



An  
Bord  
Pleanála

## Inspector's Report ABP-321900-25

### Development

Retention of change of use of part of an existing storage building for warehousing and storage use other than solely in connection with the operation of Emerald Park; omission of condition 2 of Ref. ABP-301053-18 to facilitate the change of use; and, retention of an ancillary refrigeration unit.

### Location

Emerald Park, Kilbrew, Ashbourne,  
Co. Meath

### Planning Authority

Meath County Council

### Planning Authority Reg. Ref.

24120

### Applicant(s)

Ashbourne Visitors Centre Ltd.

### Type of Application

Retention and Permission

### Planning Authority Decision

Grant Permission

### Type of Appeal

Third Party

### Appellant(s)

Fergus Carey

### Observer(s)

None

**Date of Site Inspection**

3<sup>rd</sup> April 2025

**Inspector**

Emma Gosnell

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located within the Emerald Park leisure complex (41.6 hectares) in Kilbrew, Ashbourne, Co. Meath. It is accessed from an internal access road which leads from the main entrance to the complex off the L-50161. The wider area is generally rural in character and primarily in agricultural use. It features a small number of standalone residential properties and commercial/ light industrial properties.
- 1.2. The site is adjoined by a local county road to the south, by agricultural lands to the west, by residential properties to the south-east and south-west, by a mixed commercial property to the east, and by the main customer car park serving Emerald Park to the immediate north. The appeal site forms part of a larger 0.754 hectare commercial complex which is only accessible via the internal road network within Emerald Park.
- 1.3. The c. 0.085 hectare site subject of the appeal comprises of approximately half (c. 825sq.m in area) of a storage warehouse (c. 1,502 sq.m and with a maximum height of c. 7.8 metres) including the office accommodation within the structure, together with a smaller single-storey standalone refrigeration unit (c. 67sqm) located to the east of the warehouse. The buildings subject of the appeal come within a larger rectangular site with overgrown areas/ soil heaps located to the side (east) of the refrigeration unit and to the rear (south) of the warehouse – with the L-50161 being located beyond the latter and separated from same by metal fencing. The site is accessed from its north side via 2 no. separate gated vehicular entrances leading from an internal park access road which runs along the south side of Emerald Park's main car park.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises of the retention of the change of use of part (c. 825 sqm) of an existing storage building (c. 1,502 sq.m) for warehousing and storage use other than solely in connection with the operation of Emerald Park; permission for the omission of condition 2 of Ref. ABP-301053-18 in order to facilitate the change of use; and, the retention of an ancillary single storey external refrigeration unit with a gross floor area of 67 sqm to be used in connection with the operation of Emerald Park.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission granted on 23/01/2025 subject to 10 no. conditions including:

- Condition No. 4 (a) which required that the existing storage building be retained in one ownership and used as a single building unit with the use limited to storage/warehouse purposes ancillary to the use of Emerald Park, with a max. of 50% of the floor area of the building to be used by Innovation Brands Ltd. (IBL) for the purposes of storing goods for onward sale to 3<sup>rd</sup> parties.
- Condition No. 4 (b) which required that within one month of the final grant the applicant submit company registration documents to the PA which confirms the commercial relationship between the applicants and IBL (the operators working on behalf of the applicants) to the satisfaction of the PA.
- Condition No. 5 which stated that the external (standalone) refrigeration unit is to be used solely in connection with the operation of Emerald Park.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

2 no. planning reports formed the basis of the planning authority's (PA) assessment:

#### Planner's Report (13/05/2024) – Initial Application Stage

The report sets out the relevant planning history, policy context, issues raised in internal departmental reports, and undertakes a planning assessment, EIA Screening and AA Screening. Key points of note raised in the report are as follows:

- *Principle of development* – whilst storage use is not normally permitted/ open for consideration on 'RA - Rural Area' zoned lands, it is already authorised and established at this location due to the site's planning history. PA satisfied that proposal is acceptable having regard to policy guidance on the expansion/improvement or alteration of non-conforming uses.
- *Storage use's functional connection to operation of Emerald Park* – the applicant is seeking that Condition No. 2 attached to ABP-301053-18 be removed but did not

provide a robust justification for same. Applicant also did not submit sufficient documentary evidence in respect to the nature and extent of the inter-dependent commercial relationship between Emerald Park and IBL (wholesaler who currently occupies/ uses the majority of the storage structure) which may justify their location within and operation from the complex. Further clarity is needed on their extent of floorspace/ storage use within the warehouse and on their functional connection to the applicant. **This matter formed part of the FI request.**

- *Retention of refrigeration unit* – acceptable given that its use is solely related to Emerald Park’s operations. Its scale and siting also ensure that it could not give rise to negative impacts on neighbouring residential properties in terms of overlooking, noise, overbearance or diminution of visual amenity.
- *Compliance with Economic Development Policies ED POL 18, 26 and 55* – deemed acceptable.
- *Design and Layout* – acceptable as no physical changes proposed to warehouse unit’s interior or exterior.
- *Access and Transportation* – small increase in commercial vehicle movement to/ from site noted but no objection subject to application of condition to manage same.
- *Flood Risk* – site not in zone at risk of flooding.

A request for Further Information (FI) issued on 13/05/2024 in relation to 3 no. items:

1. Clarity needed on proposal to introduce uses/ activities which do not appear to be directly connected to the operation of Emerald Park; on the nature and extent of commercial relationship between applicant and IBL; on locational requirement of the latter entity; and, on how proposal complies with the development plan.
2. Request to respond to matters raised in 3<sup>rd</sup> party submission [see Section 3.4 of Inspector’s Report for details of same].
3. If response deemed significant, proposal would need to be re-advertised.

The applicant’s response to the FI request was received on the 31/10/2024 and consisted of a letter which responded to items No’s 1 and 2 of the FI.

The FI response was deemed significant, and the applicant was instructed to re-advertise the proposal as per advisory item No. 3 of the FI request.

#### Planner's Report (23/01/2025) – Further Information Stage

This report provided an assessment of the FI received. Points of note include:

- Item 1 – the PA noted the applicant's response which stated that there is a commercial inter-relationship between IBL and the applicant which would justify their co-location within the warehouse in accordance with Policies ED POL18 and ED POL 26 of the development plan. However, they were dissatisfied with the lack of documentary evidence submitted to support this statement and determined that there was inadequate justification provided for the removal of Condition No. 2 attached to ABP-301053-18 (i.e. which required that the use of the warehouse unit be functionally linked to/ associated with the operation of Emerald Park only) and, to do so, would set an unsatisfactory precedent which would be contrary to the site's RA zoning objective. **Refusal recommended on this basis.**
- Item 2 – response to this item states that the observer's concerns had been addressed by the response to item no. 1 of the FI request. The PA deemed the response to item no. 2 to be acceptable.
- Item 3 – the applicant's response to the FI was deemed significant and it was re-advertised by the applicant to the satisfaction of the PA.

The planner's report concluded by recommending that permission for the retention of use of part of the storage warehouse by IBL, and for the omission of Condition No. 2 attached to ABP-301053-18, be refused. The refusal reasoning was based on the proposal constituting a significant departure from the original 2018 permission which required the use of the warehouse unit to be ancillary to that of Emerald Park; the unsatisfactory precedent such a development would set; and, the contravention of the site's RA zoning objective. The planner's report recommended that permission be granted for the retention of the external refrigeration unit only and subject to conditions.

The Case Planner's recommendation to refuse was subsequently overruled by the Senior Executive Planner who determined that the applicant had submitted sufficient information on their commercial and functional relationship with IBL. They also determined that sufficient clarity had been provided that IBL's non-Emerald Park



related business, which operated out of the storage warehouse, was seasonal and relatively minor and would therefore constitute a minor element of the overall use/ activity within the subject building – a situation which the PA considered could be maintained/ controlled by condition in the event of a grant of permission. On this basis, permission was granted for the full proposal subject to conditions (as per Section 3.1 of this report). **Permission for the full proposal was granted by the PA.**

### 3.2.2. Other Technical Reports

#### Initial Application Stage

- Environment, Flooding and Surface-Water Section (09/05/2024) (EF&SWS) – no objection subject to conditions.
- Transportation Section (30/04/2024) – no objection subject to conditions.

### 3.3. Prescribed Bodies

#### Initial Application Stage

No submissions on file.

#### Further Information Stage

No submissions on file.

### 3.4. Third Party Observations

#### Initial Application Stage

1 no. submission was received from Fergus Carey (the appellant) and raised planning precedent concerns about the applicant's proposal to alter a planning condition (attached to the parent permission) in order to allow 50% of the constructed building to be used by an operator which is not Emerald Park. The submission specifically takes issue with the functional nature of the use separation given that no physical separation/ subdivision of the existing building into 2 no. independent units is proposed.

#### Further Information Stage

No submissions on file.

## 4.0 Planning History

Emerald Park (previously Tayto Park) has an extensive planning history with the applications most relevant to the proposal being set out below:

*MCC Ref. 23/165* – Warning Letter in respect to use of building issued 14/12/2023.

*P.A. Ref. AA171418 / ABP-301053-18* - Permission granted on appeal on 12/11/2018 for the demolition of existing hay shed and stable, construction of new storage shed, incorporating small personnel office and toilets, to be used for storage of souvenirs, sundries and non-perishable supplies that will be ancillary to the adjoining Tayto Park complex and have a gross floor area of 1,502 square metres and a maximum height of 7.8 metres, together with all associated development and site works, all at Tayto Park Visitor Centre, Kilbrew, Ashbourne, County Meath, subject to 11 no. conditions. Condition No. 6 required the closure of the existing agricultural access onto the L-50161 local road within one month of the occupation of the proposed development to ensure vehicular access to the site shall be from within the Tayto Park facility only. Condition No. 7 restricted the daily quantum of HGV delivery. **Condition No. 2 required that the land and buildings to which the permission related be utilised for storage purposes associated with Tayto Park visitor attraction only, unless subject to a further grant of permission.** [This permission superseded part of previously granted application under P.A. Ref. AA/160769, namely, the construction of 960 square metres Lofting Aviary Structure at this location].

*P.A. Ref. AA170159 / ABP Ref. PL17.248421* – Permission was refused on 19/10/2017 on appeal for the demolition of existing hay shed and stable, construction of a storage shed (gross floor area of 2218sq.m and max. height of 10.7m) used to house light goods and non-perishable materials, lean-to canopy (6.2m in height) to one-side of the shed and the incorporation of personnel office and toilet facilities, for 3 no. reasons: 1. Design/ scale and impact on residential amenity; 2. Noise and disturbance to neighbouring properties; and, 3. Traffic hazard.

*P.A. Ref. AA160769* – Permission was granted on 13/10/2016 for the construction of a falconry attraction and associated structures at three separate locations all within the existing park area and comprises of 2 no. Lofting Aviary Structures measuring c. 250 sqm gross floor area and a height of 4.3m; 1 no. Lofting Aviary Structure

measuring c. 960sqm gross floor area and a height of 4.0m, 1 no. Aviary mews building measuring c. 107 sq.m GFA and a spectator stand with a capacity for c. 300 persons, subject to conditions.

## 5.0 Policy Context

### 5.1. National Policy

Project Ireland 2040 – National Planning Framework (2025)

Climate Action Plan (2025 (update to 2024 plan)) and Ireland's 4th National Biodiversity Action Plan (NBAP) 2023-2030

Our Rural Future: Rural Development Policy 2021-2025

### 5.2. Regional Policy

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031

### 5.3. Development Plan

The Meath County Development Plan 2021-2027 (MCDP), as varied, applies:

#### Zoning

The appeal site is zoned 'RA - Rural Area' with the objective to "*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*".

'Warehousing' is a land use which is neither permitted nor open for consideration under this zoning. 'Micro businesses' (with up to 10 no. employees) are open for consideration. The plan also contains a specific zoning category (E3) for warehousing and distribution.

Section 11.14.2 (Permissible and Non-Permissible Uses) - There are instances across the County of established uses that do not conform to the zoning objective for the

particular location. Any proposals for the expansion, improvement, or alteration of such uses will be considered on their individual merits.

#### Emerald Park

##### Section 4.28.3 (Multi-Experience Attractions)

Policy ED POL 55 - To promote Tayto Park in Curragha as a flagship family visitor attraction in the County, subject to the normal development management standards. The Council will support and encourage further appropriate sustainable development of the integrated tourism product at Tayto Park subject to the provision or upgrade of the requisite physical infrastructure.

#### Warehousing

##### Section 11.6.7 (Industrial, Office, Warehousing and Business Park Development)

Objective DM OBJ 61 – Development Criteria for Warehouse Developments

#### Economic Development

Policy ED POL18 – 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.

Policy 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.

#### Rural Development

Policy ED POL 38 and Objectives RUR DEV SO 1 and RUR DEV SO 10.

## **6.0 Natural Heritage Designations**

The appeal site is not located within or adjoining any designated site.

The nearest European Sites in close proximity to the appeal site are as follows:

- c. 16km to River Boyne and River Blackwater SPA (Site Code 004232)
- c. 16km to River Boyne and River Blackwater SAC (Site Code 002299)
- c. 18km to Malahide Estuary SAC (Site Code 000205)
- c. 18km to Rogerstown Estuary SAC (Site Code 000208)

The following proposed Natural Heritage Areas (pNHAs) are also proximate to the appeal site:

- c. 9.7km to Balrath Woods pNHA (Site Code 001579)
- c. 11km to Cromwell's Bush Fen pNHA (Site Code 001576)
- c. 15km to Bog Of The Ring pNHA (Site Code 001204)
- c. 15.5km to Knock Lake pNHA (Site Code 001203)
- c. 18km to Rogerstown Estuary pNHA (Site Code 000208)
- c. 18km to Malahide Estuary pNHA (Site Code 000205)

## **7.0 EIA Screening**

Having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations (2001) as amended, there is no real likelihood of significant effects on the environment based on the characteristics and location of the proposed development and development to be retained and types and characteristics of potential impacts. No EIAR is required. Refer to Form 1 (EIA Pre-Screening) and Form 2 (EIA Preliminary Examination) in the Appendices.

## **8.0 Water Framework Directive Screening**

I have concluded, on the basis of objective information, that the proposed development and development to be retained will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **9.0 The Appeal**

### **9.1. Grounds of Appeal**

A third party appeal submission against the PA's decision to grant permission for the proposal was received by the Board on 18/02/2025. The grounds of appeal note the following in respect to the use of the warehouse building:

- Permission for the warehouse building (subject of the retention application) relates to its use by Emerald Park only and should not be altered.
- Applicant's proposal to allow 50% of the building to be used by an operator that is not Emerald Park does not tally with their statement (made in their FI response) that between 10-25% (i.e. not 50%) of the goods stored in the building relate to this other operator and are not intended for use at Emerald Park.
- Permission should be refused on the basis that the use of 50% of the building is unauthorised and given that the applicant could potentially sell or lease the premises to an unrelated 3<sup>rd</sup> party company.

### **9.2. Applicant Response**

Response received 10/03/2025 seeks to draw the Board's attention to the contents of the planning report submitted in support of the planning application and to the proposal's consistency with policies ED POL 18 and ED POL 26 of the MCDP. In respect to the relationship between the two companies occupying the premises, the response reiterates the points made in the applicant's response to Item No. 1 of the FI request (received 31/10/2024) in relation to the sister nature, directorship, operational synergies, nature and use of the goods stored. The response also confirms that there are no plans to rent, lease or sell the warehouse to a third party as to do so would be detrimental to the overall operation of the applicant's business (i.e. the Emerald Park complex).

### **9.3. Planning Authority Response**

Response received 12/03/2025 notes the basis of the third party appeal and confirms that all issues raised were considered as part of their assessment of the proposal. The PA seek that the Board uphold their decision to grant permission.

### **9.4. Observations**

None received.

### **9.5. Further Responses**

None received.

## **10.0 Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report(s) of the local authority, having inspected the site and having regard to the relevant local/ regional/ national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Use
- Other

### **10.1. Principle of Development**

10.1.1. The appeal site is zoned 'RA – Rural Area'. Whilst storage/ warehouses use is neither permitted in principle nor open for consideration under the RA zoning, Section 11.14.2 (Permissible and Non-Permissible Uses) of the MCDP does allow for the merit-based consideration of proposals for the alteration of established non-conforming uses. I therefore consider the principle of development in respect to the retention of change of use of part of an existing storage building for warehousing and storage use other than solely in connection with the operation of Emerald Park to be acceptable, subject to the detailed considerations below.

10.1.2. In respect to the proposed retention of the standalone c. 67sq.m single-storey refrigeration unit located to the east of the existing warehouse (whose use is ancillary to same), having considered its scale, design and location I do not have an issue in principle with its retention, subject to the detailed considerations below.

## **10.2. Use**

10.2.1. The grounds of appeal have raised concerns in respect to the unauthorised use of 50% of the existing warehouse building for storage purposes by another company (IBL), which is not the company that operates Emerald Park. Given that the building is required to be used only for purposes directly associated with the operation of the Emerald Park visitor attraction (as per Condition No. 2 attached to ABP-301053-18), the appellant raises an issue with the undesirable precedent that permitting the retention of this change of use would set. In this context, the appellant draws the Board's attention to the fact that the applicant has applied for retention permission for 825sq.m or circa 50% of the existing building to be used for warehousing and storage use other than solely in connection with the operation of Emerald Park, whilst clarifying in their FI response that between 10-25% of the goods in the warehouse do not relate solely to the operation of Emerald Park (i.e. relate instead to IBL's operations for off-site sale/ use outside of Emerald Park). In short, the grounds of appeal query why 50% of the area of the building is required for an activity which currently accounts for between 10-25% of the goods stored in the warehouse. The appellant also highlights the risk of the applicant selling or leasing the premises subject of the appeal to a 3<sup>rd</sup> party were retention permission for dual use to be granted.

10.2.2. The applicant, in their response to the appeal, reiterate that there is a commercial relationship between the two companies, and they also state that there are no plans to rent, lease or sell the warehouse to a third party. I note that the applicants, in their response to the third party appeal did not include supporting documentation or evidence to illustrate the nature and extent of their existing commercial relationship with IBL (whose use and operation within the subject warehouse is stated to be predominantly on behalf of the applicants). Having regard to the information on file, I consider that the non-provision of this information does not hinder me from continuing to assess the proposal.



- 10.2.3. In their response to the appeal, the PA acknowledged the issues raised by the appellant in respect to the use of the premises but considers that these matters were adequately dealt with in their assessment of the proposal. In their reasoning for granting permission, the PA noted that they were satisfied that IBL's non-Emerald Park related business activities (operated out of the storage warehouse) were seasonal, and relatively minor, and would therefore constitute a minor element of the overall use/ activity within the subject building.
- 10.2.4. In respect to the appellant's points about the building's unauthorised use status and the restrictions placed on its use by Condition No. 2 attached to ABP-301053-18, whilst I acknowledge the requirements of this planning condition, I note that does allow for potential use alteration via the mechanism of a further application for planning permission i.e. as per the proposal for retention permission before the Board. On this basis, I will consider the proposal further below.
- 10.2.5. As detailed in Section 8.1 and paragraph 9.2.1 of this report, the appellant takes issue with the applicant's proposal for c. 50% (or 825sq.m as per the description of development applied for) of the building to be used as a basis for the operations of an operator that is not Emerald Park (i.e. IBL) when that operator is stated to have a need for just 10-25% of the storage space in the building. In regard to the 10-25%, note that the proportional fluctuation in IBL's storage requirements is likely explained by the seasonal nature of the operation of the leisure complex which is closed to the public during most of the winter months and also for periods during Spring and Autumn (as per publicly available information on Google accessed on 01/05/2025), with the complex being open to the public during seasonal holidays such as Halloween, Christmas and Easter.
- 10.2.6. Having visited the site and observed the co-location of the two businesses, and having had regard to the information on file, I note that the internal office and related staff facilities have a dual use (by IBL in respect to its Emerald Park and non-Emerald Park related business) and that a total of 50% of the floorspace of the building is required by IBL for **both** its Emerald Park related operations and non-Emerald Park related operations. Therefore if 10-25% of the goods stored in the warehouse relate to IBL's non-Emerald Park (i.e. onward-sale to 3<sup>rd</sup> parties) business as per the applicant's FI

response, the remaining 75-90% goods stored in the warehouse building would relate directly to the operation of Emerald Park (i.e. being the park operator's own goods or being goods procured by IBL for the exclusive use by/ in Emerald Park). On this basis, whilst I note that the applicant has applied for retention permission to omit Condition No. 2 of Ref. ABP-301053-18 to facilitate the change of use, I am satisfied that IBL's current non-Emerald Park related storage use and operations within the building are ancillary to the existing building's main use for the warehousing/ storage of goods directly related to the ongoing operation of Emerald Park and, that its use by IBL is not unduly speculative and does not give rise to a significant departure from the intent of Condition No. 2 of ABP-301053-18.

10.2.7. However, it appears to me that there is a clear quantitative discrepancy between the existing storage/ use arrangements in the building and the retention permission which has been applied for. On this basis I am not satisfied that a clear rationale has been provided by the applicant as to why the change of use of c. 50% or 825sq.m of the existing storage building is required to facilitate warehousing and storage uses other than those required solely in connection with the operation of Emerald Park.

10.2.8. Having considered the site's planning history and having further considered the grounds of appeal in the context of Condition No. 4(a) attached to the PA's grant of permission, I note that the wording of the condition states that "*a max. of 50% of the floor area of the building to be used by Innovation Brands Ltd (IBL) for the purposes of storing goods for the onward sale to 3<sup>rd</sup> parties*". Whilst I do not have an issue with 50% of the floor area of the building being used by IBL (as per paragraph 9.2.6 of this report), I do not consider it appropriate that this 50% floor area be exclusively linked to the purpose of IBL storing goods for the onward sale to 3<sup>rd</sup> parties as this would mean that IBL's use of the premises would no longer be ancillary to the warehouse building's permitted use for purposes related to the operation of Emerald Park. I consider that this would be a significant departure from the intent of Condition No. 2 attached to the parent permission (ABP-301053-18) and would bring the proposal into conflict with the site's RA zoning objective by stepping outside the parameters of Section 11.14.2 as it relates to the alteration of established non-conforming uses. Therefore, where the Board are minded to grant permission and to attach a condition in respect to the permitted use of the existing building, I would recommend that no more than 25% of the floor area of the building is used by IBL for the storing of goods

for the onward sale to 3<sup>rd</sup> parties. This could be achieved by specifying that a minimum of 75% of the floor area of the building is to be used for storage/ warehouse purposes ancillary to the use/ operation of Emerald Park only. I consider that this amended condition would also address the appellant's concerns in respect to the future leasing of the property to a third party.

10.2.9. In summary, and as per the rationale set out above under paragraphs 9.2.6 - 9.2.8, I consider the omission of Condition No. 2 is acceptable only where it is replaced by a bespoke condition which restricts the percentage of the warehouse building which can be used for purposes which are not ancillary to the operations of Emerald Park.

### 10.3. Other

#### Flooding and Surface Water Management

10.3.1. The PA's EF&SWS (in their report dated 09/05/2024) noted that whilst the appeal site had a low risk of flooding and the proposal was not a vulnerable development in flood risk terms, standard conditions in respect to surface water management and discharge and foul sewerage arrangements should still be attached in the event of a grant of permission. Having reviewed their recommended condition, I am satisfied that the recommended technical requirements could be addressed by the application of standard Board conditions in this regard should the Board be of a mind to grant permission.

#### Traffic and Transport

10.3.2. The PA's Transportation Section (in their report dated 30/04/2024) noted that the proposal would result in a small increase in commercial vehicle movements to and from the site and recommended the attachment of a planning condition to limit HGV movements to 10 per week and LGV movements to 16 per week. Given the insular location of the site which is accessed from within the Emerald Park complex only (which, in turn, has a single point of access onto a local road), in the event that the Board are minded to grant permission, I would consider the attachment of such a condition to be warranted in this instance in order to ensure the acceptability of its access and transportation arrangements.

#### Design/ Relationship with Neighbouring Properties

10.3.3. The proposal's design and relationship with neighbouring properties is acceptable on the basis of their being no physical changes proposed to warehouse building's exterior and having regard to the siting (relative to neighbouring properties) and single-storey height the refrigeration unit that is to be retained, with no potential for the proposal to adversely impact on residential amenities in terms of noise, disturbance etc.

#### Compliance with Economic Policy

10.3.4. Having reviewed the economic development policies detailed in Section 5.3 of this report, I am satisfied that the proposal is in-keeping with same and would not give rise to unacceptable environmental, landscape, amenity or traffic impacts as per the guidance provided in Policies ED POL18 and ED POL26.

### **11.0 AA Screening**

11.1. I have considered the proposal for permission for the retention of the change of use of part of an existing storage building and the retention of ancillary refrigeration unit at Emerald Park, Kilbrew, Ashbourne, Co. Meath in light of the requirements S177U of the Planning and Development Act 2000 (as amended).

11.2. The subject site is located in the townland of Kilbrew, Ashbourne, Co. Meath.

11.3. The development subject of this appeal comprises of retention for the change of use of an existing structure and for an existing single-storey refrigeration unit and permission for omission of a condition attached to Ref. ABP-301053-18.

11.4. The subject land is not directly adjacent to a European site. It is located c. 16km from the nearest European sites: River Boyne and River Blackwater SPA (Site Code 004232) and River Boyne and River Blackwater SAC (Site Code 002299) with no pathways between the appeal site and these receptors. The Hurley River runs c. 400m to the north of the appeal site which has no physical connection to same.

11.5. No nature conservation concerns were raised in the planning appeal.

11.6. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The minor/ de minimus nature of the proposed development to be retained.
- The location-distance from the nearest European site and lack of connections.
- Taking into account the findings of the AA screening assessment by the PA.

11.7. I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects.

11.8. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 12.0 Recommendation

I recommend a GRANT of permission and retention permission subject to the following conditions.

## 13.0 Reasons and Considerations

Having regard to Section 11.14.2 (Permissible and Non-Permissible Uses) and to the 'RA – Rural Area' zoning objective for the site, the objective is "*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*", and to the planning policies, objectives and development standards of the Meath County Development Plan 2021-2027, the nature, scale, design and location of the proposed development and development to be retained relative to the existing pattern of development in the wider area, it is considered that subject to compliance with the conditions set out below, the subject development which comprises of retention of change of use of part of an existing storage building for warehousing and storage use other than solely in connection with the operation of Emerald Park; omission of condition 2 of Ref. ABP-301053-18 to facilitate the change of use; and, retention of an ancillary refrigeration unit, is an acceptable form of development at this location and would not seriously injure the amenities of adjoining properties, and would therefore, be in accordance with the proper planning and sustainable development of the area.

## 14.0 Conditions

1.	<p>The development shall be retained and carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 31<sup>st</sup> October 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 and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission [Register Reference ABP-301053-18] unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.</p> <p><b>Reason:</b> In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.</p>
3.	<p>The development to be retained hereby permitted relates only to:</p> <ul style="list-style-type: none"><li>(a) Retention of change of use of part of an existing storage building for warehousing and storage use other than solely in connection with the operation of Emerald Park.</li><li>(b) Omission of condition 2 of Ref. ABP-301053-18 to facilitate the change of use.</li><li>(c) Retention of an ancillary refrigeration unit.</li></ul> <p><b>Reason:</b> In the interest of clarity and the avoidance of doubt and the proper planning and sustainable development of the area.</p>
4.	<p>The existing warehouse/ storage building shall be retained in one ownership, utilised as one building unit with the use of a minimum of 75% of the floor area of the permitted building limited to storage/ warehouse purposes ancillary to the use of Emerald Park as a visitor attraction. A maximum 25% of the floor</p>

	<p>area of the existing warehouse/ storage building shall be used by Innovation Brands Ltd. for the purposes of storing goods for onward sale to third parties.</p> <p><b>Reason:</b> In the interests of development control.</p>
5.	<p>The refrigeration unit shall be used solely in connection with the operation of Ashbourne Visitor Centre Ltd./ the operators of Emerald Park.</p> <p><b>Reason:</b> In the interests of development control.</p>
6.	<p>Vehicular movements to/ from the appeal site shall be limited to 10HGV movements and 16LGV movements per week to serve the warehouse/ storage unit.</p> <p><b>Reason:</b> In the interests of traffic management and development control.</p>
7.	<p>The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> 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.

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Emma Gosnell

Planning Inspector

12<sup>th</sup> May 2025



# Appendix 1

## Form 1 EIA Pre-Screening

<b>An Bord Pleanála</b> <b>Case Reference</b>	<b>ABP-321900-25</b>		
<b>Proposed Development Summary</b>	Retention of change of use of part of an existing storage building for warehousing and storage use other than solely in connection with the operation of Emerald Park; omission of condition 2 of Ref. ABP-301053-18 to facilitate the change of use; and, and retention of an ancillary refrigeration unit.		
<b>Development Address</b>	Emerald Park, Kilbrew, Ashbourne, Co. Meath		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	✓	Part B, 10(a) - Industrial estate developments Part B, 10(b)(iv) – Urban development	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q4

<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	✓	Part B, 10(a) - Industrial estate developments exceeding 15 hectares – site is c. 0.085 hectares. Part B, 10(b)(iv) – Urban development – 10/20 hectares – site is c. 0.085 hectares.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	✓	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-321900-25</b>
<b>Proposed Development Summary</b>	Retention of change of use of part of an existing storage building for warehousing and storage use other than solely in connection with the operation of Emerald Park; omission of condition 2 of Ref. ABP-301053-18 to facilitate the change of use; and, retention of an ancillary refrigeration unit.
<b>Development Address</b>	Emerald Park, Kilbrew, Ashbourne, Co. Meath
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	Retention planning permission is sought for the construction of a standalone single storey refrigeration unit and for the use of c. 50% of an existing warehouse storage building by a company that is not the applicant and is not the operator of Emerald Park.
<b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European	<p>The development is situated within a commercial site adjoining the main surface car park serving the Emerald Park complex in Kilbrew, Ashbourne, Co. Meath.</p> <p>The approved use of the site is commercial storage/warehousing use ancillary to the operation of the Emerald Park complex.</p> <p>The site is adjoined by detached residential properties,</p>

sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).		commercial and agricultural lands. The development is removed from sensitive natural habitats, dense centres of population and designated sites. The site is located within the central lowlands landscape character area and in an area of high landscape character value.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		Having regard to the nature of the proposed development to be retained, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion			
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes	No
There is no real likelihood of significant effects on the environment.	EIA is not required.	✓	
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.		✓
There is a real likelihood of significant effects on the environment.	EIAR required.		✓

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 2

### Template 1: Screening the need for Water Framework Directive Assessment Determination.

The subject site is located at Emerald Park, Kilbrew, Ashbourne, Co. Meath and is c. 400m from the Hurley River to the north.

The development subject of this appeal comprises of retention for the change of use of an existing structure and for an existing single-storey refrigeration unit and permission for omission of a condition attached to Ref. ABP-301053-18.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposal for permission and retention permission (described above) at an existing warehouse building on the grounds of Emerald Park and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface and ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The de-minimus small scale nature and scale of the proposal.
- The location-distance from nearest water bodies and/ or lack of hydrological connections.

#### Conclusion

I conclude that on the basis of objective information, that the proposed development and development to be retained will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.