



An
Bord
Pleanála

Board Order
ABP-314359-22

Planning and Development Acts 2000 to 2022

Planning Authority: Wexford County Council

Planning Register Reference Number: 20220701.

Appeal by Patrick Cash care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 15th day of July, 2022 by Wexford County Council to refuse a permission for the proposed development.

Proposed Development: Works within a total site area of approximately one hectare (Ha) including: (i) Re-profiling works across approximately 0.8 hectares of agricultural land for the purpose of improving the land. The existing ground level will be raised using approximately 11,900 cubic metres of clean sand and gravel. (ii) Ancillary works (across approximately 0.2 hectares) to existing commercial entrance to facilitate sightlines, at Ballinra (E.D. Castle Ellis), Screen, Enniscorthy, 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.

Reasons and Considerations

Having regard to the rural location of the proposed development, the landscape character of the area in which the appeal site is situated and the scale and form of the proposed development, and subject to compliance with the conditions set out below, it is considered that the proposed development would not be visually obtrusive or give rise to water pollution or risk of flooding of adjoining lands and would be acceptable in terms of public health. 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, 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. The importation of fill and operation of associated machinery shall be carried out only between the hours 0800 and 1800 from Mondays to Fridays inclusive. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of good traffic management and to protect amenities of the area.

3. The final use of the lands after completion of the importation of fill materials shall be for agricultural purposes only.

Reason: In the interest of clarity.

4. 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.

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.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *23rd* day of *July*, 2024.