

An  
Bord  
Pleanála

## Board Order ABP-318756-23

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 2023/0331**

**Appeal** by Pat Wheelock care of Joseph J. Fox Architectural Planning and Design Consultants of Brackenstone Cottage, Castlebridge, County Wexford against the decision made on the 6<sup>th</sup> day of December, 2023 by Wexford County Council to grant subject to conditions a permission to Wheelock Farms Limited care of Aidan Nolan of Asquinton, Enniscorthy, County Wexford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Erection of a shed for the storage of farmyard manure together with all ancillary site works. Retention and completion of hay shed together with roadside boundary wall, vehicular entrance and farmyard run-off effluent storage tank, all at Moneyhore, The Leap, Enniscorthy, County Wexford.

### Decision

**GRANT permission for the above 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 provisions of the Wexford County Development Plan 2022-2028, to the location of the development within an established farmyard, and to its nature and scale, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would be an appropriate land use in this rural and agricultural area, would not seriously injure the amenities of the area or of property in the vicinity and would not be prejudicial to public health. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Appropriate Assessment Screening**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had regard to the fact that all farmyard manure and soiled water generated from this farming enterprise shall be applied to land or exported in accordance with S.I. No. 113/2022 - European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2022.

The Board accepted and adopted the screening assessment carried out by the planning authority in respect of identification of the European Sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, and concluded that, either individually or in combination with other plans and projects, the proposed development would not be likely to have a significant effect on any European Site in view of the site's conservation objectives and that a Stage 2 Appropriate Assessment is not, therefore, required.

## Conditions

1. The development shall be carried out, completed and retained 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 14<sup>th</sup> day of November, 2023, 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 retained, carried out and completed in accordance with the agreed particulars.

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

2. All uncontaminated roof water from the building and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.

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

3. All foul effluent and slurry generated by the development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

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

4. The works to the roadside entrance and roadside boundaries and proposals to achieve the required sight lines, as shown on the details submitted to the planning authority on the 14<sup>th</sup> day of November, 2023 shall be completed within 12 months from the date of this order. The required 65 metres sightlines shall be maintained in perpetuity.

**Reason:** In the interest of traffic safety.

5. The hayshed shall not be used to house animals or animal manure for any reason.

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

6. (a) An interceptor drainage grating shall be provided across the full width of the entrance gates and piped to a satisfactory outfall.
- (b) The applicant shall carry out necessary works to prevent water ingress onto the development from the public road.
- (c) All storm water from existing and proposed shed roofs shall be diverted to the new storm water system.
- (d) No surface water from the roofs, paved areas or otherwise shall discharge onto the public roads or adjoining properties.
- (e) No interference will be caused to existing road side drainage and adequate provision shall be made to allow for its maintenance.

**Reason:** In the interests of traffic safety and public health.

7. The area engineer of the planning authority shall be contacted prior to cleaning and jetting of existing roadside drainage. These works shall be carried out within three months from the date of this order.

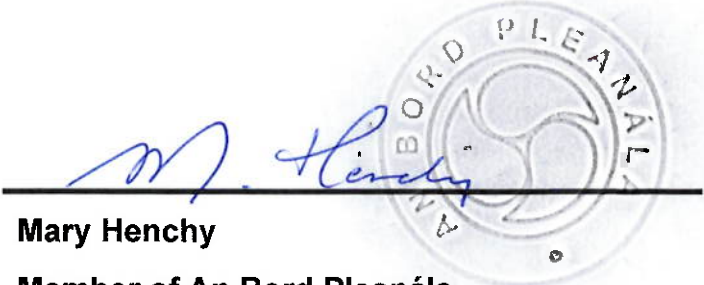
**Reason:** In the interest of traffic safety.

8. All farmyard manure, slurries and soiled water generated from this farming enterprise shall be applied to land or exported in accordance with S.I. No. 113 of 2022 European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022.

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

9. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

**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.



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

Dated this 26<sup>th</sup> day of July 2024.