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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: 18/847**

**Appeal** by Paul McCoy care of William Doran of 7 Saint Mary's Road, Ballsbridge, Dublin against the decision made on the 21<sup>st</sup> day of December, 2018 by Wicklow County Council to grant subject to conditions a permission to O'Hanlon Herbs Limited care of Peter Cassidy of 6 Clarinda Park North, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** As revised by further public notices received by the planning authority on the 14<sup>th</sup> day of November, 2018, the proposed development now comprises: (a) erection of a 2,614 square metres polytunnel for use in herb production with associated circa three metres high/20 metres diameter water storage tank; (b) relocation of the existing carpark to a new 58-space car park to the east of the site; (c) newly altered car park layouts with truck turning circle; (d) raised berms, planting, low level bollard lights and high level directional lighting to control light emission from the site; (e) proposed upgrading, surfacing and enlargement of the existing gravelled field driveway, (f) removal of the existing field entrance gate to the public road and removal of associated planting between it and the adjacent existing driveway entrance to

form a substantially widened vehicular entrance with improved sightlines to the south with new ACO drains to collection point; (g) segregated driveways to O'Hanlon Herbs Limited and the residence to the rear, including new metal gates to the residential driveway; (h) revisions to previously permitted relocation of waste water treatment system and polishing filter area (planning register reference number 51/263 granted 12-06-2015 - as yet unbuilt), to increase the previously permitted filter area from 285 square metres serving 46 staff to 375 square metres serving 62 people daily; (i) field drains to collection point/swale to mitigate effect of surface water run-off to adjoining lands; (j) sundry measures and practices to reduce noise emission from the site during working hours; (k) associated siteworks, services, landscaping, permeable and impermeable surfacing, screen planting, lighting and signage at Ballyknockan More, Glenealy, County Wicklow.

## **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 condition(s) 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 nature and scale of the proposed development, to the established nature of the subject agri-business on agricultural lands, and to the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would have an acceptable visual impact in terms of its agricultural use and context, would not seriously injure the amenities of residential property in the vicinity, would be acceptable in terms of traffic safety and convenience, and would be in accordance with the provisions of the Wicklow County Development Plan 2016 - 2022. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 14<sup>th</sup> day of November, 2018 and on the 7<sup>th</sup> day of December, 2018, 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.

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

2. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

3. (a) Prior to commencement of development, the wastewater treatment system permitted under planning register reference number 15/263 shall be constructed as modified in accordance with the particulars received from LOH Consulting Limited on the 14th day of November, 2018 and shall be fully operational.
- (b) Within three months of the installation and operation of the wastewater treatment system, the developer shall submit a report to the planning authority from a suitably qualified person with professional indemnity insurance, certifying that it has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the Environmental Protection Agency document Wastewater Treatment Manuals -Treatment Systems for Small Communities, Business, Leisure Centres and Hotels.

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

4. Vehicular access arrangements and parking for the development shall be provided in accordance with the scheme illustrated on drawing number PL/FI/02 - 'Proposed Site Layout Plan' received by the planning authority on the 14th day of November, 2018. These works shall be carried out and completed prior to the commencement of use of the proposed development.

**Reason:** To ensure a satisfactory vehicular access and parking layout, in the interests of pedestrian and traffic safety and of visual amenity.

5. The slab of the proposed green waste storage area shall be of suitable design and construction and shall be properly sealed to prevent any movement of leachate through the ground under or adjacent to it.

**Reason:** To ensure the satisfactory disposal of waste material in the interests of amenity and public health and to prevent pollution of watercourses.

6. 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:

(a) A plan to scale of not less than 1:500 showing –

- (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.

(ii) Details of screen planting.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation.

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.

**Reason:** In the interest of residential and visual amenity.

7. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, dust minimisation measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

8. (a) Lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) The proposed external lighting design shall comply with the Guidance Notes for the Reduction of Obtrusive Light GN01:2011. Prior to the commencement of use of any lighting, confirmation from a suitably qualified professional that the development complies with this standard shall be submitted to and agreed in writing with the planning authority.

**Reason:** In the interests of the environment, residential amenity and public safety.

9. During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-

(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

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

10. No additional signage structures or advertising devices shall be erected externally on the buildings or anywhere on the site, except those which are exempted development, without a prior grant of planning permission.

**Reason:** In the interest of visual amenity and the proper planning and sustainable development of the area.

11. The proposed parking area shall be reserved solely for the parking of the vehicles and shall not be used for the storage of materials or goods associated with the development.

**Reason:** In the interests of traffic safety and amenity.

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

**Dated this            day of            2019.**