



An  
Bord  
Pleanála

## Inspector's Report ABP 303566-19.

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<b>Development</b>	5 no. polytunnels for use in herb production with associated water storage tank. Relocation of the existing car park to the east of the site to allow improved access and vehicular circulation.
<b>Location</b>	Ballyknockan More, Glenealy, Co. Wicklow.
<b>Planning Authority</b>	Wicklow Co. Council
<b>Planning Authority Reg. Ref.</b>	18847
<b>Applicant</b>	O'Hanlon Herbs Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Paul Mc Coy
<b>Observers</b>	None
<b>Date of Site Inspection</b>	2/7/19

**Inspector**

Siobhan Carroll

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## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 4.1894 hectares, is located on the north edge of Glenealy village. The appeal site is located on the western side of on a local road, the L1096, which has a width of approximately 5m. To the west of the site lies agricultural lands and to the Coillte forest at Carrick Mountain.
- 1.2. The site contains the premises of O'Hanlon Herbs a herb growing and wholesale distribution company. The existing buildings on site include two large glasshouses, packhouse and coldstore. There is a private residence to the rear of the site which has a shared vehicular access.
- 1.3. The northern, southern, eastern and western boundaries are defined by mature existing hedgerow. Immediately to the east of the site are two existing detached dwellings.

## 2.0 Proposed Development

- 2.1. Permission is sought for a) the erection of 5 number polytunnels for use in herb production with associated 3m high & 20m diameter water storage tank and (b) the relocation of the existing carpark to a new 53 space car park to the east of the site to allow for improved access and vehicular circulation within the site generally.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission was granted subject to 9 no. conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Further Information was requested in relation to the following;

1. Provide details of no. of employees, traffic movements, hours of operation, storage requirement, waste generation, water demand and effluent generation.

- Details of adequacy of vehicular entrance to serve the development.
  - Adequacy of existing water supply and wastewater treatment system to serve the proposed development.
  - Adequacy of waste storage area.
  - Adequacy of loading and unloading bays.
  - Adequacy of existing and proposed surface water drainage system.
2. Clarify existing site layout on revised plans.
  3. Provide cross section of earthworks required to facilitate the proposed development.
  4. Provide parking demand report to demonstrate actual number of car parking spaces required.
  5. Submit proposals for effective screening of the car park to avoid excessive light spill and pollution.
  6. Submit plans and elevations of proposed water storage tank and detailed calculations for sizing and design. Comment on the suitability of the location of the proposed water storage tank due to the proximity of the percolation area and adjoining dwelling.
  7. Details of how green waste is stored.
  8. Submit engineering report on the impact of the proposed development on the existing surface water regime on the site.
  9. Submit a noise survey.
  10. Submit details of proposed lighting.
  11. Clarify planning status of the existing entrance.
  12. Submit detailed drawings of the surface area connecting the proposed parking area to the main premises.

Clarification of further information was requested in relation to the following;

1. The response to item 9 of the further information is noted however in order to fully assess the proposal a noise assessment is required.

- Noise survey to be carried out by a suitably qualified professional with professional indemnity insurance to include the location of the boundary with the nearest noise sensitive locations over a 24 hour period during week day and weekend using appropriate noise descriptors and relevant ISO methodologies. The report should have regard to any external storage units on site.
2. The responses to item 1a(iii) storage requirements is noted but not sufficient. Submit detailed information on the storage requirements of the existing, permitted and proposed development and the existing capacity of the storage facility and future storage provision.

Planning Report dated 20/12/18 – The Planning Development and Environment Section were satisfied with the noise assessment. In relation to storage the planning officer considered that there was adequate storage for the existing and proposed development. They considered that any future application for expansion of the operation of the site should include proposals for additional storage on site. Permission was recommended.

### 3.2.2. Other Technical Reports

EHO – Report dated 10/8/18: Further information required to indicate when the new effluent treatment system granted under PRR15/263 is proposed to be built. Provide information of anticipated increase in the numbers of staff needed to cater for the additional 5 no. polytunnels and whether the effluent treatment system is sized to accommodate the increase loadings.

EHO – Report dated 10/8/18: No objections to proposals to increase the size of the proposed effluent treatment system granted under PRR15/263 to service a population of 62 staff subject to SH21.

Planning Development and Environment – Report dated 22/8/18: Further information required. Yield testing of the proposed water supply by a suitably qualified professional with current professional indemnity insurance to demonstrate the adequacy of the supply to meet the demand. Provide a revised site layout plan showing a minimum 3m separation distance between the proposed water storage tank and the proposed polishing filter granted under PRR15/263. Provide details for

the collection, treatment and disposal of runoff water from the proposed new hard surfaced areas.

Planning Development and Environment – Report dated 17/12/18: No objection subject to conditions.

### **3.3. Prescribed Bodies**

3.3.1. There are no reports from any prescribed bodies on the planning file.

### **3.4. Third Party Observations**

3.4.1. The Planning Authority received one submissions/observations in relation to the application. The main issues raised are similar to those set out in the appeal.

## **4.0 Planning History**

There is an extensive planning history pertaining to the site which are detailed in the report of the Planning Officer. The most recent relevant decisions are;

PA Reg. Ref. 15/263 – Permission was granted for 1) construct a 2419sqm glass house for the production of herbs to be built as an extension to the existing glass house, together with (2) associated site works including relocation of existing septic tank and treatment percolation areas (3)provision of new tree lined shelter belt planting incorporating 2m high palisade fencing and (4) the provision of a new second 658sqm water storage tank.

PA Reg. Ref. 14/1959 – Permission was granted for 2333sqm glass house for the production of herbs to be built as an extension to the existing glass house together with associated site works including minor alterations to the proposed earth banking previously granted permission Reg Ref 10/2959 but not completed and the provision of a new second 658sqm water storage tank.

## **5.0 Policy Context**

### **5.1. Wicklow County Development Plan 2016 – 2022**

5.1.1. Chapter 5 refers to Economic Development

- 5.1.2. Strategic Objective To encourage the continued operation of farming and its associated uses where it already exists, and to facilitate the diversification of the agricultural economy through the support of appropriate alternative farm enterprise sources.
- 5.1.3. AGR2 – To encourage and facilitate agricultural diversification into suitable agri-businesses. Subject to all other objectives being complied with, the Council will support the alternative use of agricultural land for the following alternative farm enterprises:
- Specialist farming practices, e.g. organic farming, horticulture, specialised animal breeding, deer and goat farming, poultry, flower growing, forestry, equine facilities, allotments, bio-energy production of crops and forestry, organic and speciality foods; and
  - suitable rural enterprises.
- 5.1.4. AGR3 – To protect agricultural or agri-business uses from incompatible uses, which are more suited to being located within an urban settlement.
- 5.1.5. AGR5 – To permit the development of new, appropriately located and designed agricultural buildings, which are necessary for the efficient and environmentally sound use of the agricultural practice. New buildings will generally only be permitted in cases where there are no suitable redundant buildings on the farm holding which would accommodate the development and where the Council is satisfied that the proposal is necessary for the efficient operation of the farm. Developments shall be compatible with the protection of rural amenities, and should not create a visual intrusion in the landscape or be the cause of an environmental nuisance.
- 5.1.6. Appendix 1 – Development Design Standards
- 5.1.7. Location and design of agricultural buildings

In assessing planning applications, the Planning Authority will have regard to the recommendations set out in An Foras Taluntais handbook 'Farm Buildings and the Environment' (1987). In particular, developments shall be required to accord with the following criteria:



- A building shall be sited and shall be of a height so as to ensure that it is as unobtrusive as possible. Particular attention shall be paid to developments in sensitive landscapes as identified in this plan;
- In so far as is practical, buildings should be of unifying design and should be clustered to form a distinct and unified feature in the landscape;
- Buildings shall utilise suitable materials and colours, which are compatible with the rural area. Stone and traditional building materials will be particularly encouraged. Where cladding is used on the exterior of farm buildings, dark colours (preferably dark green, red or grey) with matt finishes will normally be required. Roof areas should be coloured the same or in darker shade of the colour used on the side panels;
- In order to integrate development into the landscape, buildings shall be screened or shelter belted with principally native species of planting.

## 5.2. Natural Heritage Designations

5.2.1. The nearest Natura 2000 sites are;

- Deputy's Pass Nature Reserve SAC (site code 000717) is located 1.9km to the south of the appeal site.
- Vale of Clara (Rathdrum Wood) SAC (site code 000733) is located 4.7km to the
- The Murragh Wetlands SAC (site code 002249) is located 6km to the north-east.
- The Murragh SPA (site code 004186) is located 6km to the north-east.

## 5.3. Environmental Impact Assessment (EIA)

5.3.1. Having regard to the nature and scale of the proposed development comprising the erection of 5 no. polytunnels, water storage tank and relocation of existing car park with additional car parking and new vehicular access and circulation with the site there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can,

therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A third party appeal was submitted by William Doran on behalf of Paul Mc Coy. The issues raised concerns the following;

- The appellant raises matters concern the accuracy of drawings and whether they reflect the adjoining development.
- The scale of the proposed development is raised. The appellant states that there would be a 45% increase onto the existing built development.
- Concern is raised in respect of the proposed water storage tank and specifically in relation to any potential flood risk.
- In relation to the proposed relocation of the car park and increase in number of spaces the appellant queries the requirement for the car park and considers that the issues of noise and light which would be generated have not been satisfactorily addressed.
- It is submitted that the layout and location of the proposed truck turning area is not suitable.
- The matter of the proposed raised berm is highlighted. The appellant is unclear at the proposed location of the berm in relation to his property.
- Regarding the matter of lighting it is stated that the proposed low level and high level lighting locations are not indicated on the submitted plans.
- The proposed vehicular entrance is considered substandard in respect of design and sightline provision.
- Noise impact from the car park and the general operation of the premises including deliveries is raised.
- The visual impact of the proposal is raised. The height of the proposed car parking area is raised relative to the appellant's property. The height of the

proposed screening adjacent to the proposed polytunnels is 2m it is stated that the floor level of the proposed polytunnel is not provided. The existing ground level is between 7.7m and 7.8m. The roof ridge level of the polytunnels is 81m to 82m which is 3m to 5m above the top of the 2m screening. The appellant considers that the existing screening is inadequate and that the proposals in relation to visual screening and light pollution are wholly inadequate.

- Residential amenity concerns are raised in relation to the potential impact from lights in the car park.
- The matter of flooding is raised. The appellant states that there is annual flooding on site and that the proposal does not refer to this flooding. A swale is proposed in the flood zone area. Run-off from the car park is proposed to drain to the swale area. The appellant considers this would not operate correctly due to its location within the flood zone.
- The issue of run-off from the proposed green waste area is raised.
- Issues concerning the proposed upgrading of the treatment plant area raised.
- The proximity of the Roman Catholic Church in Glenealy circa 500m from the site is noted. The appellant notes this is a recorded roost of the brown long-eared bat. Concern is expressed in respect of potential impact from lighting in the proposed car park to the bats and other wildlife in the locality.
- Condition no. 8 of the permission granted by the Planning Authority refers to  $L_{eq}$  as 1 hour it should refer to  $L_{eq}$  (15 mins).
- It is submitted that the hours of operation should be limited to 8.00am to 6.00pm. The appellant specifically requests that the need for noise screening to protect the residential amenity of his property is addressed.
- The appellant requests that the Board refused permission for the reasons set out in the appeal.

## 6.2. Applicant Response

A response to the third party appeal was submitted by Brook McClure on behalf of the applicant O'Hanlon Herbs Limited. The main issues raised concern the following;

- Regarding the scale of the proposed development the appellant's statement that there would be a 45% increase onto the existing built development is wholly inaccurate. Much of the production in the proposed new tunnels will be purchase replacement. The tunnels will be productive seasonally but out of season they will be used for crop storage. The assumption that there is a direct correlation between the area covered and products out is misinformed.
- In relation to visual impact the appellant sets out that there is an overall lack of screening provided and that it negatively impacts his property. The matter of visual impact was assessed by the Wicklow Co. Council Planning Officer. The concluded that *"...the structure is acceptable from visual point of view. In any case the existing planting on site should be retained and reinforced."*
- The applicant does acknowledge the importance of boundary treatment and screen planting in order that the development is assimilated into the area. Therefore, the applicant is amenable to the attachment of a condition to address the screening in a comprehensive manner.
- The appellant has concern regarding the proposed water tank and the existing drainage system and they submit that there is a risk of flooding from burst pipes. Regarding the proposed water tank, they are built to hold large volumes of water without risk of breaking. It is noted that a large water storage unit has been on site for the past 10 years without incident and that it is part of a well-managed closed loop system.
- In relation to drainage on site the proposal contains comprehensive measures to contain water and manage drainage on site. This includes permeable surfaces and landscaping.
- The issue of light spill arising from the development is a concern to the appellant in respect of residential amenity. The applicant is amenable to any mitigation measures in relation to lighting being addressed with the

attachment of a condition. The Planning Authority accepted the low impact lighting plan.

- The applicant highlights that there is no lighting for crop production in the new tunnels. The company are exploring moving from the use of the current High Pressure Sodium HPS to more modern lighting solutions i.e. LED which would have no significant overspill.
- The appellant contends that noise from the development is having a negative impact on the neighbouring property. An additional assessment from an Acoustic Engineer is included with the third party appeal. The issue of noise impact was addressed in a comprehensive manner throughout the assessment of the application by the Planning Authority. It is noted that detailed noise surveys were carried out by the third party and the applicant. The matters in relation to noise as set out in the appeal do not raise any new issues that have not been previously considered.
- A noise assessment was carried out by Peter Johnston, Chartered Engineer with David L Semple & Associates. He reviewed the material submitted by the third party in respect of noise and concluded that in his professional opinion the appellant has not provided any material evidence that would warrant a refusal of permission on the grounds of noise. From an operational perspective the Board should note that the applicant is very aware of minimising the noise impact. The third party had concern at the running of diesel fridges these have now been replaced by much quieter electric fridges. Regarding forklift operations the applicant states that the warning siren for the single forklift can be disabled. It is noted that the forklift activity ceases by 10pm. The assertion that the business operates for 24 hours is without basis. The vast majority of staff employed work standard 9-5 hours.
- Regarding condition no. 8 which refers to noise monitoring both the third party and applicant's technical expert have highlighted an anomaly/error in the wording of the condition. This refers to the fact that the condition states that the  $L_{eq}$  is given as 1 hour, where it should state 15 minutes.
- Peter Johnston states that – “Whether or not a typographical error occurred, and whatever the intention of the Planner, it would be fair to say that, as

reflected in my main report of 3<sup>rd</sup> of December 2018, and indeed as it then rehearsed within the body of the Planner's report, 1 hour is the applicable  $L_{eq}$  measurement interval for day, but 15 minutes is the appropriate measurement interval for night"

- It is submitted that the noise monitoring conditions provides effective regulatory control of the development, to ensure that operations remain within an acceptable noise range and in accordance with all relevant standards.
- The appellant submits that no increase in traffic arising from the development is not credible. They also argue that the site access is limited and unsafe.
- In response to this the first party state that many of the appellants comments in relation to those issues are wholly inaccurate. The appellant is concerned that an increase in the scale of the operations on site will have direct effect on lorry movements however it is set out that the development is to provide polytunnels for purchase replacement and therefore there will be a neutral effect on movement.
- Regarding the access road, for clarification one road will become a private entrance to the domestic home at the rear of the site with negligible trip generation. The main entrance to the farm will serve as the only entrance. It is submitted that the proposal will improve the entrance and make it safer.
- The appeal refers to articulated truck access to the pack house, it should be noted that trucks are not loaded directly from the pack house but during the day from the pack house and glasshouse. There is no requirement for direct access to the pack house as loading can take place in the yard. It is submitted that turn truck movements operate sensitively out of hours however the company cannot economically and practically do haulage to the main distribution depots in daytime hours.
- The appellant contends that green waste is not banded. In response the applicant confirms that the green waste arising will be from fresh cut herbs from the pack house and also unsold living herbs from the glasshouse this includes compost. The company has a contract with local recycler Greenking to collect the waste on a regular basis. The green waste is placed at a

collection point it is not being stored to decay or compost on site. Therefore, the assertions regarding leachate are not relevant in this case.

- It is set out in the appeal that there are inconsistencies in the submitted drawings. In response to the first party submit that this assertion is without basis. The Planning Authority deemed the application to be valid and it went through a thorough assessment including a request for further information and new public notices. Therefore, any inconsistencies are not material to the assessment of the proposed development.
- Regarding appropriate assessment the first party note that the competent authority (Wicklow Co. Council) carried out screening for appropriate assessment and concluded that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.
- The first party request that the Board reject the grounds of appeal lodged by the third party and grant permission for the proposed development.

### 6.3. Planning Authority Response

- None received

### 6.4. Further Responses

**A further response was received from William Doran on behalf of the third party appellant Paul Mc Coy. The issues raised concerns the following;**

- The appellant raises the matter of the name of the applicant. They state that as detailed in the first party submission, Brook McClure Planning Consultants state that “they are instructed by O’Hanlon Herbs Limited....to lodge this first party response”.
- They state that O’Hanlon Herbs Limited is not a company registered in the Companies Registration Office and as detailed in the Planning Application form it would appear to be Dolmenview Limited. They submit that O’Hanlon

Herbs Limited does not exist as a legal entity and therefore the application is invalid.

- The appellant's concerns in relation to the scale of the proposed development, noise, the proposed water tank, visual impact, flooding, lighting, traffic and access, waste management and inconsistencies in drawings are reiterated.
- The matter of screening for Appropriate Assessment is also raised.

**A further response was received from by Brook McClure on behalf of the applicant O'Hanlon Herbs Limited. The issues raised are as follows;**

- The applicant's Planning Consultants have reviewed the submission from the third party and they conclude that it does not contain any new information which would be relevant to the Boards assessment of the case.
- They request that the Board note that the applicant is operating his business in a responsible and transparent manner. Issues raised in the appeal relating to the operational details of noise, access, hours and waste have been positively addressed through the application process and it is submitted to the Board that these issues can be addressed by the attachment of conditions.
- It is confirmed that the applicant name used is "O'Hanlon Herbs Limited" which is the trading name of Dolmenview Limited. It is noted that there is a long planning history of applications in the name of "O'Hanlon Herbs Limited" and that the applicant trades under "O'Hanlon Herbs".
- The appellant made several references to noise. A response to the issues raised was prepared by Peter Johnston Chartered Engineer and is submitted with the appeal response. The Board should note that where noise issues were raised they have been positively addressed by the applicant these include diesel fridges and fork lift beepers.
- In conclusion it is submitted that the applicant and the design team has made every effort possible to ensure that the proposed development provides the necessary facilities to serve the business while ensuring that there is no direct



impact arising from the proposal on the existing residential amenities in the area.

## 7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Impact upon residential amenity
- Visual amenity
- Vehicular access
- Drainage and effluent treatment
- Appropriate Assessment
- Other issues

### 7.1. Impact upon residential amenity

- 7.1.1. I note the concerns raised by the appellant with respect to noise and lighting. The appellant's property bounds the site to the north and west. The dwelling itself is setback 53m from the northern boundary and 77m from the western boundary.
- 7.1.2. The appellant submits that the noise generated from the development has a negative impact on the residential amenity of the area. As part of the further information and clarification of further information the Planning Authority sought the submission of a noise survey to be carried out by a suitably qualified professional with professional indemnity insurance to include the location of the boundary with the nearest noise sensitive locations over a 24 hour period during week day and weekend using appropriate noise descriptors and relevant ISO methodologies.
- 7.1.3. A noise assessment was carried out by Peter Johnston, Chartered Engineer with David L Semple & Associates. A noise survey was conducted over a 72 hour period

including weekend and weekdays between Saturday 17<sup>th</sup> of November 2018 and Tuesday 20<sup>th</sup> of November 2018. A further survey took place on Tuesday 27<sup>th</sup> of November 2018. The noise survey conducted included measurements of sound levels close to the articulated trailer used for refrigeration. The onboard refrigeration unit operated under Diesel powered engine and also from an electrical supply. The applicant advised Mr. Johnston that changes had been implemented in respect of incorporating into the haulage contract as a condition that trailer refrigeration units operating under their own Diesel engine power should use the electrical supply from the yard.

- 7.1.4. The sound level generated by the Diesel powered engine measured beside the unit was 76dB(A) and using electrical power it was 71dB(A). Noise testing was carried out at near boundary locations for 24 hour measurement. The LA<sub>eq</sub> levels varied between 45 dB(A) and 47dB(A) with the unit running and 45dB(A) and 46 dB(A) with the unit idle. It was concluded that the contribution of the refrigeration unit under electrical power to the overall sound at the boundary is considered to be very small. It is also noted that the proposed location of the polytunnels will provide some modest acoustic barrier effect. The night time measurements were generally below 45dB(A) apart from on Monday when there were readings of 46dB(A) and 47dB(A).
- 7.1.5. In relation to the operation of the fork lift truck the testing confirmed that the beeper on the forklift was clearly audible and distinguishable at the boundary. However, it is noted that the forklift is not used late at night after 10pm. Mr. Johnston advised that consideration could be given to replacing the original warning beeper with a bbs-tek alternative.
- 7.1.6. Having regard to the details submitted in respect of noise including the noise assessment I consider the matter has been satisfactorily addressed by the applicant. I would also recommend that a condition with respect to noise control be attached in order to alleviate any ongoing concerns to neighbouring properties in this regard.
- 7.1.7. The issue of light spill arising from the development is also of strong concern to the appellant in respect of residential amenity. Specifically, it relates to light which would be generated within the proposed car parking area. The applicant sets out that car park lighting is required to achieve 5 Lux to be provided by both low-level car park lighting and high level controlled directional lighting. The proposed car park is

located over circa 100m from the appellant's dwelling to the south. I note the proposed level of the car park as indicated on the Drawing No: PL/FL/02 'Proposed Site Layout Plan' is 74.905 this is 2.4m higher than the floor level of the appellant's house which has a floor level of 72.5. As indicated on Diagram 18-04 PL/FI/01 001 a 1m high planted earth mound is proposed to the south of the car park. The Planning Development and Environment Section of the Council in their assessment of the proposal concluded that the proposed planted earth mound would provide screening from car lights and low-level lighting within the car park. Having regard to the details set out above I would concur that subject to the provision of the proposed planted earth mound the subject car park would be satisfactorily screened to protect the neighbouring property from any undue lighting impact.

- 7.1.8. While, I note that the applicant is proposing a combination of low level and high-level lighting to the car park, precise design details and locations of the proposed lighting has not been provided with the submitted plans. Therefore, I consider should the Board decide to grant permission that a condition should be attached requiring a lighting scheme with external lighting design in compliance with the Guidance Notes for the Reduction of Obtrusive Light GN01:2011, to be submitted to the Planning Authority to be agreed in writing.

## **7.2. Visual amenity**

- 7.2.1. Objective AGR5 of the Development Plan refers to agricultural development it specifies that where new buildings are proposed the developments shall be compatible with the protection of rural amenities, and should not create a visual intrusion in the landscape or be the cause of an environmental nuisance.
- 7.2.2. In relation to the siting of the scheme it is proposed to the south and front of the existing buildings. The proposed water tank with a height of 3m is located to the south-west corner of the site. I note that the site boundary in proximity of the water tank is formed by mature coniferous trees which would screen it from the appellant's property to the east. The proposed polytunnels would have a maximum height of 6.7m. At the closest point the eastern section of the polytunnels would be located 5m from the boundary with the appellant's property. On inspection of the site I observed planting of semi-mature trees along this location.

7.2.3. The proposed new car parking area would be situated a minimum distance of 30m from the boundary with the appellant's property. As indicated on Drawing No: PL/FL/02 'Proposed Site Layout Plan' new hedge screening is proposed immediately to the south of car park which would screen it from view from the appellant's property. As detailed in the further information response to the Planning Authority screening of the southern boundary would include proposals to install grass mounds and imported mature planting. In order to ensure that visual amenities of the area are protected and that the proposed scheme is successfully integrated into the existing landscape, I consider that it would be appropriate to attach a condition requiring the submission of a comprehensive scheme of landscaping to be submitted to the Planning Authority for their agreement prior to commencement of development.

### 7.3. **Vehicular Access**

- 7.3.1. The appeal refers to the proposed vehicular access arrangements to serve the premises. They contend that the proposal is substandard in respect of design and sightline provision.
- 7.3.2. The site is served by the existing vehicular access located on the western side the local road, the L1096. As originally proposed under the application the new car parking area would be accessed off the existing access road. As part of the further information the applicant was requested to clarify planning status of the existing entrance. In response to the matter the applicant proposes to regularise the access arrangements. They propose to remove the existing field entrance gate to develop a widened entrance. As detailed on Drawing number PL/FI/02 - 'Proposed Site Layout Plan' the entrance would be widened from circa 14m to 28m. The existing driveway would remain with a new section of internal road linking the car park to the widened entrance. The appellant has queried how proposed layout would operate.
- 7.3.3. In response to the matter the first party confirmed in their appeal response that the existing road will become a private entrance to the domestic home at the rear of the site and there would be negligible trip generation.
- 7.3.4. In relation to the sightline provision at the revised entrance having inspected the site, I am satisfied that sightlines of 100m are available in both directions.

7.3.5. The appeal also refers to the matter of the proposed truck turning area. The first party response provides the following details in respect of the logistically setup of produce collection. It is highlighted that the trucks are not loaded directly from the pack house but during the day from the pack house and glasshouse. They state that there is no requirement for direct access to the pack house as loading can take place in the yard. As illustrated on drawing number PL/FI/02 - 'Proposed Site Layout Plan' a turning circle with a diameter of 25m is proposed. The radius of the turning circle would be 12.5m which is in accordance with the manoeuvrability criteria for turning circles for articulated vehicles as set out in the guidelines issued by the Road Safety Authority – 'Guidelines on Maximum Weights and Dimensions of Mechanically Propelled Vehicles and Trailers, Including Manoeuvrability Criteria' published in February 2019. Accordingly, I am satisfied that the proposed vehicular layout within the site provides for safe truck turning manoeuvres.

#### **7.4. Drainage and effluent treatment**

- 7.4.1. Under PA. Reg. Ref 15/263 permission was granted for the relocation of existing wastewater treatment system and install a 25PE Super BAF system. The polishing filter was designed to cater for a total of 46 staff and has an area of 285sq m. This development has not been carried out. As part of the further information request the applicant was required to address the adequacy of the wastewater treatment system to serve the proposed development.
- 7.4.2. In response to the matter the applicant proposed to re-size the polishing filter to cater for 62 people with an area of 375sq m and construct the wastewater treatment plant as permitted under PA Reg. Ref. 15/263. The proposed wastewater treatment system and polishing filter is indicated on Drawing No: PL/FL/02 'Proposed Site Layout Plan'. The percolation area is proposed over 11m to the south of the proposed polytunnels and 3m to the east of the proposed water storage tank.
- 7.4.3. The E.H.O was satisfied with these revised proposals to increase the size of the proposed effluent treatment system granted under PRR15/263 in order to service a population of 62 staff. Having regard to the information submitted, the existing permission for the upgrading of the effluent treatment system to serve the premises I would concur with the assessment of the planning authority that site is suitable for

the proposed on-site effluent treatment system subject to the system being constructed and maintained in accordance with the details submitted.

7.4.4. The matter of surface water drainage was raised by the appellant. In relation to drainage on site the proposal contains comprehensive measures to contain water and manage drainage on site. The applicant proposes to reduce water run-off. The new vehicular carriageway will be finished with a hard tarmacadam surface. The proposed car parking area will be finished with permeable gravel and permeable paved surfaces. The design of the new vehicular carriageway with the camber of the road will enable the surface water run-off to drain onto the adjoining gravelled areas. These proposals will provide for the sustainable drainage of surface water. Furthermore, I note that the premises is served by an existing surface water tank and the previously permitted facility granted under PA Reg. Ref. 15/263 includes a dedicated surface water collection tank.

7.4.5. The issue of flood risk was raised in relation to the proposed water storage tank and also the seasonal flooding which occurs due to the topography and hydrogeological conditions on site. In response the potential flood risk from the proposed water tank the first party submit that such tanks are designed to contain large volumes of water without risk of breaking. They also note that a large water storage unit has been in operation on site for the past 10 years without incident.

7.4.6. The appellant raises the issue of potential flood risk of his adjoining lands. In response to the matter the applicant proposes a swale or land drain to ensure that the remaining surface water is directed towards the natural low-lying area on the site. The ground level at this location is 71.5m. The floor level of the appellant's dwelling is 72.5m which is therefore 1m higher than this. Furthermore, I note as per the details indicated on the Drawing No: PL/FL/02 'Proposed Site Layout Plan' that there is a separation distance of over 80m from the swale to the appellant's dwelling. Having regard to the extensive surface water drainage proposals, I am satisfied that the proposed development would not give rise to any undue flood risk.

## 7.5. **Appropriate Assessment**

7.5.1. Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not

considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **7.6. Other issues**

- 7.6.1. The appellant stated that there is a discrepancy regarding the applicant's name on application and company name. In response to this the applicant's Planning Consultant confirmed that the applicant name used is "O'Hanlon Herbs Limited" which is the trading name of Dolmenview Limited. They submit that there is a long planning history of applications in the name of "O'Hanlon Herbs Limited" and that the applicant trades under "O'Hanlon Herbs". I consider this response satisfactorily addresses the matter.
- 7.6.2. The appellant has raised the matter of the adequacy of drawings. In response to the matter the first party note that the Planning Authority deemed the application to be valid and that it went through a comprehensive assessment including a request for further information and new public notices.
- 7.6.3. Having regard to the extensive detail on file including a number of revised drawings submitted by the applicant, I am satisfied that the applicant has provided more than sufficient material on which to make an informed assessment of all aspects of the proposed development.

## **8.0 Recommendation**

- 8.1. I recommend a grant of permission subject to the following conditions.

## **9.0 Reasons and Considerations**

Having regard to the nature and scale of the proposed development and 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 accord 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.

## 10.0 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> 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) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 14<sup>th</sup> day of November, 2018, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.



≤ 10)" – Environmental Protection Agency, 2009. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the installation and operation of the wastewater treatment system, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system 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 EPA document.

**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'. 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 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.

6. 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.

7.

(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.

8. 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.

(b) 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.

9. 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.

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Siobhan Carroll  
Planning Inspector

26<sup>th</sup> of July 2019