



An
Bord
Pleanála

Inspector's Report

ABP-308290

Development	RETENTION: retention of palisade fence and vehicular entrance gate to the Old Ashtown Reservoir
Location	Ashtown Lane, Wicklow Town
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	20677
Applicant(s)	Vartry Angling Club
Type of Application	Permission to Retain
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Vartry Angling Club
Observer(s)	None
Date of Site Inspection	1 st December 2020
Inspector	Suzanne Kehely

1.0 Site Location and Description

- 1.1. The site is located on the western outskirts of Wicklow town - about 1.5km south west of the town centre. Ashtown Lane is a narrow poorly aligned road with some very low density/one-off housing concentrated mainly south of the site. Wicklow RFC is further south. The land is elevated above the town and it is predominantly rural in character with no footpaths or streetlighting in the vicinity of the site. The road is enclosed by mature hedgerows.
- 1.2. The site relates to the old Ashtown reservoir and is used by the Vartry Angling Club mainly as a private amenity. The entrance is on the west side about 800m north from the roundabout junction with the R751 - a radial route into the town, and the R752 which is an orbital route. It is about 300m south from the junction with Rocky Road, another radial route to the town.
- 1.3. At present the palisade fencing and gates enclose the entrance which includes splayed stone faced and concrete capped wing walls and boundary walls. The fencing is to the front of the walls. The site frontage extends to around 17m. Part of the fencing each side of the splayed walls is obscured by vegetation.
- 1.4. The original waterkeepers lodge is inside the entrance and visible through the gates and a driveway leads to the reservoir and car parking area.
- 1.5. At time of inspection no cars passed and it would appear that it is very lightly trafficked owing to the limited development and alternative routes to the town.
- 1.6. The site is owned by Wicklow County Council and the Vartry Angling Club has a lease.

2.0 Proposed Development

- 2.1. Permission is sought to retain the 2.1m high palisade fencing and gates in its present position in front of a 1.2m high stone wall. Other than painting the stainless steel fencing to match the palisade fencing, no additional works are proposed.
- 2.2. The application is accompanied by a cover letter which explains that:
 - The club is 36 years old and has 143 registered members. There are also open days for the community to enjoy the countryside and flora and fauna.

- The club has progressively maintained and improved its facilities such as anglers shelters and an innovative symphonic overflow drainage system.

2.3. The reasons for the fencing and gates are security based:

- To address trespassing and a misapprehension that there is right of way. There is concern over trespassers swimming in the reservoir which is a very deep body of water.
- The stainless steel fence had to be added after trespassers damaged hedging and chicken wire to gain access.
- The site is vulnerable to fly-tipping and dumping.
- Deers are regular visitors and this will deter them from wandering onto Ashtown Lane.

2.4. The application is also accompanied by a letter of consent from Wicklow County Council for the application.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission on grounds of visual amenity:

- Having regard to the design and location of the palisade fence and gate in front of the existing stone wall it is considered that the proposed palisade fence and gates would be out of character with the existing stone wall and surrounding area. The overall development would seriously injure the visual amenities of the area and adversely affect the character of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The principal of a gate is acceptable however there is concern about the poor design and industrial nature of the fencing and its location in front of the stone wall. It is considered that it fails to integrate with the existing wall and is out of

character and unacceptable for this location. It would have a negative impact on visual amenity.

3.2.2. Other Technical Reports

None

3.3. Prescribed Bodies

None

3.4. Third Party Observations

One letter objection was noted by planning authority . It refers to inconsistent design with houses in the surrounding area. No attempt has been made to integrate with existing wall.

4.0 Planning History

4.1. The site

PA ref. UD5178 refers to a concurrent application for retention of gates and fencing.

PA ref. 18/867 refers to permission for a container and lakeside anglers shelter for shelter and storage.

5.0 Policy Context

5.1. Development Plan

5.1.1. The sites is part of the Old Ashtown Reservoir which falls within the strategic land bank set out in the Wicklow Town- Rathnew Development Plan 2013-2019 and is described in correspondence as falling within a rural zone. This zone borders a small residential zone and the entrance appears to fall within this delineation on the map as the road which is white is flanked by the yellow shading. The planning authority states that the map is not precise.

5.1.2. Chapter 7 of the Wicklow County Development Plan 2016-2022 sets out Tourism and Recreation policies and objectives. T27 seeks to encourage eco-tourism

projects or those projects with a strong environmentally sustainable design and operational ethos.

- 5.1.3. Objective T 2 states it is an objective to ensure that all tourism and recreation developments are designed to the highest quality and standards.

5.2. **Natural Heritage Designations**

- 5.2.1. The Murrough SPA Site Code 004186 is over 1.7km from the site on the coastal side of Wicklow Town and is the nearest site. Wicklow Head SPA Site Code 004127 is also on the coast and is further south at around 3km from the site.

5.3. **EIA Screening**

- 5.3.1. Having regard to the existing development on site, the nature and scale of the proposed development and the location of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental 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**

- 6.1.1. A First-party appeal has been lodged by the applicant and the grounds of the appeal refer to best efforts to blend in with the area with the intention of protecting and securing the area in good faith. This is supported by the following points:
- Crime Prevention Report (attached - refers to the security risks posed by the deep water, steep embankments and adding filter beds and recommends that similar fencing to gate should be erected to prevent trespass.
 - Similar fencing in the vicinity of housing .
 - It is disputed that the fencing is out of character – the area is predominantly agricultural – e.g. most of the eastern side of the road. (photographs and video attached)

- The stone wall is of a random stone-faced concrete structure.
- The decision to place fencing to the front is intended to inhibit climbing over the fence and littering behind wall.
- There are parallels with this case and the car park for St. Patrick's Church in respect of the need to regulate access. In that case similar palisade fencing was used and that is a Protected Structure.

6.2. Planning Authority Response

- No further comment

7.0 Assessment

7.1. This appeal relates to the retention of fencing at the entrance of the old Ashtown reservoir which is used by the Vartry Anglers Club for recreational purposes. The issues relate to security and visual amenity.

7.2. The applicant makes the case that the fencing and gating is needed to secure the site. I consider the need for this is quite self evident given the nature of the reservoir waters and filter beds, the absence of continued supervision and the occurrence of trespassing in what is a relatively isolated area on the outskirts of a large town. The Crime Prevention report clearly specifies the need for fencing along the boundary of similar specification to the gates. The planning authority however objects to the design and the positioning of the fencing in front of a stone wall.

7.3. In the context of the surrounding area and character of the land I do not consider the palisade fencing to be unduly out of character. I also consider regard has to be had to the nature of the user who is a tenant and facilitates a small community group of 146 members. While clearly a bespoke railing design and new plinth wall would provide a more aesthetic long term solution it seems unreasonable to place this burden on a tenant which is a small club in the community. In any event I do not consider the fencing to be entirely objectionable. The stone wall is not of any significant merit – being concrete capped and of stone faced construction. Furthermore, the views of the entrance are extremely limited given the alignment of

the road and the tall hedgerow. In view of the overriding security concerns I consider that permission for retention should on balance be granted.

- 7.4. A temporary condition would however be appropriate to facilitate a review of the boundary treatment in the context of the long-term future uses of the site and surrounding area which is part of a strategic land bank and lands subject to an action plan area on the opposite side of the road.
- 7.5. Other matters: There is mention of deers in the site at large and the potential for the deer to stray onto the road. I note in the photographs that the entrance was previously gated and although lower in height I do consider the replacement of gates to be a material issue to the ecology of the site.
- 7.6. Development Contribution: As the proposal does not increase any floor area or materially alter the use of the site and essentially relates to alterations to an existing boundary wall, there is no basis for an increase in demand on infrastructure. Accordingly I do not consider there to be any basis for attaching a section 48 development contribution.

8.0 Appropriate Assessment

- 8.1.1. 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.

9.0 Recommendation

- 9.1. I recommend that permission to retain be granted subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the provisions of the Wicklow County Development Plan 2016-2022 and the Rathnew Wicklow Town Development Plan 2013-2019, the predominantly rural character of the area, the limited scale of the development and its nature, it is considered that subject to compliance with the conditions set out

below, that the proposed retention of development would be in the interest of public safety and would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development proposed to be retained shall be retained, 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

Reason: In the interest of clarity.

2. This permission shall be for a period of 7 years from the date of this order. The fencing and gates shall then be removed unless, prior to the end of the period, permission for their retention has been obtained.

Reason: To allow for a review of the development having regard to the circumstances then pertaining and in the interest of visual amenity.

Suzanne Kehely
Senior Planning Inspector

14th December 2020