AN BORD PLEANÁLA
LDG- OG/267 23
ABP
15 FEB 2023
Fee: € 220 Type: Card
Time: 0.03 By: Land

Edward Reilly Byrnes field Farganstown Slane Co.Meath 0868212223

14/02/2023

An Bord Pleanala 64 Marlborough Street

Dublin

RE: Appeal relating to <u>Meath County Council</u> decision to refuse Section 5 Exemption certificate for <u>LB/S52251</u> relating to the provision of an agricultural shed.

To whom it may concern,

I am seeking an appeal in relation to the foregoing determination by Meath County Council in relation to the exempted status of an agricultural shed within my lands. I am a first party appellant.

It is my contention that Meath County Council have erred in their determination which references the existing agricultural entrance as being a traffic hazard. I will endeavour to outline the grounds of appeal hereunder and in doing so respectfully request the Board to reconsider the status of this development under the appropriate provisions of both the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001, as amended.

Site Location

The lands in question are located within the rural townland of Stackallen, Co. Meath and are accessed via an existing 7 metre wide agricultural gate from the R163. The lands form part of a larger agricultural landholding which is within my ownership to the north of the site within the townland of Farganstown. All lands are currently used for silage cultivation.

Description of Development for which Section 5 was sought

It is my intention to build a storage shed of 150 square metres within the south-eastern corner of the field. This storage shed will be solely used for the housing of grass cutting equipment and other tools relating to the cultivation of silage and the maintenance of hedging. The location of the shed is identified within the location plan submitted.

The declaration of exemption was sought under the provisions of Class 9 of Schedule 2 Part 3 of the Planning and development Regulations 2001, as amended:

Works consisting of the provision of any store, barn, shed, glass-house or other structure, not being of a type specified in class-6, 7 or 8 of this Part of this Schedule, and having a gross floor space not exceeding 300 square metres.

I have considered all of the limitations pertaining to this Class of development as follows:

Limitation 1.

No such structure shall be used for any purpose other than the purpose of agriculture or forestry, but excluding the housing of animals or the storing of effluent

The proposed shed is for the purpose of agricultural use and will not be used for the housing of animals.

Limitation 2.

The gross floor space of such structures together with any other such structures situated within the same farmyard complex or complex of such structures or within 100 metres of that complex shall not exceed 900 square metres gross floor space in aggregate.

There are no other structures within the field.

Limitation 3.

- 3. No such structure shall be situated within 10 metres of any public road.
- 4. No such structure within 100 metres of any public road shall exceed 8 metres in height.

In compliance with limitations no. 3 & 4 of said class, the proposed structure will be located in excess of 100 metres from the public road and will not exceed 8 metres in height.

Limitation 5.

5. No such structure shall be situated within 100 metres of any house (other than the house of the person providing the structure) or other residential building or school, hospital, church or building used for public assembly, save with the consent in writing of the owner and, as may be appropriate, the occupier or person in charge thereof.

As per limitation no.5 of said class, the proposed structure will be in excess of 100 metres from the nearest dwelling house and/or other structure prescribed under this limitation. See layout plan submitted which clearly illustrates the appropriate separation distance as required within this limitation.

6. No unpainted metal sheeting shall be used for roofing or on the external finish of the structure.

Samples of finishes are included within this appeal and will comprise of painted sheeting to all external finishes in compliance with the limitation no.6.

Grounds of appeal to determination by Meath County Council to refuse exemption certificate.

In submitting the declaration for exemption, I also had regard to Article 9 of the Planning and Development Regulations 2001, as amended and the listed restrictions outlined within. In response to the Council's determination, I would like to state the following:

The existing agricultural entrance has been in situ since the 1920's and is a 'pre 1963' form of development. The land was acquired by me in the 1980s with the current access in position and fully operational. My family has been resident within the local area for 7 decades and I myself for my lifetime. During this period the current agricultural entrance has been in use and is unchanged apart from the clearing of hedging periodically. The roadside hedging has been removed and replanted periodically over the last 70 years, ranging from overgrown to absent at times.

As mentioned above, the use of this field over the last number of years has been predominantly for silage, however in my lifetime it has been used for both tillage and livestock. My intention is to maintain its use for the cultivation of silage in conjunction with my other lands at Farganstown. There are a number of livestock farms in the locality which utilise the silage from my lands as feed.

I strongly contest the identification by Meath County Council of the current access as a traffic hazard and I have engaged the services of an Engineer to demonstrate the suitability of the entrance in terms of its sight visibility and functionality in terms of road safety thresholds. I refer the Board to the attached drawings and report in this regard.

I would like to draw the Boards attention to the fact that the site is located within a 50kmph speed limit zone and the associated stopping distances of 70 metres required within such speed limit zones. It is prudent to note at the outset that Meath County Council failed to acknowledge the location of the entrance within this restricted speed limit within the planner's report. It is also of importance to note, as seen from the attached layout plans, that sight visibility extends significantly beyond that required at the entrance, with sight lines in excess of **120 metres** to the east and **160 metres** to the west. I would like the Board to note that this is also not referred to within the planner's report.

It is important to further note that there is no roadside hedging to the west along the roadside boundary of the site and hedging to the east is sparse and maintained at a

low level and at no point has caused an obstruction to visibility when exiting the site. In this regard, given the nature of the lands is solely agricultural, it is important to note that such lands are accessed by agricultural vehicles which have a seating position that is signficantly more elevated than that of a domestic vehicle, thus notwithstanding the extensive current available sight lines, visibility within these vehicles is exceptional.

The alignment of the road affords extensive visibility to vehicles travelling along the R163 in both directions on approach to the site with ample stopping distance available which are far in excess of that required for a 50km speed limit zone.

In determining that the entrance represented a traffic hazard, the council made an assumption in relation to the use of the entrance. It is my understanding from the planner's report, albeit not explicitly stated, that the placement of a storage shed would in some way increase the intensity of the use of the entrance to such a degree as to create a traffic hazard.

It is my contention that the Council arrived at this decision in the absence of the full facts and whilst, I am aware the Council is not obliged to utilise Section 5(2)(b) of the Planning and Development Act 2000, as amended, to seek further information, I am disappointed that I was not afforded the opportunity to clarify matters relating to the use of the site and clarify whether there would be any material change to the use of the lands in terms of an intensification to the entrance.

With this in mind, I consider it prudent to make it clear to the Board that the site is accessed infrequently, lands are fertilised at the appropriate period and seeded and are cut 3-4 times per year and hedgerows are maintained outside of the breeding season. Having regard to the current level of agricultural activity at the site it would be reasonable to state that the site is accessed 1-2 times per month. This will not change as a result of the shed being present it merely means that the tools required for the maintenance and cultivation of the lands are on the lands rather than being transported in each time.

I would argue, therefore, that there will be no material change to the current situation and given the nature of the present and future use there is no argument of materiality in terms of any increase in intensity of use of the lands and associated access.

It is important to reiterate that this entrance has been in situ since the 1920's and has been used for many types of farming activities, the acceptability of this entrance is therefore not relevant to the determination of the exempted nature of the agricultural storage shed on agricultural lands. Nonetheless I hope I have clarified for the Board that there will no intensification of the existing entrance from its current level of use.

Thus, having regard to the foregoing it is my contention that Meath County Council has failed in its determination of this Section 5 declaration in that it made assumptions without seeking clarification in relation to the nature of the use of the shed and any resultant intensification of the entrance.

It is clear from the planners report that the Council also failed to consider that the entrance is within a 50km speed limit zone and the relevant reduced sight distances required within such a zone. The Council also failed to outline the nature of the traffic hazard that would arise in relation to the entrance and did not provide any basis upon which this determination was arrived. I note that reference is made to a 'verbal conversation' with an engineer, but no report is on file and the specifics of that conversation in terms of the nature of the issues discussed are not detailed within the planner's report.

I therefore respectfully request that the Board has regard to the fact that there are significant sightlines available at the current entrance and in considering the entrance, also takes into account the nature of the vehicles utilising this entrance coupled with the fact that the intensity of the use will not be altered in any way by the presence of the shed.

Given that the intensity of the use will not alter from that at present and given that this is an existing agricultural entrance with adequate sight visibility as demonstrated within the attached engineering report and has been in use since the 1920s, I hope that the Board will overturn Meath County Council's declaration and determine that the development is exempt development.

I note and have regard to the Board's decision in relation to a similar declaration, whereby such development was determined to be exempt. I refer to a recent decision ABP 311137-21.

Regards

Edward Reilly.



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Ed Reilly Stackallen Slane Co. Meath

13 February 2023

Our Ref:

DOB/22S-259

Your Ref:

Dear Ed,

Re: Sightlines at Stackallen, Slane, Co. Meath

Further to your recent instruction, site inspection and measurements, please find attached a Site Location Map & Sightline Detail Map of the existing entrance prepared in accordance with the NRA document Design Manual for Roads and Bridges (DMRB) specifically Section TD 41-42/09 as specified in Meath County Council Development Plan 2021-2027, Chapter 09. Rural Development Part 9.18 Technical Requirement, 9.18.1 One-Off Houses: Sight Distances and Stopping Sight Distances Policy – RD POL 43.

We confirm that as per the above Policy that the for a Design Speed of a 50 Kmph Major Road the stopping distance 'y' in metres in 70m, we note that both sight distances to the near side of the road with a setback of 2.4m is achievable in both directions together with 70m stopping distances in both directions. Stopping distances are achievable for in excess on 120m in both directions from the existing entrance into this small parcel of land contained in Folio MH20560F, for which there is no other access from the public road or through third party lands.

If you have any other queries or require any further clarification, please do not hesitate to contact the undersigned.

Yours sincerely

Daniel O'Brien BSc Land Surveyor

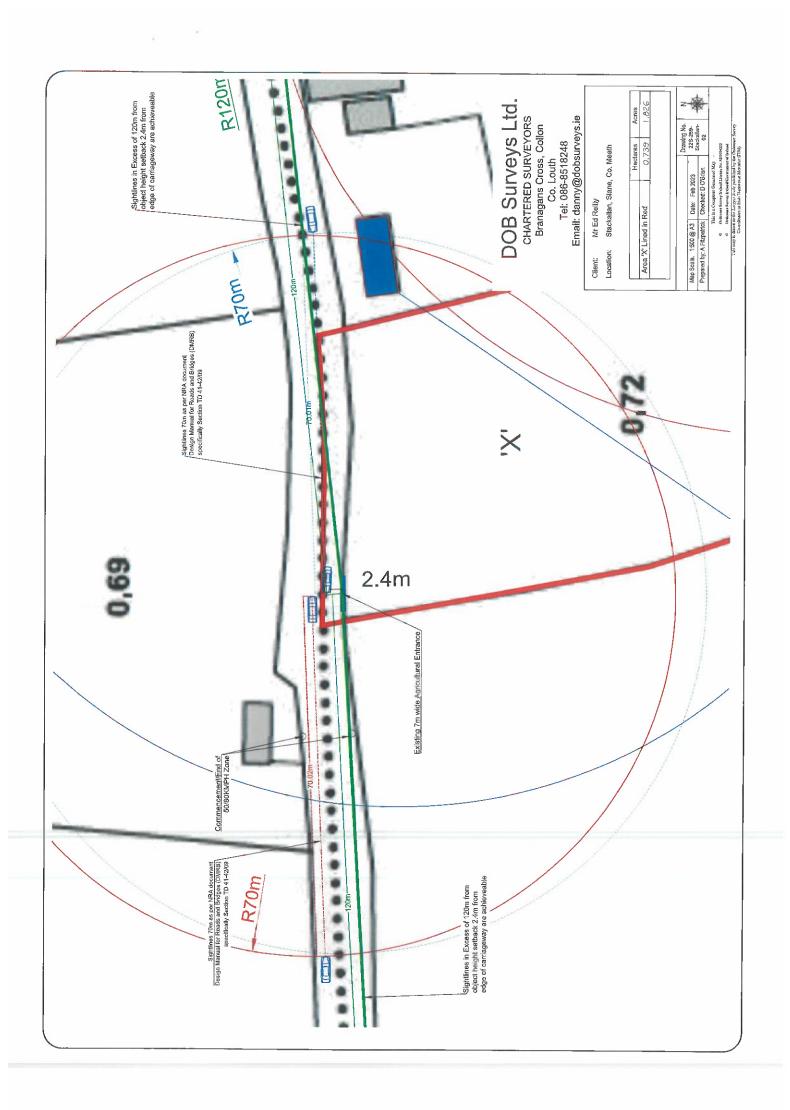
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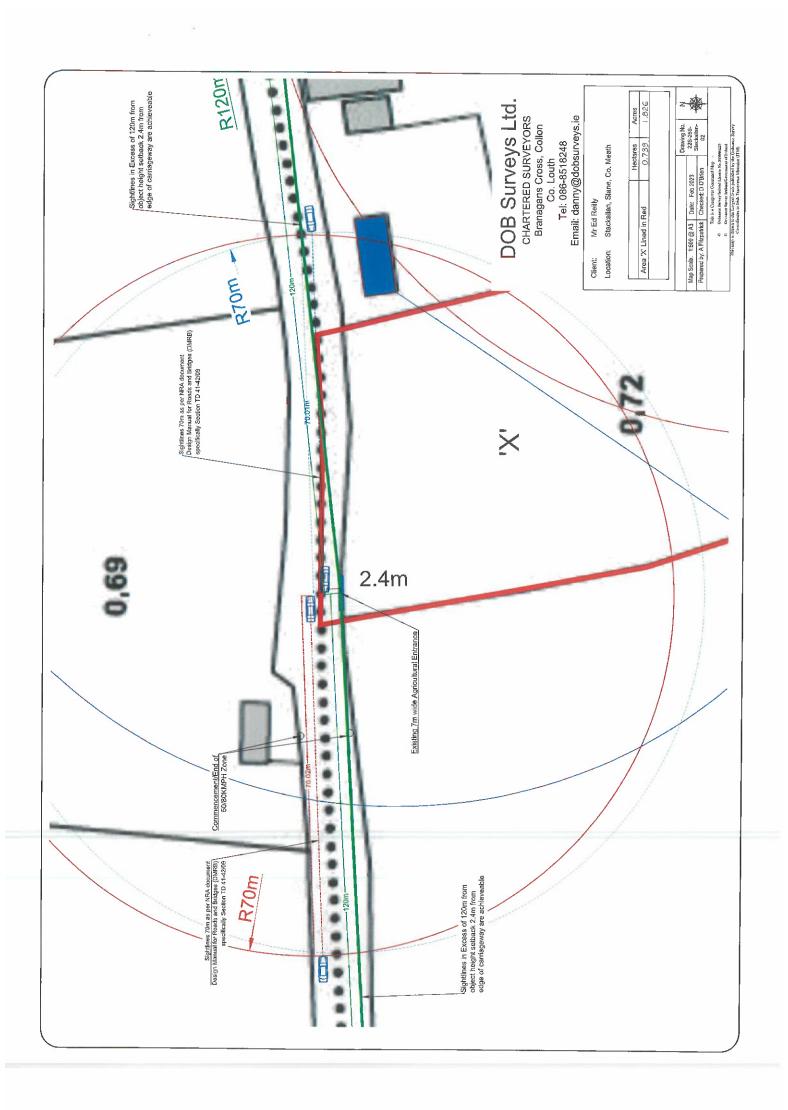




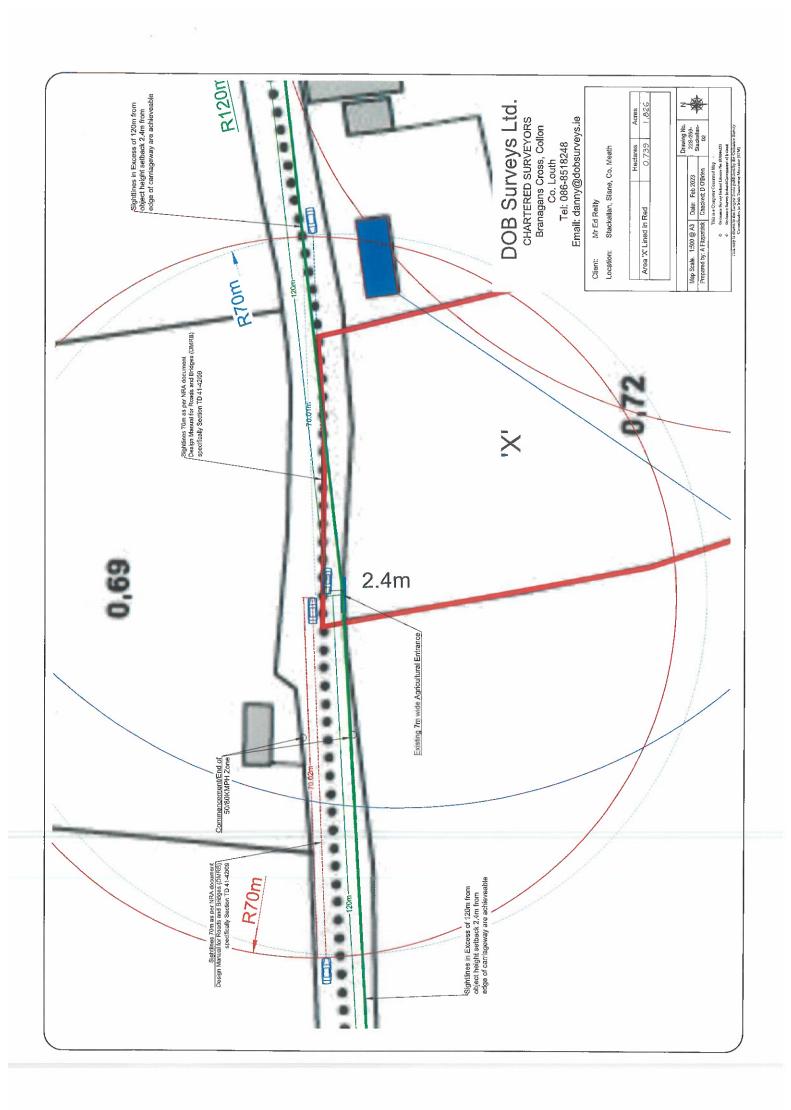




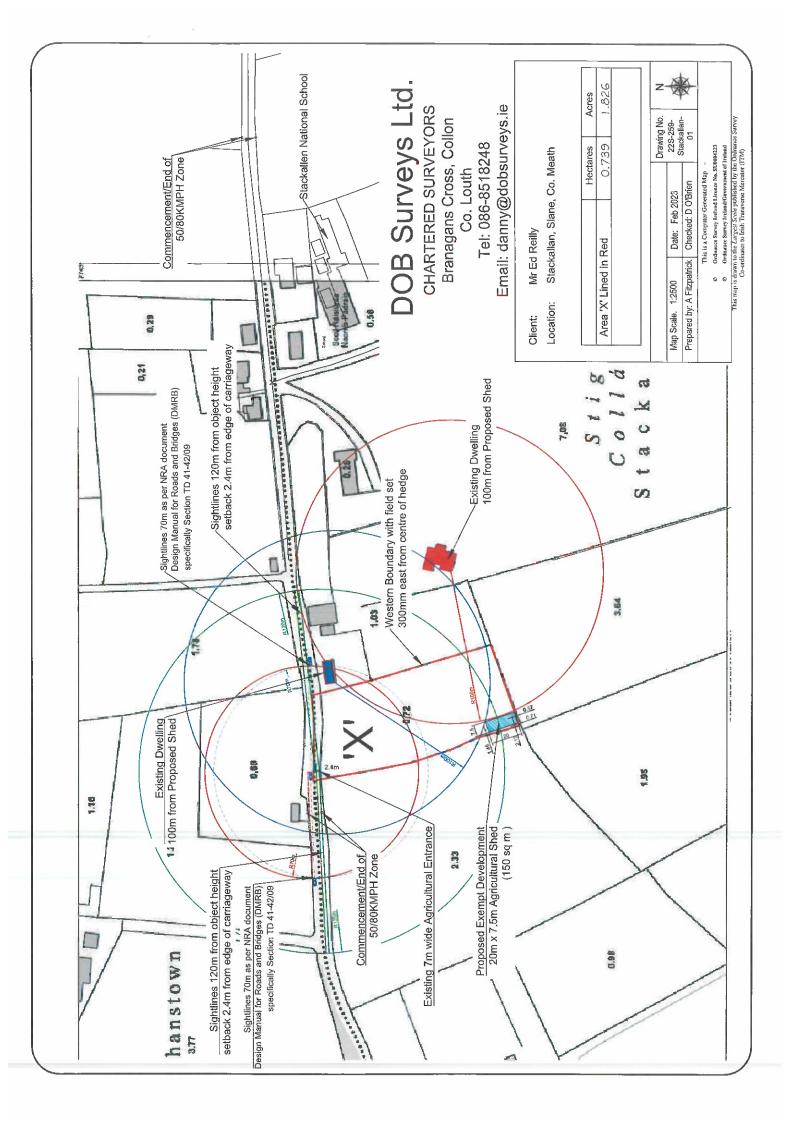




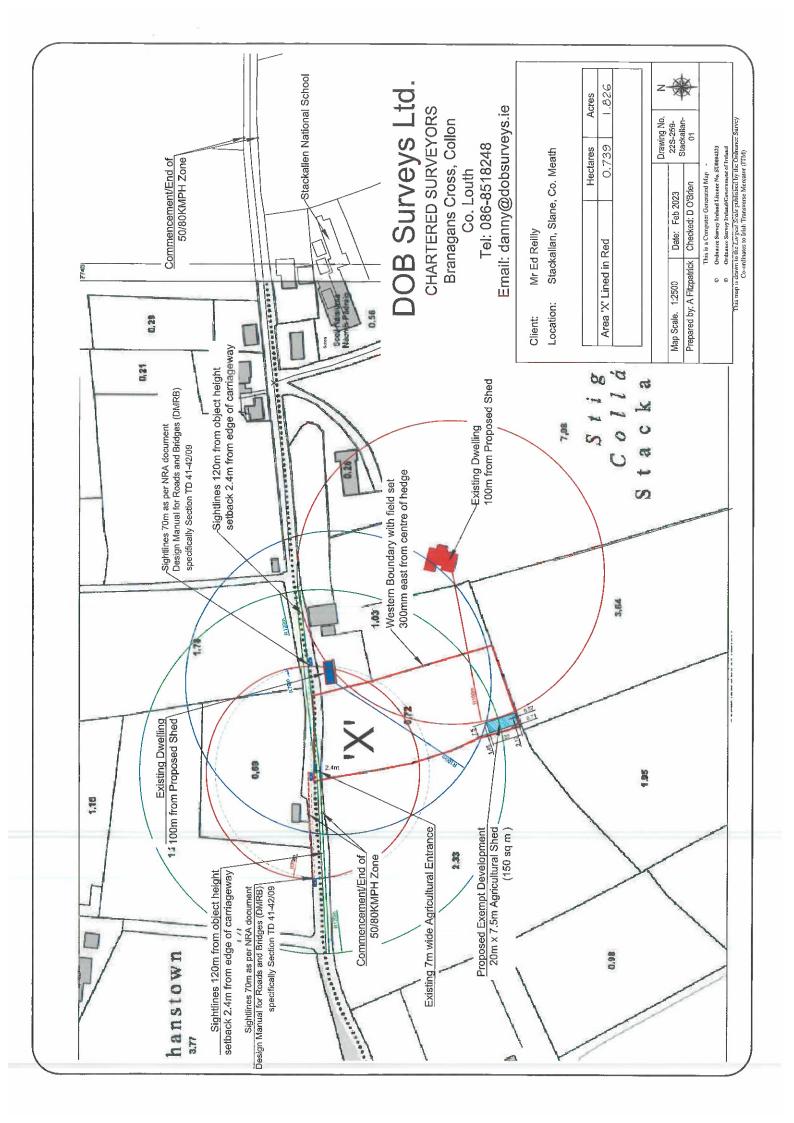




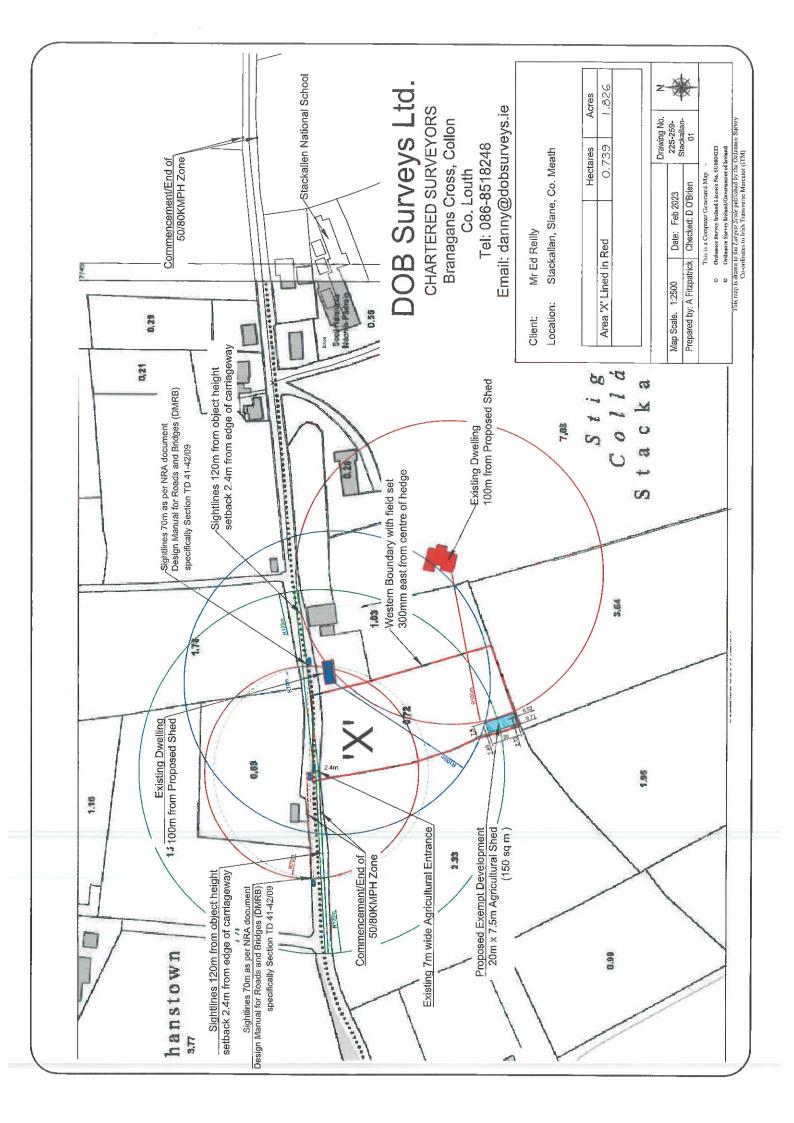


















Geometric Design of Major/Minor Priority Junctions and Vehicular Access to National Roads

January 2009



7. Geometric Design Features for Single Carriageway Roads

General

7.1 This chapter outlines the geometric design features to be considered in the design of major/minor priority junctions and accesses associated with single carriageway roads. Many of the features are dealt with separately, and a designer should work systematically through the design procedure prior to assembling the component parts. This is an iterative process, as illustrated in Figure 2/1.

Design Speed

7.2 Geometric standards for junctions are related to the traffic speed of the major road, and for new roads this is the design speed as defined in NRA TD 9. Reference should be made to NRA TD 9 in order to determine the appropriate design speed.

Visibility

- 7.3 Traffic from either a minor road or direct access has to join or cross the major road when there are gaps in the major road traffic streams. It is therefore essential that drivers emerging from a minor road or direct access shall have adequate visibility in each direction to see the oncoming major road traffic in sufficient time to permit them to make their manoeuvres safely. This concept also applies to major road traffic turning right into the minor road or direct access. As well as having adverse safety implications, poor visibility reduces the capacity of turning movements. Visibility shall however, not be excessive as this can provide a distraction away from nearer opposing traffic.
- 7.4 For safety, drivers both on the major road and on the minor road or direct access shall be able to see any potential hazard in time to slow down or stop comfortably before reaching it. It is necessary therefore to consider the driver's line of vision in both the vertical and horizontal planes and the stopping sight distance for the vehicle at the relevant design speed. It is also essential that other road users can equally see oncoming vehicles; particularly where vehicles cross the footway in front of pedestrians at the same level and the crossing may not be so obvious.

7.5 Drivers approaching a major/minor priority junction from both the major road and the minor road shall have unobstructed visibility as indicated in the following sections. The envelope of visibility for driver's eye height is as set out in NRA TD 9.

Major Road

7.6 Drivers approaching a major/minor priority junction or direct access along the major road approaches shall be able to see the minor road or direct access entry from a distance corresponding to the desirable minimum SSD for the design speed of the major road, as described in NRA TD 9. It should be noted that NRA TD 9 does not allow relaxations in SSD on the immediate approach to junctions with the exception of an individual field access. This visibility allows drivers on the major road to be aware of traffic entering from the minor road or direct access in time for them to be able to slow down and stop safely if necessary.

Minor Road/Direct Access

- 7.7 The principle of providing the required visibility for drivers approaching the junction from the minor road or direct access has three distinct features.
- a. Approaching drivers shall have unobstructed visibility of the junction from a distance corresponding to the desirable minimum SSD for the design speed of the minor road, as described in NRA TD 9. This allows drivers time to slow down safely at the junction, or stop, if this is necessary. Where a "Yield or Stop" sign is proposed the visibility envelope shall be widened to include the sign.
- b. From a point measured 15m along the centreline of the minor road or direct access from the continuation of the line of the nearside edge of the surfaced carriageway (including hard strip or hard shoulder) of the major road, an approaching driver shall be able to see clearly the junction form, and those peripheral elements of the junction layout as shown in Figure 7/1. This



provides the driver with an idea of the junction form, possible movements and conflicts, and possible required action before reaching the major road.

The distance back along the minor road or C. direct access from which the full visibility is measured is known as the 'x' distance. It is measured back along the centreline of the minor road or direct access from the continuation of the line of the nearside edge of the surfaced road (including hard strip or hard shoulder) of the major road. The desirable minimum 'x' distance shall be 3.0m for all junctions and direct accesses except those with a "Yield" sign. Junctions and direct accesses with a "Yield" sign will require an 'x' distance of 9m. In difficult circumstances, the 'x' distance may be taken as a Relaxation from 3.0m to 2.4m for simple junctions in a stop controlled situation (see paragraph 2.23 for restrictions on the use of simple junctions). On regional and local roads a further relaxation of the 'x' distance to 2.0m may be considered in difficult circumstances. This further relaxation may only be permitted for lightly used accesses, excluding field accesses and other accesses where agricultural vehicles can be expected such as farm houses. On national roads any reduction of the 'x' distance below 2.4m shall be considered to be a Departure from Standard.

From the point "x" metres back from the major road a driver approaching the junction along the minor road shall be able to see clearly points to the left and right on the nearer edge of the major road running carriageway at a distance given in Table 7/1, measured from its intersection with the centreline of the minor road. This is called the 'y' distance and is defined in Figure 7/1.

- d. On national roads the full 'y' distance must be achieved, however in difficult circumstances the low object height may be taken as 0.6m instead of 0.26m as a Relaxation.
- e. For urban regional and local roads with a demonstrably effective speed limit of 60kph or less, the 'y' distance may be relaxed by one design speed step in difficult circumstances, see also Para 7.11.
- 7.8 If the line of vision lies partially within the major road paved area, it shall be made tangential to the nearer edge of the major road paved carriageway (including hard shoulder or hard strip), as shown in Figure 7/2.

Design Speed of Major Road	'y' Distance
(kph)	(m)
42	50
50	70
60	90
70	120
85	160
100	215

Table 7/1: 'y' Visibility Distances from the Minor Road (Para 7.7c)



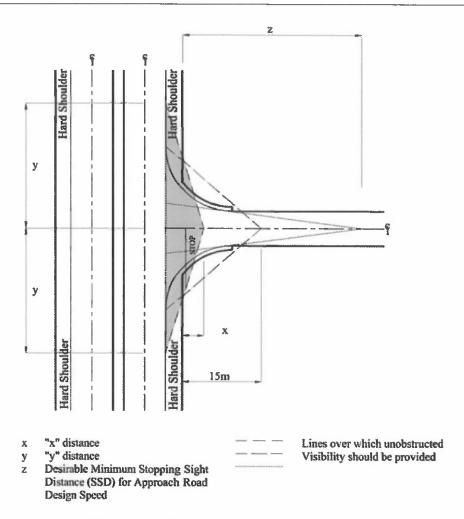


Figure 7/1: Visibility Standards (Para 7.7)

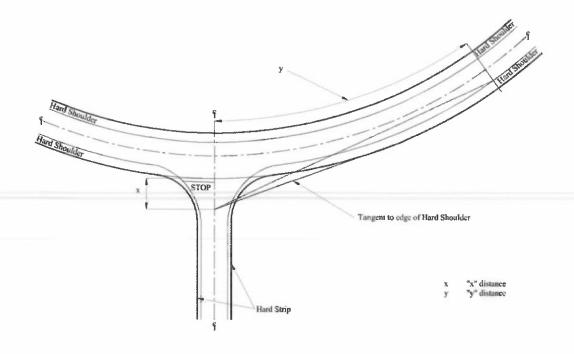


Figure 7/2: Visibility Standards with a Curved Major Road (Para 7.8)



Copy of 55 application

Comhairle Chontae na Mi

Roinn Pleanáil, Teach Buvinda, Bóthar Átha Cliath, An Uaimh, Contae na Mi, C15 Y291 Fón: 046 – 9097500/Fax: 046 – 9097001 R-phost: planning@meathcoco.ie Web: www.meath.ie



Meath County Council

Planning Department
Buvinda House, Dublin Road,
Navan, Co. Meath, C15 Y291
Tel: 046 – 9097500/Fax: 046 – 9097001
E-mail: planning@meathcoco.ie
Web: www.meath.ie

APPLICATION FORM - DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

Part 1 Section 5 of Planning and Development Act 2000-2021, as amended

1.	Name: Edward Reilly			
	Contact details: to be supplied at the end of this form (Question 13)			
2.	Name of person/ agent acting on behalf of the applicant, if applicable			
	Contact details: to be supplied at the end of this form (Question 14)			
3.	Location of Development and/or Subject Site: Robin Hill, Stackallen, Slane Co. Meath			
4.	Description of Development: Agricultural storage Shed			
	Will the development take place within the curtilage of a dwelling house?			
	Please tick as appropriate: YES N0 x			
6.	Will / does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?			
	Please tick as appropriate: YES NO x			
6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?				
	Please tick as appropriate: YES NO			
7.	State overall height of structure if applicable: 8 metres			
8.	State in square metres the floor area of the proposed development:			
150)sqm			
	List of plans / drawings etc. submitted: ation plan, layout plan and elevations			
10.	10. Please state applicants interest in this site: owner			

If applicant is not the owner of site, please provide name & address of owner: 11. Are you aware of any enforcement proceedings connected to this site?				
11 (b), If "YES" please supply details:				
12. Are you aware of any previous planning application/s on this site?				
Please tick as appropriate: YES x NO				
12 (b), If "YES" please supply details:				
SA900372				
SA40375				
014223				
014026				
00962				
SIGNED: DATE:				

NOTES

- 1. Application Fee of €80
- 2. Application shall be accompanied by:
 - 2 copies of site location map to scale 1:2500 clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.
 - 2 drawings to scale (1:200) of the proposed development (including floor plan and elevations), if appropriate.
 - Two site layout plans to scale 1:500 if appropriate. Please submit 2 copies of any additional plans/reports etc. you may wish to include as part of the application.

Application shall be forwarded to: Meath County Council, Planning Department, Buvinda House, Dublin Road, Navan, Co. Meath.

Contact Details: Phone: 046 9097500 Fax: 046 9097001

Email: planning@meathcoco.ie

Comhairle Chontae na Mí

Roinn Pleanáil, Teach Buvinda, Bóthar Átha Cliath, An Uaimh, Contae na Mí, C15 Y291 Fón: 046 – 9097500/Fax: 046 – 9097001 R-phost: planning@meathcoco.ie Web: www.meath.ie



Meath County Council

Planning Department
Buvinda House, Dublin Road,
Navan, Co. Meath, C15 Y291
Tel: 046 – 9097500/Fax: 046 – 9097001
E-mail: planning@meathcoco.ie
Web: www.meath.ie

CONTACT DETAILS - NOT TO BE PUBLISHED

13.	3. Name of applicant: Edward Reilly		
	Address: Byrnes Field, Faganstown, Slane, Co. Meath C15T3F8		
	Phone No: 086-8212223	-mail : ed@sherryfitzreilly.ie	
14.	4. Name of person/ agent acting on behalf of the applicant, if applicable		
Address for correspondence:			
	Phone No:	E-Mail:	



Example of external painted metal sheeting







AN BORD PLEANÁLA

1 5 FEB 2023

LTR DATEU_______ PhUNI ___

LDG- __ ABP- __

