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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 20171472**

**Appeal** by David Lane care of Dean Design of The Mill House, Dunleckney, Bagenalstown, County Carlow and by Ronan Pelow care of Ian Doyle of Woodleigh, Cornwall, Killurin, Enniscorthy, County Wexford against the decision made on the 12<sup>th</sup> day of January, 2018 by Wexford County Council to grant subject to conditions a permission to O'Sullivan Agricultural Services Limited care of John J. Barron of Glynn Village, Enniscorthy, County Wexford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** 1. Retention of existing shed (783.79 square metres) which is being used as a loading area, and 2. Erection of a new shed (2713.3 square metres) for use as grain, fertiliser and general store, relocation and up-grading of sewage treatment system and associated works at Bayland, Kilbora, County Wexford.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the location of the proposed development in a rural area where the dominant land use is agriculture and to the existing use of the site for the sale of agriculture related goods, it is considered that the development proposed for retention and the proposed development, subject to compliance with the conditions set out below, would not endanger public safety by reason of traffic hazard or be prejudicial to public health, would not seriously injure the residential amenity of nearby residential property by reason of noise or dust emissions. The proposed development and the development proposed for retention would, therefore, be in accordance with the provisions of the Wexford County Development Plan 2013-2019 and with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The hours of operation shall be between 0600 hours and 2400 hours Monday to Friday and between 0600 hours and 2200 hours on Saturday. The proposed development shall not operate on Sundays or public holidays save with the prior written agreement of the planning authority.

**Reason:** In the interest of the amenities of property in the vicinity.

3. The noise level shall not exceed 55 dB(A) rated sound level, as measured at the nearest noise sensitive location between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

4. Dust levels at the site boundary shall not exceed 350 milligrams per square

metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.

**Reason:** To control dust emissions arising from the development and in the interest of the amenity of the area.

5. The proposed septic tank drainage system shall be in accordance with the standards set out in the document entitled “Wastewater Treatment Manual – Treatment Systems for Single Houses” – Environmental Protection Agency (2009).

**Reason:** In the interest of public health.

6. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to an attenuation tank or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains or to the public road.

**Reason:** In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

7. A scheme, indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. This boundary treatment scheme shall provide a screen along the north-eastern (roadside) boundary and south-eastern boundary, consisting predominantly of trees, shrubs and hedging, capable of growing to the height of three metres. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the completion of construction works.

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.

**Reason:** In order to screen the development, in the interest of visual amenity.

8. 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.

**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.

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**Maria FitzGerald**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2018.**