



An
Bord
Pleanála

Inspector's Report

ABP 316169 - 24

Development

Retention of hard standing on an area of 0.407 ha and permission for change of use for the turning, parking and storing of commercial vehicles and plant as an extension of, and ancillary to the authorised parking and storage use on the adjoining lands to the west and south. Planning permission is sought to remove hardstanding on an area of 0.413 ha and all associated landscaping, development and works.

Location

Knock, Castletown, Navan, Co. Meath.

Planning Authority

Meath County Council

Planning Authority Reg. Ref.

23 60448

Applicant(s)

Farrelly Haulage Ltd.

Type of Application

Retention

Planning Authority Decision

Refuse

Type of Appeal	First / Third Party
Appellant(s)	Farrelly Haulage Ltd.
Observer(s)	None.
Date of Site Inspection	19 th August 2024.
Inspector	Aisling Dineen

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Site Location and Description

- 1.1. The site is situated c 1 km to the southeast of Castletown village and c. 10 km north of Navan in the rural townland of Knock, along and north side of the local road, the L7412, in Co Meath. It is within the North Navan Lowlands LCA.
- 1.2. The activities on the subject site and the adjacent land to the west and south form part of the Farrelly Haulage Ltd. business, which also has operations including a yard/structures and an office on the opposite side of the local road.
- 1.3. The site is situated to the east of an established authorised lorry yard, wherein there is a maintenance shed, just inside the boundary with the public road.
- 1.4. Gravelmount House, a protected structure (RPS ref. 90393), lies c. 200 metres to the south of the site, with its attendant grounds. There is an equine therapy centre at this location.
- 1.5. The site itself appears to have been under construction in recent times and mounds of earth and materials are situated at various locations thereon. Access to the site is through the established lorry yard to the west. There was no activity ongoing on the site at the time of inspection, however there were a few vehicles including trucks and cars parked thereon. There are a few residential dwellings to the south of the site, between it and the local road.

2.0 Proposed Development

- 2.1. Retention is sought for hard standing on an area of 0.407 ha and permission for change of use of it for the turning, parking and storing of commercial vehicles and plant as an extension of, and ancillary to, the authorised parking and storage use on the adjoining lands to the west and south. Planning permission is also sought to remove hardstanding on an area of 0.413 ha and reinstating of agricultural use on this area, in addition to associated landscaping, development and works.

Note: The area of land subject of this appeal was previously refused as part of a split decision by the planning authority under planning register reference number 23/60095.

3.0 Planning Authority Decision

3.1. Decision

On the 1st February 2024, the planning authority made a decision to refuse retention permission, for the following reason:

Policy ED POL 26 of the Meath County Development Plan states, Meath County Council shall positively consider and assess development proposals for the expansion of existing authorised industrial or business enterprises in the countryside where the resultant development does not negatively impact on the character and amenity of the surrounding area. In all instances, it should be demonstrated that the proposal would not generate traffic of a type and amount inappropriate for the standard of the access roads. This policy shall not apply to the National Road Network.

Having regard to the location and backland nature of the site proposed for retention and change of use, it is not considered that the applicant has demonstrated a satisfactory locational justification in relation to transport movements and associated activity that will not impact negatively on the character and amenity of adjoining residential properties and the surrounding area. Therefore, the proposed development would establish an undesirable future precedent for developments of this kind and would be contrary to the above provisions of the Meath County Development Plan 2021 – 2027 and be contrary to the proper planning and sustainable development of the area.

The Chief Executive's decision reflects the planner's report.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planners report notes the application seeks to address the previous refusal reason under 23/60095.
- The assessment states 'it is considered the further expansion of the lands to the east behind existing residential properties is of concern in terms of the impact on residential amenity. It is also considered that the nature of the

proposed use would lead to an unacceptable out-of-proportion expansion of a use in a rural area leading to a further intensification of the site which would ultimately negatively impact on the character and amenity of the surrounding area’.

- Attention is drawn to a stated Court Order, that stipulates that all unauthorised lands shall be reinstated to its former use.
- Having regard to the nature of the existing use on site, it is not considered that the applicant has demonstrated a satisfactory locational justification or need for a development of this nature and scale at this rural un-serviced location.
- The Transportation section has no objection to the development.
- There is Protected Structure in proximity; Gravelmount House. The Conservation Officer commented on the previous application and indicated no objection to the proposed development with reference to distance between the site and the House and existing screening.
- In conclusion, to permit the development in a backland setting to the rear of residential properties would be contrary to the provisions of the development plan in respect of policy ED POL 26 in that it is considered the proposed development would negatively impact on the character and amenity of the surrounding area.

3.2.2. Other Technical Reports

None.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

The following issues were included:

- Considerable noise and nuisance are generated by the development outside of the hours stated on the planning decision. Noise monitoring must have taken place when noise was at a minimum.

- The observers' home (a protected structure) is three stories over basement and the site is very visible from their home.
- The noise assessment carried out does not reflect true every day activity at the site. Regarding the comment 'noise from the haulage yard was only audible as a very low noise and was correlated to the licensed workshop area to the rear of the licensed haulage yard office building'. In this regard it is submitted that this workshop was refused planning permission and continues to operate in an unauthorised capacity and it is subject to a 160 injunction by Meath County Council.
- The observer operates an equine ability assisted business for persons with physical and mental challenges and the sudden noises, banging, reversing beacons and general noise associated with the licensed workshop, causes serious problems with horses and persons with sensory issues.
- The applicants state that there is no intensification of use but the current application would provide an additional 23 parking spaces.
- The expansion/proposed use is at odds with the rural objective of the area.
- Meath County Council does not monitor this haulage company's movements.

4.0 Planning History

There is a lengthy planning history attached to this site. The following includes the most recent:

Planning Register Reference No 23/60095 – The development consists of the Retention of an existing lorry compound area to the North of the lorry compound as granted under Planning Reference No. NA/20103, Retention of existing hard standing area to the East of the existing lorry compound, Full Planning Permission to change the hard standing area from agricultural use to a lorry compound area, and all ancillary site development works –

Split Decision - RETENTION PERMISSION for 'Retention of an existing lorry compound area to the North of the lorry compound as granted under Planning Reference No. NA/20103', was granted subject to the conditions.

RETENTION PERMISSION and PERMISSION for 'Retention of existing hard standing area to the East of the existing lorry compound, Full Planning Permission to change the hard-standing area from agricultural use to a lorry compound area, and all ancillary site development works' was REFUSED for the following reason(s):

Policy ED POL 26 of the Meath County Development Plan states, "Meath County Council shall positively consider and assess development proposals 23/60448 GF Farrelly Haulage Limited for the expansion of existing authorised industrial or business enterprises in the countryside where the resultant development does not negatively impact on the character and amenity of the surrounding area. In all instances, it should be demonstrated that the proposal would not generate traffic of a type and amount inappropriate for the standard of the access roads. This policy shall not apply to the National Road Network.

Having regard to the location and backland nature of the site proposed for retention and change of use, it is not considered that the applicant has demonstrated a satisfactory locational justification in relation to transport movements and associated activity that will not impact negatively on the character and amenity of adjoining residential properties and the surrounding area. Therefore, the proposed development would establish an undesirable future precedent for developments of this kind and be would be contrary to the above provisions of the Meath County Development Plan 2021 – 2027 and be contrary to the proper planning and sustainable development of the area.

Planning Register Reference No 23 332 – the retention of (1) entrance walls and security gate at site entrance and (2) retention of the revised location of advanced waste water treatment system and percolation areas as granted under previous Planning Ref: KA191227 and (3) all ancillary site development works. Granted retention permission.

Planning Register Reference No 22/1587 – Permission for retention of the maintenance and workshop shed on lands previously granted Planning Permission under NA/20103 for existing lorry compound. Granted retention permission.

Planning Register Reference No 22/1001 Application returned under r 34 (12) of the PDA.

Planning Register Reference No PA ref: 21/2140 Application deemed invalid as per articles 18 and 26 of the Planning & Development Regulations 2001 (as amended).

Planning Register Reference No NA/20103 Grant of planning permission to retain and upgrade 2 No commercial lorry maintenance sheds, retain office building, portable office unit and lorry compound and revise size of compound, subject to 10 No conditions. Grant of permission is dated 30th October 2003. A note on this grant of permission has regard to the operation of the development on the site since 1985 and that the application seeks to regularise unauthorised use. The note states that a grant of planning permission does not establish precedent for similar developments. The site layout and site location maps pertain to parcels of land on both sides of the servicing road.

Condition No. 2 states:

All plant/materials/goods/vehicles/etc. associated with Farrelly Plant Hire shall be stored within the site boundaries outlined in red on the site layout map submitted on the 01/08/2003 (drawing no. 01 drawn by Breda Wise). No plant/materials/goods/vehicles/etc. shall be stored outside the site boundaries at any time.

Planning Register Reference No PA ref. 21/1869: Application (GF Farrelly Haulage Ltd) for the retention of the existing portal frame machinery workshop etc – refused.

PA ref. KA/190015: PP Granted (GF Farrelly Haulage Ltd, 07/11/19) for retention of maintenance workshop.

Condition No 2 stated:

The maintenance workshop hereby permitted shall constitute a single industrial unit to be used for 'light industrial' (Class 4) purposes only as defined in the Planning & Development Regulations 2001 (as amended) and for no other class of use specified in Part 4 of Schedule 2 of the Regulations, unless authorised by a further grant of permission.

Condition No 3 stated:

No machinery shall be operated, no process shall be carried out and no deliveries taken at, or dispatched from the maintenance workshop hereby permitted outside the

hours of 0800 to 1900 Mondays to Saturdays, nor at any time on Sundays or Public Holidays unless otherwise agreed in writing with the Planning Authority.

Enforcement History

PA ref. UD21/071: Erection of a shed without the benefit of PP (File Status: Section 160 Injunction).

PA ref. UD20/184: Non-compliance with condition numbers 3, 4 and 5 of PA ref. KA/190015 (File Status: Warning Letter issued and now subsumed into Section 160 Injunction).

PA ref. UD20/177: Placement of mobile home for habitable use without the benefit of PP (Status: Legal Action).

PA ref. UD20/006: Ongoing construction work (Status: Section 160 Injunction).

5.0 Policy Context

5.1. Meath County Development Plan 2021 - 2027

ED POL 26

Meath County Council shall positively consider and assess development proposals for the expansion of existing authorised industrial or business enterprises in the countryside where the resultant development does not negatively impact on the character and amenity of the surrounding area. In all instances, it should be demonstrated that the proposal would not generate traffic of a type and amount inappropriate for the standard of the access roads. This policy shall not apply to the National Road Network.

ED POL 16

To support the location of a once off medium to large-scale rural enterprise only in instances where it is demonstrated, to the satisfaction of the Council, that the enterprise can be more readily accommodated in a rural setting than in a designated settlement centre and subject to standard development management considerations being applied.

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.

RA Rural Areas

To protect and promote in a balanced way, the development of agriculture, forestry and sustainable rural-related enterprise, community facilities, biodiversity, the rural landscape, and the built and cultural heritage.

5.2. Natural Heritage Designations

The closest European Sites are the River Boyne and River Blackwater SAC (Site Code: IE0002299) and the River Boyne and River Blackwater SPA (Site Code: IE0004232) located at c. 9.5 km south of the site and there are no direct hydrological connections from the site to these conservation sites.

5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any 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 purpose of the application is to facilitate the continued safe operation of Farrelly Haulage and to improve circulation, operational safety arrangements and to restore part of the site to agricultural use. The proposal is an extension of an authorised commercial activity.

- The area to be retained will not increase the number of traffic movements or activity at the site, which is limited to 40 inward and 40 outward movements per day, by condition No 3 of MCC Ref 23/60095 and 24 HGV movements as permitted under MCC Ref 22/1587.
- The proposed site layout allows for internal circulation routes to be clearly identified within the site, including an adequate turning circle which cannot be accommodated, within the authorised extent of the site, due to its restricted width, particularly when all vehicles are parked up.
- There is one reason for refusal referring to policy ED POL 26 of the MCDP. This policy provides that the planning authority 'shall positively consider' such proposals where it considers that the proposed development does not negatively impact on the character and amenity of the area. The refusal reason does not say that the development would negatively impact on the character and amenity of the area, rather it states that '*it is not considered that the applicant has demonstrated a satisfactory locational justification* in relation to transport movements....'
- Under Meath County Council Planning Register Reference: No 23/60095, the planning authority, under a split decision granted planning permission for retention of an existing lorry compound area to the north of the area granted under NA/20103. Condition No 3 of decision required that the development be subject to 40 vehicles on inward and 40 vehicles on outward trips. Condition No 5 stated that no deliveries be taken or dispatched from the site, outside of 0800 and 1900 Mondays to Saturdays. Permission was refused for the retention of the existing hard standing area to the east of the existing lorry compound.
- The layout now proposed significantly reduces the area to be used in connection with the established permitted use. Also, under the appeal submission, a revised site layout is submitted, which allows the board to grant permission in compliance with ED POL 26.
- Regarding residential amenity there is extensive roadside mature vegetation on both sides of the road and especially along the north side of the road, which limits impacts of the extended yard on the rural landscape.

- The revised site layout map increases the separation distance to nearest dwelling from 30 metres to 80 metres at the nearest point.
- The Environmental Report by TMS Environment establishes that the development will not adversely impact adjoining and adjacent residential amenity in terms of noise or air quality. (Letters of support of closest residences were submitted with application).
- The report from David Rehill Consulting Engineers establishes that the area, which it is proposed to retain, is intended to facilitate the safe operation of the established use and will not give rise to any material increase in traffic movements or activities that could potentially impact the amenities and character of the area.
- Two precedents are cited. Meath County Council 22-1340 granted retention for an extension to a trailer yard. Planners report referred to precedent already established at the site. Planning register reference number 18-173, ABP 301789 (Kilkenny County Council) was granted on appeal by the Board. Inspector referred that it was ancillary to the workshop and haulage business on site, *inter alia*.

6.2. Applicant Response

The applicant is the appellant.

6.3. Planning Authority Response

- The content of the first party appeal has been noted.
- All matters contained therein have previously been addressed under the planners report and the planning authority wish to rely on same in response to the appeal.
- The planning authority request that the Board uphold the decision of the planning authority and refuse permission in this case.

6.4. **Observations**

None.

6.5. **Further Responses**

None.

7.0 **Assessment**

7.1. Having examined all the application and appeal documentation on file and having regard to the relevant local and national policy and guidance, I consider that the main issues in this appeal are those raised in the grounds of appeal and the planning authorities' reason for refusal and I am satisfied that no other substantive issues arise. AA also needs to be considered. The main issues, therefore, are as follows:

- General
- Intensification of Use
- Character, Visual and Residential Amenities
- Access
- Architectural Heritage
- Appropriate Assessment

7.2. General

7.3. It appears by virtue of observations submitted under the planning application that there is confusion regarding the extent of the lands under the application/appeal and activities thereon. Therefore, it is considered necessary to clarify this point.

7.4. It should be noted that the delineated site boundary on the subject application does not relate to the entirety of lands and activities, which are subject of the haulage operations under Farrelly Haulage Ltd. at this location. Please refer to the site boundary and site location map of the subject application for clarity. Therefore, this assessment intends to consider the development proposed under the submitted delineated site boundary, but in the context of the overall development carried out by Farrelly Haulage at this location.

- 7.5. It is acknowledged with reference to the Planners Report, that there may be enforcement processes underway, which may include development on the subject site and also upon lands outside of the subject delineated lands, which are subject of enforcement proceedings.
- 7.6. Planning enforcement is not within the remit of the Board and is clearly and legislatively a function of the planning authority. Moreover, without prejudice to the outcome of this assessment and decision by the board, any favourable decision in this appeal, does not proprot to regularisation of all planning issues or planning enforcement issues on the entirety of lands held by Farrelly Haulage Ltd., in this wider location. Rather just to the lands delineated under the site boundaries of the subject application/appeal.
- 7.7. Intensification of Use
- 7.8. The sole reason for refusal refers to policy ED POL 26 and it refers to ‘the backland nature of the site proposed for retention and change of use’ and states that ‘it is not considered that the applicant has demonstrated a satisfactory locational justification in relation to transport movements and associated activity that will not impact negatively on the character and amenity of adjoining residential properties and the surrounding area’.
- 7.9. While the terms ‘intensification of use’ is not expressly mentioned it is considered that the terms ‘transport movements and associated activity’ and ‘locational justification’ generally amounts to the concept of intensification of use.
- 7.10. It should be noted that there is an established haulage use at the subject site in combination with lands to the west of the site and across the road to the south, where the main office and other yard is located. The established authorised use dates back to September 2003 (Planning Reference No NA20103) and this decision includes a hand written note that refers to this use being established at the site since 1985.
- 7.11. While the observation on file refers that the subject application provides for 23 additional parking spaces, the agent for the appellant submits that there will be no intensification of use on the site and that the proposed development for retention and change of use is solely concerned with providing improved circulation, a turning area and safety measures on site, which would provide an operationally safer

environment over the current situation. Having inspected the site, I would concur that the use is ancillary to the established adjacent use and that such safety measures appear to be merited. It is considered also that that further details of such safety measures in terms of a clearly demarcated site layout with signage would be required to be submitted to the planning authority, without prejudice, in the event that retention permission and change of use is permitted.

- 7.12. There is a revised internal site layout submitted under appeal documentation which dissects the site on an east/west axis as opposed to on a north/south axis, which was the originally proposed layout, all within the delineated site boundary submitted at the application stage. It is noted that an associated revised auto track layout has also been submitted under the revised site layout. The revised site layout is drawing number 529 -19 - P- 002.
- 7.13. Regarding transport movements and associated activity on site, it is noted that a previous planning permission 23/60095 stipulated that the development be limited to no more than 40 inward and 40 outbound trips daily and that of these 24 heavy goods (HGV movements) a maximum of 12 inward and 12 outwards be allowed to access the site daily as per planning reference 22/1587. It is considered that this condition is fair, reasonable and would be enforceable, if an accurate transport log was maintained at the site. This condition reasonably refers to the entire operations on the lands occupied by Farrelly Haulage at the location and I note that the condition applies to 'the applicant' as opposed to the site. I consider that a similar condition should be applied and that a condition regarding the establishment of a log of vehicles movement to/from the site should also be applied, in the event that the board is mindful of a favourable decision.
- 7.14. Regarding the overall question of intensification of use, it is considered that the application of the above condition would limit any intensification of use at this location and would also prevent any future unauthorised piecemeal expansion of the business at this location.
- 7.15. As it is considered that there will be no additional traffic generated associated with the subject application, the proposal is considered to be acceptable in terms of traffic safety and the previous Transportation Department Report is noted, whereby it stated under 23/60097; *'The development is situated on the Local Secondary Road*

L-7412 within the 80kph speed limit. The existing entrance into the development is considered acceptable with unobstructed sightlines to the nearside road edge provided in both directions. Transportation Department has no objection to the proposed development'.

- 7.16. With regard to the terms 'locational justification' and 'transport movements' as referenced by the planning authority in its reason for refusal, I am satisfied that there is an established use at this location and the subject application/appeal relates to safety provisions and does not represent any proposed additional transport/vehicular movements over the previously permitted development at this location. Therefore, with reference to ED POL 26, I consider that it has been demonstrated that the proposal would not generate traffic of a type and amount inappropriate for the standard of the access roads.
- 7.17. The report submitted by Rehill Consulting Engineers also states that the Transportation Section of Meath County Council was satisfied in terms of access and sight lines. This report states that on the date of inspection, it appeared that the vehicle numbers on site suggested that the business was being carried out at less than the number stipulated under Condition No 3 of planning register reference no 23/60095. This report refers to the submitted auto-track analysis and the clearly defined turning circle required for a single movement HGV. The layout requires a 'No Parking Zone' and it is stated that the 'Turning Zone' would be clearly marked to ensure that the area is not encroached. I consider that the proposal is justified as being predominantly concerned with site safety and safe movement of vehicles thereon.
- 7.18. Upon inspection of the site, it was noted that a number of derelict vehicles and parts and/or end of life machinery appeared to be left redundant on the site and on the adjacent site. It is considered that any unwanted and end of life items should be appropriately removed. This can be addressed by condition, if the Board are in agreement.
- 7.19. It is noted that under the observation to the planning application, photographs of vehicles parked along the public road are submitted. The subject site, as delineated under the application documents, is not adjunct to the public road, but clearly the access is relevant to the subject application. It is considered that a condition should

be stipulated that no vehicles be permitted to park at the access to the site, or along the lay-bye of the public road, in the event that the Board is mindful of a favourable decision.

7.20. Overall, having regard to policy ED POL 26, it is considered that the proposal is ancillary to an existing established business in the countryside and that it would not generate traffic of a type and amount inappropriate for the standard of the access roads, subject to the previously stipulated conditions regulating transport movements and limiting the number of vehicular movement to/from the site.

7.21. Character, Visual and Residential Amenities

7.22. Policy ED POL 26 as referenced in the sole refusal reason requires that the subject development does not negatively impact on the character and amenity of the surrounding area.

7.23. With reference to para 7.12 above, it is considered that the revised site layout submitted with the appeal documentation, provides increased distance from the site boundary to the nearest residential dwellings. This revised layout increases the distance from 30 metres to 80 metres to the nearest residential dwelling. It is considered that this revision provides an enhanced layout with regard to visual and residential amenities of the area and nearby residential properties. It is my viewpoint that the revised site layout should therefore be accepted, should the Board be mindful of a favourable decision.

7.24. Regarding the character of the area and visual amenities, I consider that the site is well screened from view from the public road due to the presence of existing roadside hedgerow and various tree specimens, which contain the field systems within the area, from most of the surrounding perspectives of the site. The east boundary and south boundary of 'the revised site layout' would benefit from additional screening/landscaping. I note that the revised site layout indicates that the proposed revised boundaries will be back planted with native hedgerows and trees. This is appropriate and would provide additional screening. It is considered appropriate that a detailed landscaping scheme be submitted and agreed by the planning authority, should the board be mindful of a favourable decision. Accordingly, it is not considered that the proposed development would negatively impact on the character or visual amenity of the area.

- 7.25. Regarding the residential amenity of the surrounding area, there are two main issues which merit assessment, noise and air quality. The noise and air impact assessment submitted under Appendix B to the appeal documents, includes 'Receptors in the vicinity' map with 11 identified receptors. The closest residential receptors are R3 (also commercial), R4, R5 and R6, these residences are stated to be in the ownership of the Farrelly family. Notwithstanding the stated support of the family for the development, these residences are included in the noise and air impact assessment report, which is considered to be necessary and appropriate.
- 7.26. In relation to air quality, impacts would be due to dust emissions related to vehicle movements and also emissions from vehicle engine exhausts. The air quality impact assessment submitted determines that the duration of emissions is generally for a short period in the mornings and evenings, when vehicles are active. This assessment submits that due to the small number of vehicles permitted to enter and leave the site (Reference to Condition No 3 of 23/60095) that air quality impacts from engine exhausts are immeasurable and unnoticeable compared to background levels in the area of the site.
- 7.27. Regarding the assessment of dust, guidance was used from the Institute of Air Quality Management (IAQM), which relates to construction activities. Whilst this is not a construction activity it is noted that trucks moving from and to the site service the construction industry *inter alia* and dust associated with the trucks would therefore have similar or less impacts, therefore this guidance is considered appropriate. The air quality assessment submitted with the appeal has identified 9 receptors within a distance of 350 metres from the site boundary and three receptors within 100 metres, which is stated to be the zone of influence. The magnitude of dust emissions is stated to be small due to the nature and magnitude of activity. The risk assessment regarding dust under Table 4.2 of the Noise and Air Quality Impact Assessment is rated as being negligible to very slight for 'dust soiling' to negligible for both 'Human Health' and 'Ecology'.
- 7.28. From my assessment of the details, the key factor in controlling or maintaining the exhaust and dust emissions at 'very slight' or 'negligible' levels is clearly linked with the low number of movements to/from the site. Therefore, the operation of a vehicle log (as discussed under para 7.13 above), which would be available for inspection by

the planning authority, would be an important factor in controlling the overall development at this location.

- 7.29. Regarding general amenity in the area regarding noise, the Noise Impact Assessment refers to various Noise Guidelines and Standards, including Meath County Council Noise Action Plan. The plan acknowledges that the dominant source of noise, in the County, is traffic noise. The standard or approach applied by the Noise Assessment is the BS 4142:2014.
- 7.30. A noise survey was carried out at various locations including R5, the nearest residence at 70 metres from the closest boundary and results are submitted. The dominant noise was road traffic, which is unrelated to site activities.
- 7.31. The key findings of the noise impact assessment are that the duration and impact of noise events are short and peak potential impacts occur at the start and end of the working day for short periods of time. The primary noise source associated with the subject development is the turning circle and manoeuvres at the designated locations on the site. The noise model determined that predicted noise levels are all lower than the existing noise levels at the closest residential and commercial receptors to the site, and under the criterion established it was determined that there will be no adverse impact on noise levels as a result of the subject development.
- 7.32. Overall, in addition to the above, it is noted that this assessment confirms that the subject development does not provide an intensification of use, it is rather for the purposes of safety and operational movement and efficiency at the site, which is ancillary to the adjacent authorised site. As it is not deemed to be an intensification of use, it is not considered that there will be any negative impacts on the general amenity of the area in terms of character, visual or residential amenities, however, this viewpoint is underpinned by the important planning conditions previously applied by the planning authority to development on the adjacent site, in order to control and manage the development and overall activity and to prohibit future incremental expansion. Therefore, it is important that such conditions would be applied under the subject appeal, relating to Farrelly Haulage Ltd. operations at this location, should the Board be mindful of a favourable decision.
- 7.33. For clarity condition No 3 of 23/60095 as stipulated by the planning authority is considered to be correctly applicable to the overall operational development of

Farrelly Haulage business at this location. It is noted that the above condition No 3 of 23/60096 is applied to 'the applicant' as opposed to the site, and therefore the stated limits should be interpreted as being applicable to the entirety of land under the operation of 'the applicant'; Farrelly Haulage Ltd., at this location.

7.34. Access

7.35. Access to the site is via the adjacent established and authorised yard to the west and its authorised access point. The established entrance and sight distances are considered to be acceptable and it is noted that the Transportation Section of Meath County Council has no objections from the perspective of traffic safety.

7.36. Architectural Heritage

7.37. There is Protected Structure in proximity Gravelmount House (RPS ID 90393) located approximately 200 metres south of the site. It is described as Country House; five-bay three-storey late Georgian House, with shallow hipped roof and long sash windows at first floor.

7.38. The owners of Gravelmount House run an equestrian/equine therapy from this site and the said owners are also the observers to the planning application and have raised concerns about the proposed development.

7.39. The subject application has no conservation officers report attached however the previous planning application did have a report and this is referred to under this planner's report. The planners report under the previous planning Reference No 23/60096, stated the following. '*The Councils Architectural Conservation Officer has been consulted and indicated no objection to the proposed development making the following comments*'; Conservation Officer: '*The proposals are of sufficient distance and screened from Gravelmount House. I have no objection to the proposal*'. It is also noted that the Heritage Council did not respond to the referral under this application.

7.40. It is noted that the boundaries of both the subject application and the previous application referred to above are different, but I consider that for purposes of assessment of the protected structure, relative to the current site, that the previous report is relevant. The current application and the previous application both include the same area, which includes the turning area.

7.41. Given the distance between the site and the said protected structure along with the intervening vegetation, it is considered that the proposed development would not impact the character and setting of the protected structure.

7.42. Appropriate Assessment

7.43. Having regard to the limited nature of the proposed development and the nature of the receiving environment and the proximity to the nearest European site, 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 retention permission and permission be granted.

9.0 Reasons and Considerations

Having regard to the nature of the development proposed for retention permission and permission, and to the associated established haulage business at this location, the safety/circulation and operational purpose of the development, the planning history of the adjacent lands, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential or rural amenities of the area, would not be prejudicial to public health and would be in accordance with the proper planning a sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out, completed and retained in accordance with the plans and particulars lodged with the application, as amended by details submitted to the board on the 28th February 2024, 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, completed and retained in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The operating hours of the development shall be from of 0800 to 1900 Mondays to Saturdays, and not at any time on Sundays or Public Holidays unless otherwise agreed in writing with the Planning Authority.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>(i) The applicant shall be limited to a maximum of 40 vehicles on inward and 40 vehicles on outbound trips. Of these 24 Heavy Goods Vehicles (HGV) movements, (a max of 12 HGV inward and 12 HGV outward) shall be allowed to access the site daily as permitted under planning reference number 22/1587 and planning reference number 23/60095.</p> <p>(ii) A log book recording all vehicular movements to and from the applicant's business shall be established and operated by the applicant, or agent thereof, and shall be made available to the planning authority for periodic inspections.</p> <p>(iii) Details of the establishment of a log book under Condition No 3 (ii) including details of a designated contact person, shall be submitted to and agreed by the planning authority within three months of the grant of planning permission.</p> <p>Reason: In the interest of traffic safety and amenity.</p>

4.	<p>(i) Within three months of the grant of planning permission a detailed site layout plan identifying a clearly delineated turning area with clearly defined safety and traffic flow signage, along with a timescale for implementation, shall be submitted to the planning authority for approval.</p> <p>(ii) Parking shall be prohibited at the site access point and along the lay-bye of the public road and this shall be clearly signposted and details of such signage shall be submitted to the planning authority for approval.</p> <p>Reason: In the interest of traffic safety and orderly development.</p>
5.	<p>(1) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed: -</p> <p>(i) an LAeqT value of 55 dB(A) during the period 0800 to 1900 hours from Monday to Saturday inclusive;</p> <p>(ii) an LAeqT value of 45 dB(A) at any other time.</p> <p>(2) All sound measurement shall be carried out in accordance with best practice.</p> <p>Reason: To protect the amenities of property in the vicinity of the site.</p>
6.	<p>Within three months of the date of this permission, a noise management plan identifying measures to be employed to ensure that the noise from the development complies with the terms of condition No.5 and identifying a noise liaison officer responsible for the implementation of the plan shall be submitted to, and agreed in writing with, the planning authority.</p> <p>Reason: To protect the amenities of property in the vicinity of the site.</p>
7.	<p>No overspill/encroachment of activities or development shall be permitted onto any of the adjoining lands. All plant/materials/goods/vehicles/etc. associated with Farrelly Haulage Ltd., shall be stored within the site boundaries outlined in red, on the site layout map submitted to the Board</p>

	<p>on the 28th February 2024. No plant/materials/goods/vehicles/etc. shall be stored outside the site boundaries at any time.</p> <p>Reason: In the interest of orderly development.</p>
8.	<p>Within six months of the date of this permission the site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.</p> <p>(ii) Details of screen planting which shall not include cupressocyparis x leylandii.</p> <p>(iii) Specific details for screening the east and south boundaries of the site.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p> <p>(c) A timescale for implementation including details of phasing. 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>
9.	<p>(i) Waste oils/fluids/batteries and discarded machinery parts shall be properly stored on site in a defined waste collection area and shall be properly disposed of by specialist contractors at frequent intervals.</p>

	<p>(ii) End of life derelict vehicles/disused machinery and parts shall be properly disposed of by specialist contractors at frequent intervals and shall not be stored on site.</p> <p>Reason: In the interest of public health and visual amenity.</p>
10.	<p>Surface water from the site shall be disposed of within the boundaries of the site and shall not discharge onto the public road or adjoining property.</p> <p>Reason: In the interest of orderly development.</p>
11.	<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 the 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>

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.

Aisling Dineen
Planning Inspector
23rd September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP 319168 - 24		
Proposed Development Summary	Retention of hard standing on an area of 0.407 ha and permission for change of use for the turning, parking and storing of commercial vehicles and plant as an extension of, and ancillary to the authorised parking and storage use on the adjoining lands to the west and south. Planning permission is sought to remove hardstanding on an area of 0.413 ha and all associated landscaping, development and works		
Development Address	Knock, Castletown, Navan, Co. Meath		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: Aisling Dineen

Date: 26th September 2024