildings) of the

current CDP notes that the provision of well-located structures and facilities necessary for good and environmentally sound agricultural practice shall be supported by the Planning Authority. Further to this, Objective DM OBJ 62 of the CDP notes that all planning applications for agricultural development shall be accompanied by comprehensive details of all land holdings and herd number(s), if applicable. Given the intended use of the structures for the storage of grain and associated agricultural products, the requirement to provide details of herd numbers is not deemed to be necessary in this instance. The appeal submission notes that most of the grain produced by the Applicant's directors over the last number of years required transportation from the various land banks around Counties Meath and Kildare, to storage facilities in County Louth. Although it is confirmed that the company directors currently farm c. 500 acres of land, the Applicant has failed to provide comprehensive details with respect to all land holdings, as required by policy of the CDP. Whilst I acknowledge that the existing structures are unsightly, I would not agree with the Applicant's assertion that the presence of the existing structures is justification alone for siting a development of this scale at this particular location. It is evident that there will still be a requirement for grain to be transported to a location removed from where it is produced, and it is not clear whether they may be alternative sites within the Applicant's landholding that may be better suited to a development of this scale. This is particularly relevant given the policy support for the provision of well-located structures and facilities necessary for good and environmentally sound agricultural practice. I am not satisfied on the basis of the information submitted with the application and appeal that this has been achieved in this instance. Further to this, there are objectives within the CDP that require agricultural buildings to be sited appropriately in order to minimise obtrusion on the landscape which I will discuss in further detail below. In this regard, I recommend that planning permission be refused for the proposed development.

7.2. Landscape & Visual Impact

- 7.2.1. As noted, the appeal site is located within the 'Bellewstown Hills' landscape character area which is of Very High Value and a Moderate Sensitivity as specified in Appendix 5 (Landscape Character Assessment) of the current CDP. In terms of landscape

capacity, Policy HER POL 52 of the current CDP seeks 'To protect and enhance the quality, character, and distinctiveness of the landscapes of the County in accordance with national policy and guidelines and the recommendations of the Meath Landscape Character Assessment (2007) in Appendix 5, to ensure that new development meets high standards of siting and design. Further to this, Objective HER OBJ 50 seeks 'To require landscape and visual impact assessments prepared by suitably qualified professionals be submitted with planning applications for development which may have significant impact on landscape character areas of medium or high sensitivity'. In terms of potential capacity, the Landscape Character Assessment notes that that there is medium potential capacity to accommodate large-scale agricultural buildings as farming in this area is generally large scale. However, many locations are likely to be visually prominent so careful siting of such development away from prominent ridges and hillsides will be important to avoid significant visual impact.

- 7.2.2. Given the elevated position of the site and the proposed development's visibility from the adjoining public road, the Planning Authority noted that the Applicant had not demonstrated that the proposed development by virtue of its size, scale and sighting would not be visually obtrusive and detrimental to the visual amenities of the area and a refusal of permission was therefore recommended. In response to this reason for refusal, the appeal submission notes that the existing sheds have fallen into disrepair and continue to deteriorate, and the sensible and sustainable approach will be to demolish and replace these current agricultural buildings with new modern agricultural grain storage. The submission notes that the height of the storage sheds need to be increased in order for grain trailers to tip safely inside the sheds and for the reloading of grain onto articulated trucks for further transportation. It is also contended that the replacement structures would be far more aesthetically pleasing and would dramatically improve the value of properties within the vicinity.
- 7.2.3. The existing sheds on the appeal site have a linear form with a maximum height of c. 4.9m. The buildings are positioned at an angle to the existing roadside boundary with varying setbacks provided from this respective site boundary. With floor areas of c. 2,722sq.m., the footprint of proposed buildings is significantly larger than the existing

structures (1,560sqm.). The buildings have maximum heights of c. 11.8m. and will also be over double the height of the existing buildings. The replacement structures will provide minimal setbacks from the existing roadside boundary and vegetation removal is likely within this portion of the site given the siting of the proposed sheds. I note that the application is not supported by section diagrams which show the proposed development in the context of the site and the adjoining road. As noted in Section 7.1 of this report, it is an objective (DM OBJ 62) of the CDP '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'. An Applicant is also required (HER OBJ 50) to prepare landscape and visual impact assessments for development which may have a significant impact on landscape character areas, such as this one. Whilst I accept that the removal of the existing structures would be welcomed given their current state of disrepair, the peripheries of the site are currently heavily overgrown and combined with this, the presence of the dense hedgerow largely obscures views of the buildings from the adjoining public road and from the surrounding area. Having regard to the elevated nature of the appeal site, which commands extensive views to the west and north-west, the scale, height and form of the proposed structures, the lack of sufficient boundary setbacks and details of proposed landscaping and in the absence of a landscape and visual impact assessment, I am not satisfied that it has been demonstrated that the proposed development would not have a detrimental impact on its receiving landscape which is identified as having a Very High Value and a Moderate Sensitivity. For these reasons, the proposed development is considered to be contrary to the aforementioned policies and objectives of the current CDP and I therefore recommend that planning permission be refused for the proposed development.

7.3. Site Access

- 7.3.1. Within their assessment of the application, the Planning Authority noted that no details had been submitted with regard to visibility splays to demonstrate safe access and egress from the site, or details regarding the nature of the vehicles using the site. The proposal was deemed to be contrary to Policy RD POL 38 of the of the current CDP which seeks 'To ensure that all development accessing off the county's road network

is at a location and carried out in a manner which would not endanger public safety by way of a traffic hazard' and a refusal of permission was recommended. The observers to the appeal have also raised concerns with respect to the adequacy of the existing road network to cater to a development of this nature and scale. In the Applicant's appeal submission, it is confirmed that the lands and sheds were and are currently in agricultural use and there is an existing double gate for ingress and egress of the site. It is submitted by the Applicant that there are ample sight lines in both directions in a straight stretch of road to allow for safe entry and exit from the site. In addition, projected traffic movements for articulated lorries to the site are provided within the appeal submission.

- 7.3.2. Although I accept that the site is served by an existing agricultural entrance, I have no doubt that the proposed development will result in an intensification of the existing entrance. The appeal submission confirms that articulated lorries are the main vehicle that would access the site for the depositing and collection of grain. In the absence of visibility sightlines and swept path diagrams for vehicles of this size, I am not satisfied that safe and efficient access and egress can be facilitated on the appeal site. In this regard, I concur with the commentary of the Planning Authority, and I consider the proposal to be contrary to Policy RD POL 38 of the of the current CDP as it may endanger public safety by reason of a traffic hazard. For this reason, I recommend that planning permission be refused.

7.4. Other Matters

- 7.4.1. I note that both observers to the application lodged comprehensive observations to the original application. They note within their observations that whilst the decision to refuse permission is supported, they state that the Planning Authority have failed to address the issue of refusal under Section 35 of the Planning and Development Act, 2000 (as amended). The observers highlight that there is a significant track record of unauthorised and illegal developments together with a myriad of compliance issues across scores of sites operated by the applicant/appellant around County Meath and other counties across the country, with examples provided, including the lands within their Blue Line boundary. The Board was therefore requested to have regard to

Section 35 of the Planning and Development Act, 2000 (as amended) which provides for the refusal of planning permission for past failures to comply. The observers claim that that there is a real and substantial risk that the development in respect of which permission is sought would not be completed in accordance with such permission, if granted. Given my recommendation to refuse permission for the proposed development as outlined in the foregoing sections, I do not consider the inclusion of a specific refusal reason to be necessary in this instance in the context of Section 35 of the Planning and Development Act, 2000 (as amended). With respect to the matters of non-compliance, I note that Planning Enforcement is the role of the respective Planning Authority, and An Bord Pleanála has no role in this matter.

7.5. Appropriate Assessment

- 7.5.1. 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. 7km to the north 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 and to the nature of the receiving environment, with no direct hydrological or ecological pathway to 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

I recommend that the planning application be refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. The provision of well-located structures and facilities necessary for good and environmentally sound agricultural practice is supported in the policy of the Meath

County Development Plan, 2021-2027. However, the Board is not satisfied that this has been achieved on the basis of the information submitted with the application and appeal. The proposed development fails to accord with Objective DM OBJ 62 of the Meath County Development Plan 2021-2027, which requires all planning applications for agricultural development to be accompanied by comprehensive details of all land holdings. In the absence of a robust justification for agricultural storage sheds of this scale at this particular location, the proposed development is considered to be contrary to the proper planning and sustainable development of the area.

2. Having regard to the elevated nature of the appeal site, within the 'Bellewstown Hills' Landscape Character Area which has a Very High Value and a Moderate Sensitivity, the scale, height and form of the proposed replacement structures, the lack of sufficient roadside boundary setbacks and finally, in the absence of a landscape and visual impact assessment, the Board is not satisfied that the proposed development would not be visually obtrusive and detrimental to the visual amenities of the area. The proposed development is considered to be contrary to Objectives HER OBJ 49, HER OBJ 50, and DM OBJ 62 of the Meath County Development Plan 2021-2027 as it would interfere with the character of the landscape, would seriously injure the visual amenities of the area and would set an undesirable precedent for similar future developments in the rural area. In this regard, the proposed development would be contrary to the proper planning and sustainable development of the area.
3. In the absence of visibility splays for the existing agricultural entrance and swept path diagrams for the vehicles utilising the proposed operations as indicated by the Applicant, the proposed development is considered to be contrary to Policy RD POL 38 of the Meath County Development Plan 2021-2027 and would therefore endanger public safety by reason of a traffic hazard. In this regard, the proposed development would be contrary to the proper planning and sustainable development of the area.

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

21/06/2023