



An  
Bord  
Pleanála

## Inspector's Report ABP-305663-19

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<b>Development</b>	Timber products manufacturing facility including offices, canteen, toilets, parking and ancillary site works.
<b>Location</b>	Timmore, Newcastle, Co. Wicklow.
<b>Planning Authority</b>	Wicklow County Council
<b>Planning Authority Reg. Ref.</b>	19881
<b>Applicant(s)</b>	Warmridge Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Warmridge Ltd.
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	03/01/2020
<b>Inspector</b>	Emer Doyle

## 1.0 Site Location and Description

- 1.1.1. The site, which has a stated area of 0.8225 hectares is located in a rural area of Co. Wicklow, c. 0.5km south of the village of Newtownmountkennedy. The N11 National Road lies c. 100m to the east and the R772 c. 160m northwest. The site is accessed from the south off Timmore Lane.
- 1.1.2. The site is presently used as a yard and storage area by Abwood. The sales and display area for Abwood is located on a different site closer to the junction of Timmore Lane and the R772. The manufacturing facility lies c.150m east of the site on the other side of the N11. The access lane serves an existing dwelling and sheds immediately east of the site. There are a large number of one off houses within 200m of the site.
- 1.1.3. The western part of the site is occupied by a tarmacked yard with a further area of hardstanding to the north. The remaining site is unmanaged scrubby grassland. The site lies at an elevation of between 74 and 88m aOD, sloping gently northeastward.

## 2.0 Proposed Development

- 2.1. Permission is sought for the following:
  - Timber products manufacturing workshop including canteen, offices, toilet facilities (area 567m<sup>2</sup>)
  - Offices (area 124m<sup>2</sup>)
  - Yard for the storage of timber products and parking of vehicles
  - Display area for timber garden products
  - Car parking facilities
  - Access road
  - Package sewage treatment system including soil polishing filter in accordance with EPA 2009 standards and ancillary site development works/ services including landscaping and boundary treatment.

- Access will be taken from Timmore Lane through the existing entrance and the overall development will also include improvement works to Timmore Lane and the junction of Timmore Lane and the R772.
- A Transportation Assessment Report, a Dust Impact Assessment and a Noise Impact Assessment were included with the application.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission refused for two reasons relating to development plan policy and traffic safety.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

- The planner noted the light industrial and employment zoning on the site but expressed concern that the proposed manufacturing activity does not have any local resource, indigenous working tradition or set of skills that requires the development to be located at this particular site. It was considered that based on the information regarding dust and noise emissions, the development will not have an unreasonable adverse impact on the amenity of adjacent residences.

##### 3.2.2. Other Technical Reports

**Environmental Health Officer:** Required trial holes to be opened on site and available for inspection.

**Planning Development and Environment:** Recommended permission subject to conditions.

**Fire Officer:** Noted that a fire safety certificate was required.

**Roads Section:** Required Further Information.

### 3.3. Prescribed Bodies

**Irish Water:** No objection subject to conditions.

**Transport Infrastructure Ireland:** Recommended permission subject to conditions.

A report from **Traffic Infrastructure Ireland** (05/09/19) states that the Authority will rely on the planning authority to abide by official policy affecting national roads subject to the following:

- The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations arising should be incorporated as Conditions on the permission, if granted. The developer should be advised that any additional works required as a result of the assessment should be funded by the developer.
- All external lighting shall be fully assessed and designed to ensure the avoidance of glare and distraction to national road users and to avoid overspill to the adjoining national road network in the interests of road user safety.
- Proposals for any signage shall be assessed to avoid adverse impact to the operational efficiency and safety of the national road network through visual clutter and/or driver distraction.
- The N11, national road, drainage shall be safeguarded.

### 3.4. Third Party Observations

- None.

## 4.0 Planning History

### 4.1. Relevant History on this site:

#### **PA 17/882/ ABP- 301306-18**

Permission refused by Planning Authority and by ABP on appeal for timber products manufacturing facility comprising of timber products manufacturing workshop including canteen, offices, toilet facilities (924m<sup>2</sup>) office/ administration building

(166m<sup>2</sup>), yard for storage of timber products and parking of vehicles, display area for timber garden products, car parking facilities, access road, package treatment system together with improvement works to Timmore Lane and to the junction of Timmore Lane with the R722.

**PA 07/1434/ PL27.225489**

Permission refused by Planning Authority and by ABP on appeal for retention of chalet on part of this site.

**PA 07/2646/ PL06D.229830**

Permission refused by Planning Authority and by ABP on appeal for retention of buildings, alterations to factory, upgrading of junctions and associated site works.

## **5.0 Policy Context**

### **5.1. Development Plan**

The operative plan for the area is the Wicklow County Development Plan 2016-2022

Site zoned 'To provide for light industrial and employment use.'

Chapter 5 Economic Development

Section 5.6 - Economic Development in a Rural Area. Relevant Objectives –

Strategic Objective and RUR1 and RUR2.

EMP 12 – 'To provide for employment development at the following locations as shown on maps 5.01-5.07. Site is located on Map 5.07.

Appendix 12- Statement outlining compliance with ministerial guidelines.

Appendix 5 – Landscape Assessment

The site is located within 'Eastern Corridor' landscape category – Map 10.13 (d).

Figure 2.1 indicates that the site is located in an area of 'low sensitivity'.

## 5.2. Natural Heritage Designations

Sites within 15km of the site include the following:

The Murrough Wetlands SAC

The Murrough SPA

Carriggower Bog SAC

Glen of the Downs SAC

Wicklow Mountains SAC

Wicklow Mountains SPA

Wicklow Head SPA

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of the first party appeal can be summarised as follows:

- The scale of the proposed development has been reduced by about 35% from the previous application.
- The Abwood operation is heavily dependent on local resources and loyal local employment.
- The applicant is willing to accept a condition of any grant of permission that the existing facility at Timmore Lane/ R772 will be removed within 2 years from the date of any permission therefore removing the existing unsightly operations at the Timmore Lane/ R772 junction.
- Business requires a bespoke area due to the nature of the business.
- Lack of alternative sites in the surrounding area.
- The applicant is willing to accept a condition of any grant of permission to widen the road to either 5.5m or 6m, depending on how the Board wish to determine this technical issue.

## 6.2. **Planning Authority Response**

- None.

## 6.3. **Observations**

- None.

## 7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Impact on Residential Amenities
- Traffic Safety
- Appropriate Assessment

## 7.2. **Principle of Development**

7.2.1. The subject site is located within the rural townland of Timmore, Newcastle, Co. Wicklow. The area is primarily agricultural in nature. A number of types of uses are proposed as follows:

- Manufacturing: Prefabricated sections of garden sheds will be manufactured and shipped out by company trucks for erection on site.
- Sales: The office building will accommodate some direct sales from customers calling to the facility but most sales will be via on line. Smaller products will be available for sale and collection by customers.
- Display: Some of the timber garden products will be displayed on the site.

7.2.2. The site is zoned in the current Development Plan 'To provide for light industrial and employment use.'- Development Plan Map 5.07. I note that a previous application on the site was refused by the Board for a development of a larger scale which provided

for a timber manufacturing workshop including canteen, offices and toilet facilities of 924m<sup>2</sup> and an office building of 166m<sup>2</sup>. The previous application was refused by the Board for the following reason:

*'Having regard to the size and scale of the proposed manufacturing facility and offices taken together with the sales and display area and to the objectives of the planning authority as set out in the current Wicklow County Council Development Plan including RUR 1 and RUR 2, it is considered that the proposed development is excessive in scale and is not dependent on local resources. Furthermore, it is considered that the proposed development would seriously injure the rural amenities of the area, would detract to an undue degree from the rural character of the area, and would set an undesirable precedent for similar developments in the vicinity of the site. The proposed development would, therefore, be contrary to the objectives of the said Development Plan and to ministerial guidelines and be contrary to the proper planning and sustainable development of the area.'*

- 7.2.3. The proposed development provides for a manufacturing workshop including canteen, offices and toilet facilities of 567m<sup>2</sup> and an office building of 124m<sup>2</sup>. The key question for the Board in terms of the principal of development is whether the proposed reduced scale is an acceptable form of development for the site.
- 7.2.4. The information submitted in the cover letter submitted with the application indicates that Abwood is a local indigenous company that has been manufacturing timber products such as garden sheds, fencing, and timber buildings in the locality since the 1980's. Approximately 80 people were employed during the company's busiest period 2002-2007 but this has reduced to a total of 20 people at present. There has been a recent increase in demand from the construction and landscaping sectors and Abwood are well positioned to take advantage of this and to potentially double their workforce. Pre-cut timber will be imported onto the site from various sawmills and used in the manufacturing process. Prefabricated sections of sheds will be manufactured on site and shipped out by company trucks for erection on site. Smaller garden products and fencing will be available for sale and collection by customers. However, products will mainly be shipped off site directly by the company. The office on site will deal with direct sales from customers calling to the site but it is expected that most sales will be handled on-line through the company web-site. The appeal makes the case that the commercial operations of Abwood



require a bespoke area due to the nature of the business and that Abwood has a locational need to remain in the area due to its longstanding presence here and existing workforce and customer base.

7.2.5. Whilst I note the reduction in scale from the previous application, I still have serious concerns in relation to the scale of the development.

7.2.6. The planner's report states the following:

*'RUR1 allows for employment generating development in the rural area where it is proven that it requires to be located in a rural area (i.e. dependent on existing local resource) and will have a positive impact on the location. This development is not dependent on an existing local resource. Pre treated timber raw materials is to be imported from saw mills. There is no indigenous working tradition or set of skills that requires the development to be located at this particular site. There is no reason why this manufacturing facility cannot be located on zoned land within a settlement. There is no justification for it to be sited in this rural area. The development is contrary to RUR1. RUR2 allows for small scale commercial/ industrial development that are not dependent on existing local resource subject to criteria. These are considered as follows: - Scale: The proposed development is not small scale. It includes a 567m<sup>2</sup> manufacturing facility and a 125m<sup>2</sup> office facility. The facility will employ additional staff and will be frequented by visiting members of the public. I also note the size and scale of the proposed site and facility relative to the existing site and facility. The overall size and scale of the proposed facility is not appropriate to the location and characteristics of the development. The facility draws customers from a wide geographical area and is not required to locate at this location for proximity to customers....'*

7.2.7. I concur with the planner's report. This is not a small scale local business employing a small number of people. A total of 20 people are presently employed and the cover letter submitted with the application indicates that this could potentially double. It is not resource dependent. Timber is imported from elsewhere and no local produce is used. The current business attracts customers visiting the site and I cannot see how this business will operate differently. Whilst there may well be some online sales, the nature of the product is that customers will want to view the product in person. The scale of the premises proposed is very large for a site in a rural area where the other

uses in the area are generally typical rural uses - 567m<sup>2</sup> timber manufacturing and 125m<sup>2</sup> offices. The information submitted with the application indicated that the company is a leading supplier of timber products to the trade and retail markets. Furthermore, the company has long standing commercial relationships with Woodies, Brooks Thomas and Chadwicks and more recently have been approached by B and Q and other major retailers to supply timber products. I do not consider this to be a small scale rural business and the large companies and customers described above are not local to this part of Wicklow. I note that the reason for refusal states that it would be contrary to Ministerial Guidelines. A statement in Appendix 12 of the plan in relation to this site refers to 'small scale local employment on a previously developed site'. I note that whilst the site was 'previously developed', this use was the subject of a retention application and appeal which was refused by An Bord Pleanála. Notwithstanding the current zoning on the site and the reduced scale as proposed in this application, the scale proposed is excessive for a rural area and would detract from the rural character and rural amenities of the area in my view.

### **7.3. Impact on Residential Amenities**

- 7.3.1. The second reason for refusal by the Board in the previous application on the site considered that insufficient information had been submitted to demonstrate the impact of the proposed development in terms of noise and dust emissions on the residential amenities of adjacent properties in the vicinity. There are several residential dwellings in the vicinity of the site, the closest one being some 20-30m from the southern site boundary.
- 7.3.2. In order to address this reason for refusal, a noise impact assessment and a dust impact assessment report were submitted with the application.
- 7.3.3. The dust impact assessment considers that the greatest impact will be during the construction phase. During the operational phase, there will be 3 small crosscut saws which will operate in order to manufacture the various timber products. A number of dust mitigation measures are outlined in Section 5.1 to control dust. Once these measures are in place, dust emissions from site activities should not pose an issue to the nearby sensitive receptors.

- 7.3.4. The noise impact assessment identifies potential noise sources in Table 5. Figure 3 identifies the nearest houses in the vicinity of the site which are considered to be noise sensitive locations. The main sources of noise are from machinery and tool noise, customer vehicles and forklift movements, and delivery vehicles. There will be no evening or night-time activities on the site. Noise for the anticipated construction activities has been predicted to be below the relevant noise criteria at the nearest noise sensitive locations. During the operational phase, the predicted cumulative noise level is in the range of 48 to 49dB  $L_{Aeq, 1hr}$ . This is below the relevant daytime noise criteria, i.e. 55dB  $L_{Aeq, T}$ .
- 7.3.5. Information submitted with the application states that pre-cut timber products will be imported from sawmills elsewhere and the manufacturing process will remain within the building. I consider that this would be helpful both in terms of limiting noise and dust emissions. Consequent to my site visit and noting the nature of the activities proposed, in my view the proposed development would not be likely to give rise to noise or dust levels that would adversely affect the residential amenities of the area.

#### 7.4. **Traffic Safety**

- 7.4.1. The second reason for refusal by the Planning Authority related to traffic safety issues. The main areas of concern were in relation to the lack of information provided to demonstrate that the applicant has sufficient interest in the lands required to facilitate works for the required sightlines and road widening and the reliance on keeping hedges trimmed in order to provide adequate sightlines.
- 7.4.2. The traffic speed in the area change on the 1<sup>st</sup> of December 2017 to 80kph. The increased speed limit requires a sightline at the junction of Timmore Lane with the R772 of 160m in both directions. These sightlines are currently not available at this junction. The required sightlines can be achieved in both directions by a combination of lowering a mound at the back of the road edge, keeping hedgerows trimmed and the provision of a timber fence as indicated on the drawings submitted.
- 7.4.3. In the previous application, the applicant proposed to widen the 210m length of road between the site entrance and the R772/ Timmore Lane junction to 6m width. The Area Engineer had expressed concern in relation to increased speeds if this road was widened to 6m and recommended a width of 5.5m.

- 7.4.4. Drawings submitted with the application and the Traffic Impact Assessment indicate that it is proposed to widen this section of the road to 5.5m. Having regard to the reduced scale of development from the previous application which provided for a timber manufacturing workshop including canteen, offices and toilet facilities of 924m<sup>2</sup> and an office building of 166m<sup>2</sup> to the current application which provides for a manufacturing workshop including canteen, offices and toilet facilities of 567m<sup>2</sup> and an office building of 124m<sup>2</sup>, taking together with the likely reduced traffic arising from the proposed development, I consider that the 5.5m width proposed is acceptable. I note that the proposed scale of the development is reduced by c. 36%.
- 7.4.5. The applicant has provided a letter of consent from the adjoining owner in relation to improvements of sightlines at the entrance. Section 2.13 of the Traffic Impact Assessment states that *'We understand that Warmridge control and/or have the consent of the landowners at the R772/ Timmore Lane junction to deliver these 160m sightlines in either direction and are prepared to undertake the works required to deliver these localised boundary setback works as indicated on NRB-TA-001-1 and 0001-2.'* The appeal response does not include any letters of consent in order to address the second reason for refusal by the Planning Authority. Should the Board be minded to grant permission for the proposed development, it may be appropriate to seek clarification in relation to this matter. Subject to the provision of the proposed sightlines, the road widening and junction improvements, I am satisfied that the proposed development would not give rise to an undue traffic hazard or obstruction of road users, and would be acceptable in terms of traffic safety and convenience.

## 7.5. **Appropriate Assessment**

- 7.5.1. Having regard to the nature and scale of the proposed development and the distance 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.

## 8.0 **Recommendation**

- 8.1. I have read the submissions on file, visited the site, and had regard to the provisions of the Development Plan and all other matters arising. In the light of this and the

assessment above, I recommend that permission be refused for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

1. Having regard to the size and scale of the timber manufacturing and offices proposed taken together with the sales and display area and the objectives of the Development Plan including RUR 1 and RUR 2, it is considered that the proposed development is excessive in scale and is not dependent on local resources. Furthermore, it would set an undesirable precedent for similar developments in the vicinity of the site. The proposed development would, therefore, be contrary to the objectives of the Wicklow County Development Plan 2016-2022. The proposed development would not, therefore, be in accordance with the proper planning and sustainable development of the area.

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**Emer Doyle**  
**Planning Inspector**  
**22/01/2020**