



An
Bord
Pleanála

Inspector's Report ABP-310210-21

Development	Construction of boundary fence
Location	Abbott Diabetes Care , Lurganboy, Donegal Town, Co. Donegal
Planning Authority	Donegal County Council
Planning Authority Reg. Ref.	2150400
Applicant(s)	Abbott Ireland.
Type of Application	Retention of Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Niall Bruton.
Observer(s)	None.
Date of Site Inspection	5 th June 2021
Inspector	Paul Caprani

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1.0 Site Location and Description

- 1.1. The Abbott Ireland Diabetes Care site is located 2 km due south of Donegal Town Centre. The subject site relates to a triangular area of meadowland which has been planted located to the north of the main Abbott Manufacturing Plant on site. It is bounded to the north-west of the R267 and the north-east by the Raroeey Road which leads directly to the Abbott Plant. Lands between the subject site and the main manufacturing plant comprises of open grassland. The fence for which retention of planning permission is sought, encloses an area of 0.536ha.
- 1.2. The surrounding area is characterised by light industrial uses. A kitchen supply store is located to the south of the Abbott facility, Donegal Waste and Recycling is located to the south east of the site, Moll Industries Ireland and Donegal Craft Centre are located to the north of the site.

2.0 Proposed Development

- 2.1. Retention of planning permission is sought for the construction of a 2.4 m high palisade fence surrounding the area of woodland and enclosing the 0.536ha of land. The fence is coated in a green plastisol finish and is embedded in a 300mm concrete base.

3.0 Planning Authority Decision

3.1. Decision

Donegal Co Council granted permission subject to 4 standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The planner's report noted that the principle of the development is acceptable. The removal of the conifer trees in the northern part of the site has greatly improved the visual amenities of the area. The planting of native species behind the fence is also noted. It is not considered that the proposal will give

rise to any appropriate assessment issues. It was therefore recommended that planning permission be granted.

3.2.2. Other Technical Reports

None

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

One submission was received by the current 3rd Party appellant which expressed concerns in relation to visual amenity.

4.0 **Planning History**

- 4.1. The planner's report makes reference to two applications associated with the main Abbott facility in the southern portion of the site. There appears to be no other relevant history.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.1.1. In the Donegal Local Area Plan the subject site is zoned for economic development with the zoning objective to 'to reserve land for appropriate economic development (including industry, warehousing /storage, offices / call-centres and research and development – excluding retailing).

5.2. **Natural Heritage Designations**

The site is not located within or contiguous to a Natura 2000 Site. The nearest Natura 2000 site is The Donegal Bay (Murvagh) SAC Site Code (000133) and the Donegal Bay SPA (Site Code 004251) both of which are located c.250m to the west of the subject site.

5.3. EIA Screening

The development for which retention of planning permission is sought is not a class of development for EIAR.

6.0 The Appeal

6.1. Grounds of Appeal

The decision was appealed by Niall Bruton of Donegal Craft Village, in the vicinity of the subject site. The grounds of appeal are outline below:

- The planners report is incorrect in stating that the woodland removed from the site was coniferous woodland, it was in fact mixed woodland that was used to screen the Abbott facility.
- The Planner's report has referred to the presence of unauthorised fencing as precedent to allow for the extensions of additional palisade fencing in the vicinity. A previous application on the which was granted planning permission (reg. ref. 1751761) indicated in the landscaping plan that a rail wooden fence would be used along the L-6695-1.
- The local authority planner incorrectly states that there is similar fencing located in the vicinity.
- The proliferation of such palisade fencing in the area will lead to a significant diminution of the scenic amenity of the area. The Donegal Craft Village is an important tourist amenity. The palisade fencing will create the appearance of a fortified industrial estate.
- The planting in the vicinity of the fence does not, as suggested in the planner's report, mitigate against the visual appearance of the fence. It is also incredulous that the planner's report would commend the removal of trees within the boundary of the site.
- The fence offers little security as large tracts of the perimeter are bounded by a post and rail fence.

- The planners report shows a total disregard for the Donegal Craft Village development in the vicinity that attracts over 40,000 visitors a year.
- The appellant is of the opinion that the fence is visually intrusive.
- There is a feeling that Abbott are only concerned in the aesthetic of the front entrance to the facility and are not at all concerned about the rear of the premises which leads to the Craft Village.
- A number of annotated photographs are submitted with the appeal supporting the contentions made in the submission.

6.2. Applicant Response

- The subject site is zoned for economic development and the site is located within an established manufacturing area.
- The applicant has cleared and landscaped the site in question, which has improved the visual amenities of the area. The trees were removed by the applicants under licence. This is not a relevant planning consideration.
- Notwithstanding what is stated in the grounds of appeal, there is similar type fencing in the area.
- The impact of the fence on the craft village is negligible as it is a continuation of an already established fence around the site. The continuation of the fence is less visually obtrusive than providing different types of fences along the boundary.
- Sightlines have been greatly improved as a result of the fence.
- The craft village has no specific or sensitive designation.
- The palisade in no way contravenes any of the objectives in the county development plan as suggested.

6.3. Planning Authority Response

- A response from the planning authority states that the application was thoroughly assessed, and a site inspection was undertaken by the local

authority planner. The retention of the fence is considered appropriate and extensive planting was undertaken as part of the landscaping plan which will benefit the appearance of the fence going forward. This will benefit the appellants business and other businesses in the vicinity.

6.4. Observations

- No observations were received.

6.5. Further Responses

- None received.

7.0 Assessment

7.1. I have read the entire content of the file and visited the subject site and its surroundings. I consider that the pertinent issues, namely:

- The nature and the zoning relating to the subject site and its surroundings.
- The visual impact arising from the fence construction.

The grounds of appeal argue that the fence for which the retention of planning permission is sought, is inappropriate on scenic amenity grounds and will result in an undesirable precedent for similar type fencing in the vicinity. With regard to precedent, I would refer the Board to the photographs attached which clearly indicate the presence of palisade fencing around the Donegal Waste and Recycling facility on the R267 which is on the approach road to the subject site and the Donegal Craft Village Shop. Metal fencing is also apparent around the perimeter of the Kitchen and Bedroom supply store adjacent. I would therefore conclude that a precedent does exist for similar type fencing in the vicinity.

Perhaps more importantly, while it is fully accepted that the Donegal Craft Village and Gift Shop is a very important tourist attraction, it is nevertheless located in a peri-urban area on the southern outskirts of Donegal Town. It is also located within and amongst industrial and light industrial uses which include, The Abbott Facility, a cash and carry kitchen and bedroom warehouse, Moll Industry which also produces medical products and a wholesale shop selling electric heaters and radiators. The

appellants premises, therefore, while being a tourism-based enterprise; it is located in an area which is industrial/ light industrial in character.

If the tourist product on offer was located in the pristine rural area of high landscape quality, I consider that strong arguments could be made against the provision of extensive palisade fence. However, the receiving environment in this instance has been heavily modified and accommodates a variety of commercial, industrial and light industrial uses. The prevailing land use in the area is reflected in the zoning objective *‘to reserve land for appropriate economic development (including industry, warehousing /storage, offices / call-centres and research and development – excluding retailing’*. Therefore, the provision of palisade fencing around the perimeter of the facility is not in my view either inappropriate or incongruous. The Board should also note that the fence for which retention of permission is sought is not visible from within the confines of the Donegal Craft Village Site.

With regard to the nature of trees that were removed at the north-western perimeter of the site, I would agree with the appellant that they were not exclusively conifer in nature. It is clear from Google Earth Photographs, that the stand of trees in question were in the main, conifer with some semi-mature deciduous trees along the roadside boundary. The removal of these trees did not result in any material diminution on the visual amenities of the area in my opinion as the conifer tree was the dominant tree type within this small woodland area. The more formal planting arrangements within the perimeter of the fence will in my view, overtime, soften the visual impact of the palisade fencing. The Board could also consider augmenting the landscaping along the fencing area with the planting of a denser hedgerow within the perimeter of the fence. This would soften the presence of the palisade fence. Additional landscaping could be implemented by condition.

8.0 Appropriate Assessment

- 8.1. Having regard to the nature and scale of the fence for which the retention of planning permission is sought, and nature of the receiving environment together with the 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. On the basis of the above assessment therefore, I would recommend that the Board uphold the decision of the planning authority and grant planning permission for the retention of the palisade fencing.

10.0 Reasons and Considerations

It is considered that the retention of palisade fencing in an area where the land use zoning objective seeks to 'to reserve land for appropriate economic development' would not seriously injure the visual amenities of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be retained 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>No surface water from the subject site shall be permitted to discharge onto the public road.</p>

	Reason: To prevent flooding
3.	<p>The landscaping of the development shall incorporate a continuous hedge of indigenous species (e.g. holly, hawthorn or beech) which shall be planted for the full length of the boundary along the inside of the palisade fence.</p> <p>Reason: In the Interest of visual amenity.</p>
4.	<p>The developer shall pay to the planning authority a financial contribution of €1,103euro) 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.</p> <p>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</p>

Paul Caprani
Planning Inspector

13th June 2021