



An  
Bord  
Pleanála

## Inspector's Report

### ABP-312714-22

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<b>Development</b>	Construction of a part 2-storey, part single-storey horticultural centre.
<b>Location</b>	Site off the R149 known as Hilltop Farm, Hilltown, Clonee, Co. Meath
<b>Planning Authority</b>	Meath County Council
<b>Planning Authority Reg. Ref.</b>	21958
<b>Applicant(s)</b>	Brian Arkins
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse Permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Brian Arkins
<b>Observer(s)</b>	(1) Ian & Joan Pringle (2) Matt O'Grady, Dearbhla O'Sullivan & Eoin O'Grady
<b>Date of Site Inspection</b>	14 <sup>th</sup> November 2023
<b>Inspector</b>	Louise Treacy

## 1.0 Site Location and Description

- 1.1. The subject site comprises an irregular, triangular shaped parcel of agricultural land (known as "Hilltop Farm") which has a stated area of 3.6536 ha and is located at Hilltown, approx. 2 km to the south-west of Clonee, Co. Meath. Access to the site is via regional road R149, which has an 80km/hr speed limit at this location. The southern boundary of the site adjoins the Dublin county boundary. The lands on the opposite side of the R149 at this location are characterised by residential development, a commercial bakery premises (Johnson, Mooney & O'Brien) and a car service premises.
- 1.2. The northern, southern and eastern site boundaries are characterised by mature hedgerows and trees. Three detached dwellings are located to the north-east of the site, with a further 1 no. detached dwelling (Hilltown House) located to the north/north-west. The Dublin-Longford railway line extends along the south-western site boundary. The site does not have direct road frontage and is accessed via the adjoining agricultural land to the east which has an agricultural entrance onto the R149. Overhead power lines extend through this adjoining field and across the agricultural entrance.
- 1.3. At the time of the inspection, the site was being used to graze cattle and was wet underfoot, following recent heavy rain. The topography generally increases towards the centre of the site, with some areas of ponding noted on the lower parts. The south-western end of the site adjoining the railway line is characterised by extensive thistle growth.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of a part 2-storey, part single-storey 1,445m<sup>2</sup> horticultural centre with ancillary office/staff facilities; single-storey 322 m<sup>2</sup> farm machinery storage shed to be accessed via new vehicular site entrance and access track (previously approved Fingal County Council planning ref. FW21A/0010); associated car parking, site development and landscape works.
- 2.2. The proposed horticultural centre building is generally positioned towards the centre of the site. Its design reflects that of a traditional barn structure, with a twin barrel-

vaulted roof structure. The building has an overall length of 60.5 m and a width of 17.5 m. It will accommodate a display/store area of 896.2 m<sup>2</sup>, a lobby, a staff/admin room and toilets at ground floor level, with a void and 2 no. mezzanine display / store areas at either end at 1<sup>st</sup> floor level. The proposed farm machinery building is a detached, 2-storey structure with a flat roof.

- 2.3. Planting areas are proposed around all sides of the building. A septic tank and percolation area is proposed on the western side of the building, with 3 no. soakaways along its eastern side. Eight car parking spaces are proposed adjacent to the building's south-western façade, including 2 no. universal access spaces.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Notification of the Decision to Refuse Permission for the proposed development issued on 19<sup>th</sup> January 2022 for 2 no. reasons as follows:

(1) Objectives CS OBJ 1 and SH OBJ 1 of the Meath County Development Plan 2021-2027 seek to secure the implementation of the Core Strategy and Settlement Strategy, in so far as practicable, by directing growth towards designated settlements, subject to the availability of infrastructure and services. Additionally, the Retail Planning Guidelines (2012) state that “retailing in rural areas should generally be directed to existing settlements; development for this purpose in the countryside should be resisted”. Based on the information submitted, the applicant has not successfully demonstrated a locational requirement for the proposed development in this rural area that could not be otherwise located in the adjacent settlements and therefore the proposed development, if permitted, would be contrary to the aforementioned Ministerial Guidelines and materially contravene the aforementioned County Development Plan objectives, would establish an undesirable future precedent for developments of this kind and would be contrary to the proper planning and sustainable development of the area.

(2) Section 4.11.1 ‘Rural Enterprise’ of the Meath County Development Plan 2021-2027 sets out the policies for the assessment of enterprises in rural areas. Based on the information submitted with the application and having regard to the nature and

scale of the proposal, it is considered that the development fails to meet the criteria set out in policies ED POL 16, ED POL 18 and ED POL 19. The proposed development would therefore, if permitted, contravene policy ED POL 16, ED POL 18 and ED POL 19 which seek to support rural entrepreneurship and the development of micro businesses and medium to large scale rural enterprises only in instances where can be demonstrated to the satisfaction of the Planning Authority that the enterprise can be more readily accommodated in a rural setting than in a designated settlement centre. To permit this development would therefore set an undesirable precedent for similar developments in rural areas and would therefore be contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

3.2.1. **Planning Reports (13<sup>th</sup> July 2021 and 17<sup>th</sup> January 2022):** Following an initial assessment of the planning application, Meath County Council's Planning Officer recommended that **Further Information** be requested in relation to the following items:

3.2.2. **Item No. 1:** The submission of a robust planning case, justification and rationale for the proposed horticultural centre to include:

- (i) A business plan,
- (ii) Information regarding the requirement for a centre of this size at this location,
- (iii) Evidence of operations of any horticultural businesses currently in the applicant's ownership,
- (iv) Current and projected staff numbers,
- (v) Proposed opening hours (site not considered suitable for visiting members of the public),
- (vi) Information regarding farm machinery leased/owned by the applicant for carrying out horticultural work,
- (vii) Schedule of buildings owned/leased by the applicant and used for horticultural purposes,

- (viii) Full folio details in relation to lands in the ownership/control of the applicant and lease agreements for all lands/buildings used for the purposes of carrying out the horticultural enterprise and any other information that the applicant deems relevant to support their case,
- (ix) Identify relevant policies and objectives of the Meath County Development Plan 2013-2019 which support the proposed development.

3.2.3. **Item No. 2:** The applicant is requested to submit a site section with relevant levels, taken from the public road R149 through the entrance, the proposed structures, to the rear of the site.

3.2.4. **Item No. 3:** The applicant is to submit a revised site layout plan taking into account the following:

- (i) Car parking in compliance with the development plan.
- (ii) Disabled car parking spaces in compliance with Part M of the Building Regulations.
- (iii) Covered bicycle parking for staff and ancillary facilities.

3.2.5. **Item No. 4:** The applicant is requested to clarify how they will dispose of wastewater from the site, including the submission of a comprehensive site characterisation assessment in the event of a private wastewater treatment system being provided.

3.2.6. **Item No. 5:** In order to assess the feasibility of a connection to public water/wastewater infrastructure, the following is requested:

- (i) The applicant shall engage with Irish Water through the submission of a pre-connection enquiry.
- (ii) The submission of detailed design for water supply and wastewater disposal.

3.2.7. **Item No. 6:** The applicant is requested to address the issues raised in the third-party submissions.

3.2.8. Item No. 7 of the Further Information Request noted that the applicant may be required to publish statutory notices in the event of significant additional information being submitted.

- 3.2.9. The applicant submitted a response to the Request for Further Information on 26<sup>th</sup> November 2021, which was deemed to contain significant additional information by the Planning Authority. The response can be summarised as follows:
- 3.2.10. **Item No. 1 (i):** A business plan has been submitted.
- 3.2.11. **Item No. 1 (ii):** The applicant purchased Hilltop Farm for its location, acreage, accessibility to the city and its rural setting.
- 3.2.12. **Item No. 1 (iii):** BA Steel Fabrication Ltd. has become the leader in manufacture and supply of corten/stainless steel street furniture with all Local Authorities, leading developers and builders. BA Steel Fabrication Ltd. will supply Hilltop Farm with their full range of products for display. Planting with native Irish plants is available to customers.
- 3.2.13. **Item No. 1 (iv):** Horticulturalists, horticultural sales assistant, landscape horticulturalists, ground and landscape operatives, apprentices and administrative staff.
- 3.2.14. **Item No. 1 (v):** The proposed opening hours are 8am – 4.30 pm (days not clarified) and Saturday 8am – 1pm.
- 3.2.15. **Item No. 1 (vi):** The farm machinery which will be purchased has been identified.
- 3.2.16. **Item No. 1 (vii):** The property owned by the applicant has been identified.
- 3.2.17. **Item No. 1 (viii):** It is stated that all the identified properties are owned by the applicant. No folio details have been provided.
- 3.2.18. **Item No. 1 (ix):** Extracts of relevant development plan policies and objectives have been provided.
- 3.2.19. **Item No. 2:** A site section drawing has been provided (Abode Design Drawing No. 178-P-0002).
- 3.2.20. **Item No. 3:** Revised site plan drawings demonstrating the requested information (item nos. i-iii) has been provided (Abode Design Drawing No. 178-P-0002, 0100 and LM Drawing A122-E-010, 011).
- 3.2.21. **Item No. 4:** It is proposed to provide a private septic tank and percolation area. A Site Characterisation Assessment Form has been provided.

- 3.2.22. **Item No. 5:** A Confirmation of Feasibility Statement from Irish Water has been provided.
- 3.2.23. **Item No. 6:** The applicant submits that third party concerns have been addressed in the Further Information submission.
- 3.2.24. Following an assessment of the submitted information, Meath County Council's Planning Officer considered that the primary use of the site would be as a retail showroom for metal fabricated products, which was considered incompatible in a rural area, and it was recommended that planning permission be refused for the proposed development on that basis (report of 17<sup>th</sup> January 2022 refers).
- 3.2.25. **Other Technical Reports**
- 3.2.26. **Water Services (14<sup>th</sup> June 2021 and 15<sup>th</sup> December 2021):** No objection to the proposed development subject to conditions.
- 3.2.27. **Transportation (1<sup>st</sup> July 2021 and 14<sup>th</sup> January 2022):** Recommended that **Further Information** be requested in relation to: (1) revised car parking provision to comply with development plan standards, (2) disabled parking spaces in compliance with Part M of the Building Regulations, (3) the provision of covered bicycle parking and ancillary facilities.
- 3.2.28. Following the applicant's Further Information submission, this department noted that a schedule of car parking in compliance with development plan standards and disabled parking in compliance with Part M of the Building Regulations had not been provided. It was also noted that an indicative location for bicycle parking was provided only, without any details of covered parking or ancillary facilities.
- 3.2.29. Suitable conditions identified in the event planning permission is granted for the proposed development.

### 3.3. **Prescribed Bodies**

- 3.3.1. **Dept. of Tourism, Culture, Arts, Gaeltacht, Sport and Media (21<sup>st</sup> June 2021):** No objection to the proposed development subject to conditions.
- 3.3.2. **Uisce Éireann (19<sup>th</sup> June 2021 and 2<sup>nd</sup> September 2021):** Recommended that **Further Information** be requested in relation to: (1) the submission of a pre-connection enquiry to determine the feasibility of connection to the public water/waste-water infrastructure; (2) detailed design for water supply and waste-

water disposal to include type, size, location of mains, connection points and location of all valves, meters and fittings.

- 3.3.3. Uisce Éireann's report of 2<sup>nd</sup> September 2021 (as appended to the applicant's response to the Request for Further Information), confirms that a water infrastructure connection can be facilitated.

### **3.4. Third Party Observations**

- 3.4.1. Six third party observations were made on the application by: (1) Ian and Joan Pringle, Barnhill, Clonsilla, Dublin 15, (2) Philip Murray, Barnhill, Dublin 15, (3) Brian and Emer Gallagher, Silver Birches, Barnhill, Clonsilla, Dublin 15, (4) Michael Everard, Barnhill, Clonsilla, Dublin 15, (5) Matt O'Grady, Dearbhla O'Sullivan and Eoin O'Grady, Hilltown, Clonee, Co. Meath, and (6) Rory O'Donnell, Hilltop, Clonee, Co. Meath.
- 3.4.2. The issues which are raised can be summarised as follows: (1) flood risk, (2) unclear information in relation to water supply and waste disposal, (2) entrance road unsuitable for trucks, (3) site notice obscured, (4) EIS required, (5) land is zoned for agricultural purposes, (6) impact on visual amenities, (7) reduction of property values, (8) quality of life impacts, (9) impact on residential amenity, (10) traffic congestion, (11) unsuitable building design in rural area, (12) overlooking, (13) appropriate screening and security fencing required.
- 3.4.3. A further 3 no. observations were made on the applicant's further information submission by: (1) Matt O'Grady, Hilltown, Clonee, Co. Meath, (2) Ian and Joan Pringle, Barnhill, Clonsilla, Dublin 15, and (3) Brian and Emer Gallagher, Silver Birches, Barnhill, Clonsilla, Dublin 15.
- 3.4.4. The new issues which are raised can be summarised as follows: (1) surface water volumes not adequately catered for, (2) water used to irrigate plants should be supplied by a rainwater harvesting system or a well and not public drinking water.



## 4.0 Planning History

4.1. No planning history on the subject site.

- **Relevant Planning History**

4.2. **Planning Authority Reg. Ref. FW21A/0010:** Planning permission granted by **Fingal County Council** on 5<sup>th</sup> May 2021 for the widening of the existing gated access for the provision of a new vehicular entrance and access track to provide vehicular access to the existing site at a site off the R149 known as Hilltop Farm, Clonee, Dublin 15.

4.3. **Condition no. 2 (a)** of this permission states that the proposed access shall be utilised as an agricultural access and access to the potential future horticultural site only. Any further use or intensification of the access shall not occur without a further grant of permission from the Planning Authority or An Bord Pleanála on appeal.

4.4. This application relates to the adjoining site immediately to the east, which is also within the applicant's ownership. The permitted access will be used to provide access to the development which is the subject of this appeal case.

## 5.0 Policy Context

5.1. **Meath County Development Plan 2021-2027**

5.2. **Land Use Zoning**

5.2.1. The site is subject to land use zoning 'RA' (Rural Area) which has the objective "to protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage". Horticulture is a permitted use on RA zoned lands.

5.3. **Rural Development Strategy**

5.3.1. **Strategic Objective 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.

5.3.2. **Strategic Objective RUR DEC SO 10:** To promote rural economic development by recognising the need to advance the long term sustainable social and environmental development of rural areas and encouraging economic diversification and facilitating growth of rural enterprises.

#### 5.4. **Economy and Employment Strategy**

5.4.1. **Policy ED POL 7:** To support start-up businesses and small-scale industrial enterprises throughout the County.

5.4.2. **Policy ED POL 18:** To support rural entrepreneurship and the development of micro businesses (generally less than 10 no. employees) in rural areas where environmental and landscape impact is minimal and such developments do not generate significant or undue traffic. This policy shall not apply to sites accessed from the National Road Network.

5.4.3. **Policy 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.

#### 5.5. **Natural Heritage Designations**

5.5.1. None.

#### 5.6. **EIA Screening**

5.6.1. See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. A first-party appeal against the Planning Authority's decision has been lodged by RPS on behalf of the applicant. The grounds of appeal can be summarised as follows:

- The proposed horticultural use is permitted in principle on RA zoned lands and is in accordance with the objective for this zoning. Horticulture uses are not permitted or open for consideration under any other development plan zoning. There is no more suitable land use zoning to accommodate the proposed development.
- The primary use of the site will be for the growing and display of plants and shrubs. The 2 no. proposed buildings comprise a larger showroom with ancillary offices and a farm machinery building. No sales are proposed from the site.
- The centre will not be open to the public, with visits to the site by appointment only.
- The proposed development would protect and promote the development of agriculture and rural related enterprise.
- The design of the development is in keeping with traditional rural buildings and will protect the rural landscape.
- The development plan recognises there are certain occasions whereby development is appropriate outside of designated settlements. Policy ED POL 16, Policy ED POL 18 and Policy POL ED 19 support the proposed development at this location.
- The proposed development does not include a retail use and goods will not be sold from the site. As such, the Retail Planning Guidelines do not apply to the proposed development.
- Should the Board consider granting permission for the proposed development, the applicant would welcome a condition which limits the

activities on site to horticulture, office and showroom and restricts retail activities from the site completely.

## 6.2. **Planning Authority Response**

- 6.2.1. A response to the appeal was received from Meath County Council on 10<sup>th</sup> March 2022. The Planning Authority reiterates that the proposed development does not comply with the policies and objectives of the Meath County Development Plan 2021-2027 and requests that the Board uphold the decision to refuse permission.

## 6.3. **Observations**

- 6.3.1. Two observations were made on the appeal by: (1) Ian and Joan Pringle, Barnhill, Clonsilla, Dublin 15, and (2) Matt O'Grady, Dearbhla O'Sullivan & Eoin O'Grady, Hilltown, Clonee, Co. Meath. The issues raised therein reflect those identified in the third-party observations (see section 3.7 of this report).

## 7.0 **Assessment**

- 7.1. I am satisfied that the main issues arising for consideration in this case include:

- Compliance with Development Plan Policies and Objectives
- Impact on Neighbouring Properties
- Surface Water, Flooding and Water Supply
- Wastewater Treatment
- Appropriate Assessment

- 7.2. Each of these issues is addressed in turn below.

## 7.3. **Compliance with Development Plan Policies and Objectives**

- 7.3.1. Both the Planning Authority's refusal reasons relate to the failure of the development to comply with the provisions of the Meath County Development Plan 2021-2027, specifically Objectives CS OBJ 1 and SH OBJ 1 regarding the implementation of the Core Strategy and Settlement Strategy in directing growth towards designated settlements and the policies relating to the assessment of enterprises in rural areas

(policies ED POL 16, ED POL 18 and ED POL 19 refer). The Planning Authority also considered that the proposed development would be contrary to the Retail Planning Guidelines (2012) regarding the directing of retailing in rural areas towards existing settlements.

- 7.3.2. The applicant's appeal states that no goods will be sold from the site and that the provisions of the Retail Planning Guidelines do not apply. The centre will not be open to the public, with visits by appointment only. The primary use of the site will be for the growing and display of plants and shrubs. It is submitted that the development plan recognises there are certain occasions whereby development is appropriate outside of designated settlements and that policies ED POL 16, ED POL 18 and ED POL 19 support the proposed development at this location. The applicant's agent also submits that the proposed horticultural use is permitted in principle on RA zoned lands, that such uses are not permitted or open for consideration under any other zoning, and as such, there is no more suitable land use zoning to accommodate the proposed development.
- 7.3.3. The applicant was requested to provide a robust planning case, justification and rationale for the proposed development under Item No. 1 of the Planning Authority's Request for Further Information. The applicant provided a business plan in response, page 5 of which states that Hilltop Farm will provide customers with an end-to-end service that will encompass the design of bespoke architectural commissions such as artwork, sculptures, containers, folded panels, seat benches, architectural cladding and garden furniture. Customers will also have the option to have their products pre-planted with a range of flowers, plants and decorative trees and shrubs. It is anticipated that a minimum of 10 no. employees will be employed within a 3-year period.
- 7.3.4. The applicant has provided further clarification on the nature of the proposed development in Section 3 of the appeal submission. It is stated that the applicant's business provides landscape commissions or set pieces to its clients, comprising metal works set within significant areas of planting. The applicant currently owns and operates a steel fabrication business, which provides stainless steel street furniture and display pieces to local authorities, builders, landscape companies, architects and the hospitality sector. The applicant has identified an opportunity to provide a

complementary bespoke landscaping and planting service. Photographs of the proposed planting and steel products are included on page 5 of the appeal.

- 7.3.5. It appears that the proposed use is somewhat specialised and has arisen on foot of the applicant's steel fabrication business operating elsewhere in the Dublin region. While steel products will not be manufactured on the appeal site, they will be displayed at this location, together with planting which may form part of these products. In my opinion, the proposed development constitutes a commercial showroom use which facilitates a retail function, albeit off-site. I note that such uses are not permissible or open for consideration under the RA (Rural Area) zoning which applies to the site.
- 7.3.6. While the applicant states that visitors to the site are "expected" to predominantly comprise representatives from local authorities, architects and commercial contractors and that items will not be sold from the site, I consider that the operation of the site on this restricted basis would be difficult to enforce. In my opinion, the proposed development would be inappropriate in this rural area, notwithstanding the proposed horticultural element, which appears somewhat limited based on the planting footprint identified on the Overall Site Plan Drawing (No. A122-E-010 Rev. B). The site is in a rural area, with no footpath connections, no wastewater infrastructure, public lighting or direct public transport services. Trips to the site would likely be entirely car borne. I note that the additional traffic which would be generated on the local road network on foot of the proposed development has not been clarified in the application or appeal.
- 7.3.7. In my opinion, the proposed commercial showroom use is not permissible under the site's land use zoning objective and as such, would be contrary to the proper planning and sustainable development of the area. I recommend that planning permission be refused for the proposed development on this basis.

#### **7.4. Impact on Neighbouring Properties**

- 7.4.1. An observer to the appeal (Matt O'Grady, Dearbhla O'Sullivan and Eoin O'Grady) raises concerns regarding overlooking and noise impacts to their dwelling on foot of the proposed development. The observer resides at Hilltown, Clonee and submits that the proposed development would be located to the rear of their single-storey bungalow. The exact location of the observer's dwelling is not confirmed.

- 7.4.2. The 2 no. dwellings located closest to the north-eastern site boundary are identified on the Site Location / Roof Plan (Drawing No. 178-P-0002). Minimum separation distances of approx. 120m and 155m arise between the side/northern elevation of the proposed horticultural centre and the side elevations of the existing dwellings. Having regard to the foregoing, I am satisfied that no undue overlooking impacts would arise in this context.
- 7.4.3. For the avoidance of doubt, while the neighbouring property to the north/north-west (Hilltown House) is not identified on the site plan drawings, I note that separation distances of between approx. 74 and 99 m arise between the north-western façade of the proposed building and the shared boundary with this dwelling. As such, I am also satisfied that no overlooking concerns arise in this context.
- 7.4.4. While I acknowledge that the proposed development would introduce an increased level of noise at this location compared with the existing agricultural use of the site, I do not consider that the extent of increase would be significant, having regard to the nature of the proposed development, the existing traffic noise along the R149 to the east and the adjoining railway line to the south-west.

#### **7.5. Surface Water, Flooding and Water Supply**

- 7.5.1. The observers have raised concerns that the proposed increase in hard surfaces on the appeal site and the proposed position of the structure on elevated land, may cause a significant flood risk to their properties. It is also submitted that the existing water main on the R149 is already overloaded and that the large quantities of water which will be required to irrigate plants, should be supplied from a well or a rainwater harvesting system and not from treated drinking water from Irish Water.
- 7.5.2. In considering the issue of surface water and flood risk in the first instance, I note that the applicant was requested to address these third-party concerns under Item No. 6 of the Planning Authority's Request for Further Information. In response, the applicant confirmed that all rainwater will discharge to soakaway pits designed to BRE Digest 365; that all rainwater is contained on site, along with the use of water butts; and that the site is not located in a flood zone.
- 7.5.3. The Water Services Department of Meath County Council considered that the proposed development broadly met the Planning Authority's requirements with respect to the orderly collection, treatment and disposal of surface water, with no

objections arising to the proposed development subject to conditions. In reviewing the Strategic Flooding Risk Assessment of the 2021-2027 Meath County Development Plan, I note that the site is not located within either Flood Zone A or B, and as such, has a low risk of flooding. A review of the flood mapping available from the OPW does not indicate any flood risk at or adjoining the subject site. As such, I am satisfied that surface water arising of foot of the proposed development could be appropriately managed to ensure no impacts arise to neighbouring properties. In the event the Board considered granting permission for the proposed development, I note that the final details of the surface water management arrangements could be agreed with the Planning Authority prior to the commencement of development. This matter could be addressed by condition.

- 7.5.4. Uisce Éireann has confirmed there is sufficient water capacity in the public mains to serve the proposed development (correspondence of 2<sup>nd</sup> September 2021 refers). As such, I am satisfied that the observers' concerns in this regard are unfounded.

#### **7.6. Wastewater Treatment**

- 7.6.1. It is proposed to install a septic tank and percolation area to treat wastewater effluent on the site. The Planning Authority requested the applicant to provide a site characterisation assessment in accordance with the 2009 EPA Code of Practice "Wastewater Treatment and Disposal Systems Serving Single Houses" (item no. 4 of the Request for Further Information refers). The submitted assessment states that the population equivalent is based on a maximum of 6 no. full-time staff members and 4 no. visitors. I note that this contradicts the applicant's business plan, which states that a minimum of 10 or more employees are envisaged within a 3-year period, in which case the relevant EPA guidance is "Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels".
- 7.6.2. I note that this is a new issue in this instance, and I would highlight to the Board that I have already recommended that planning permission be refused for the proposed development based on the RA zoning of the site.



## **7.7. Appropriate Assessment**

- 7.7.1. Having regard to the nature and scale of the proposed development, its location relative to Natura 2000 sites, no appropriate assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, either individually or in combination with other plans or projects, on a European site.

## **8.0 Recommendation**

- 8.1. I recommend that planning permission be refused for the proposed development.

## **9.0 Reasons and Considerations**

- 9.1. The proposed development, which comprises a commercial showroom use with an ancillary horticultural use, is not permissible or open for consideration on RA zoned lands and would comprise an inappropriate use in a rural area. The proposed development would, therefore, be contrary to the RA zoning objective for the site, which seeks “to protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage” and 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.

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Louise Treacy  
Senior Planning Inspector  
21<sup>st</sup> November 2023