



An
Bord
Pleanála

Inspector's Report

ABP-311405-21

Development	Agricultural storage shed and associated site works.
Location	Grange, Killinick, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20211040
Applicant(s)	Barry Devereux.
Type of Application	Permission.
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Observer(s)	None.
Date of Site Inspection	23 rd June 2022.
Inspector	Barry O'Donnell

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.25ha and is located in townland of Grange, north of Killinick and in a rural part of County Wexford. The site consists of section of a larger field that is used for tillage purposes and which at the time of my site visit contained barley. The applicant indicates that his tillage operation encompasses an area of c.25ha around the subject site.
- 1.2. The site is at the southern corner of the field, adjacent to a stone track access that provides access from the N25. The site is accessed from the N25, via a junction c.600m south-west. The access, which has a hard surface closer to the junction with the N25, also provides access to residential properties that are clustered around the junction, a farmyard complex and other farmlands.
- 1.3. The farmyard complex is around 300m south of the site and contains a variety of buildings, including animal housing and storage barns. This complex is unconnected to the applicant's farm enterprise.

2.0 Proposed Development

- 2.1. The proposed development entailed within the public notices comprises the erection of an agricultural storage shed for the storage of straw and loose farm machinery and including associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority refused permission on 20th August 2021, for 1 reason as follows: -
 1. It is considered that the proposed development would endanger public safety by reason of traffic hazard because of the intensification of use of the existing access by an agricultural machinery shed directly onto the heavily trafficked N25 National Route at a point where the maximum speed limit applies. It is also considered that the increased traffic turning movements generated by the agricultural shed at a location where sightlines are compromised would interfere

with the safety and free flow of traffic on the public road, and would contravene the objectives of the planning authority to preserve the level of service and carrying capacity of the National Road and to protect public investment in the road. The proposed development, by itself and by the precedent which a grant of permission would set for other similar development, would adversely affect the use of a national road and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. A Planning Report dated 18th August 2021 has been provided, which reflects the decision to refuse permission. The report states that the proposal is largely similar in planning impact to a previously refused proposal for an agricultural shed on the site and that whilst the principle of the proposal is acceptable, the proposed road access from the N25 National Primary Road is not acceptable. No concerns are expressed regarding the proposed design and scale of the shed. The report recommends that permission for the development be refused, for 1 reason, which is consistent with the Planning Authority's decision to refuse permission.

3.2.2. Other Technical Reports

The planning report indicates that the **Roads Department** was consulted but did not comment on the application.

An **Environment** section report has been provided, which recommends conditions as part of a grant of permission

3.3. **Prescribed Bodies**

3.3.1. The planning report indicates that the Department of Housing, Local Government & Heritage was consulted on the application, but did not make a submission.

3.4. **Third Party Observations**

3.4.1. None.

4.0 Planning History

20210045 – Permission refused on 10th March 2021 for the erection of an agricultural storage shed for the storage of straw and loose farm machinery and all associated site works. Permission was refused for 1 No. reason, related to the creation of a traffic hazard arising from intensification of use of an existing access and where sightlines are compromised.

5.0 Policy Context

5.1. Wexford County Development Plan 2013-2019

5.1.1. The County Development Plan 2013-2019 remains the operative development plan for the area.

5.1.2. The site is in a rural, unzoned part of County Wexford. Relevant development plan objectives include: -

Objective ED20: To facilitate and support the development of sustainable agriculture practices and facilities within the county subject to complying with normal planning and environmental criteria and the development management standards in Chapter 18.

Objective T20: To avoid the creation of any new direct access points from development or the generation of increased traffic from existing direct access/egress points to the national road network to which speed limits greater than 60kph apply. The Planning Authority may apply a less restrictive approach in a limited number of exceptional circumstances for access onto non-motorway sections of national roads for development in the following categories:

(1) Developments of national and regional strategic importance which by their nature are most appropriately located outside of urban areas, and where the locations concerned have specific characteristics that make them particularly suitable for the development proposed. In considering the appropriateness of making any such exception the Planning Authority will also take the following matters into account:

- The relevance and appropriateness of the proposed development in supporting the aims and objectives of the National Spatial Strategy and the Regional Planning Guidelines for the South-East Region 2010-2022.
- The requirements of other planning guidelines issued under Section 28 of the Act including the Retail Planning Guidelines (2012) which includes a general presumption against large retail centres being located adjacent or close to existing, new or planned national roads, including motorways.
- The nature of the proposed development and the volume of traffic to be generated by it and any implications for the safety, capacity and efficient operation of national roads.
- Any plans for future upgrades of national roads and other transport infrastructure/services.
- The suitability of the location compared to alternative locations.
- The pattern of existing development in the area.
- The precedent that could be created for cumulative development in the area and the potential implications for the national road network.

(2) Developments relating to existing established large enterprises and employers on the national road network such as at Irish Country Meats (N11) and Slaney Meats (N80) which are identified on Map No. 9.

(3) Developments on zoned land on identified stretches of national road (see Map No.10a, 10b, 10c and 10d relating to significant enterprises and employers, existing and potential/proposed, and development relating to other significant uses on appropriately zoned lands. These lands are zoned under Enniscorthy Town and Environs Development Plan 2008-2014 (Map No. 10a), New Ross Town and Environs Development Plan 2011-2017 (Map No. 10b), Bunclody Local Area Plan 2009-2015 (Map No. 10c) and Clonroche Local Area Plan 2009 (Map No. 10d). In identifying the sections of road to which this exception applies the Planning Authority has had regard to the fact that the stretches of road identified in the Enniscorthy, New Ross and Clonroche plans are on sections of road which are to be by-passed.

The Planning Authority will carry out further detailed evidenced-based assessment of the lands when these plans are being reviewed with a view to demonstrating that any

necessary exceptions can be accommodated without compromising the safety capacity and efficiency of the national road network.

In any case, and in particular in the case where applications may be submitted in advance of the review of these plans, the applicant will be responsible for preparing a Road Safety Audit, prepared in accordance with the Design Manual for Roads and Bridges (NRA, 2010) where appropriate, and a Transport and Traffic Assessment and the planning authority will use the evidence provided together with available data to establish an evidence base which demonstrates that any proposed development will not compromise the safety, capacity and efficiency of the national road network.

The Council will also review the speed limits in areas where existing employers or zoned land exists with the intention of reducing, where appropriate, the speed limits and subject to the appropriate statutory process.

(4) Intensification of use of existing accesses onto the national road network where there is an existing development (for example at St Senan's Hospital) but that such intensification would not result in a material intensification such that the proposed development would compromise the safety, capacity and efficiency of the national road network. In all four categories such exceptional circumstances:

- It must be demonstrated by the applicant that the development is compliant with proper planning and sustainable development, that there is no alternative access/egress point available other than to the national road network at a location where a speed limit greater than 60kph applies and that the envisaged usage of the access/egress point will not compromise the safety, capacity and efficient operation of national roads.
- The applicant will be responsible for preparing a Road Safety Audit, prepared in accordance with the Design Manual for Roads and Bridges (NRA, 2010) where appropriate and a Transport and Traffic Assessment. The Planning Authority will use the evidence provided together with available data to establish an evidence base which demonstrates that any proposed development will not compromise the safety capacity and efficiency of the national road network.
- The applicant will be required to provide satisfactory details of proposed demand management measures.

- The applicant will be required to provide the appropriate funding to provide any capacity enhancements or traffic management measures identified as required.
- The development will be subject to the development management standards outlined in Chapter 18.

Objective T24: To require that a Road Safety Audit (RSA) be undertaken for development proposals which require new or significant changes to an existing access/egress point to a national road in order to fully assess implications for safety on national roads. The RSA shall be prepared in accordance with the Design Manual for Roads and Bridges (NRA, 2010).

The Council will also review the speed limits in areas where existing employers or zoned land exists with the intention of reducing, where appropriate, the speed limits and subject to the appropriate statutory process.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within or adjacent to a designated European site, the closest such site being Wexford Harbour and Slobs SPA (Site Code 004076), which is c. 850m east.
- 5.2.2. Wexford Harbour and Slobs is also designated as a proposed Natural Heritage Area, encompassing a different area to the SPA designation and encroaches to within c. 130m south of the site.

5.3. EIA Screening

- 5.3.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.3.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
 - Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

- 5.3.3. The proposed development comprises an agricultural storage shed with a gross floor area of 648sqm, for the storage of straw and loose farm machinery, on a site of 0.25ha. It falls well below both of the applicable threshold for mandatory EIA, as set out above.
- 5.3.4. In respect of sub-threshold EIA, having regard to the limited nature and scale of the proposed development, which does not require specialist construction methods and which will be utilised for storage purposes, it is considered that there is no real likelihood of significant effects on the environment. 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

- The development will not give rise to any intensification of the use of the land and is not intended to allow for any change to the farm enterprise, it is intended to provide a storage facility for both machinery and straw, which would otherwise need to be moved to the applicant's home, which is some distance away.
 - Machinery is required to be stored indoors, to prevent weathering.
 - Straw is a by-product of the tillage farming enterprise and it can be stored on the site, prior to being sold.
- The sale of straw is a key element of the farm business and the proposal is in compliance with objective ED20 of the development plan.
- A 1:2,500 site location and overall landholding map were provided to the Planning Authority, which identifies the area of land being farmed by the applicant.
- The proposal will have a positive impact on traffic movements.
 - The farm enterprise will continue in its current fashion, whether permission is granted or refused, but the proposal will allow for storage on-site rather than having to transport off site. The current pattern of transporting straw and machinery to the applicant's home requires use of the junction on the N25.

6.2. **Planning Authority Response**

6.2.1. None received.

6.3. **Observations**

6.3.1. None.

7.0 **Assessment**

7.1. Having inspected the site and considered the contents of the appeal in detail, I consider the main planning issues to be considered are:

- Principle of development,
- Road Safety,
- Appropriate assessment.

7.2. **Principle of Development**

7.2.1. The proposed agricultural shed comprises a steel portal frame building, with a stated gross floor area of 648sqm and which the public notices state is to be used for the storage of straw and loose farm machinery. The applicant's tillage farming operation produces by-product (straw) and the application documents state that the purpose of the shed is to allow for straw and machinery to be stored on-site, rather than having to transport both to the applicant's home, which is some distance from the site. Straw will be stored on the site and sold over the winter months and machinery needs to be stored indoors, to avoid weathering. The applicant states that by providing on-site storage for machinery, traffic movements from the junction of the N25 and along the N25 will be reduced.

7.2.2. The site location map also identifies the total area of land that the applicant farms, which is stated as measuring approx. 24.26ha, and which encompasses the land around the proposed shed.

7.2.3. I am satisfied that the proposal is consistent with the use of the land and that it is supported by development plan Objective ED20, which states that sustainable agricultural facilities will be facilitated and supported, subject to complying with normal planning and environmental criteria.

7.3. Road Safety

- 7.3.1. The Planning Authority's single refusal reason states that the development would endanger public safety by reason of traffic hazard, arising from intensification of use of the junction at the N25, at a location where sightlines are compromised and where traffic movements would interfere with the safety and free flow of traffic on the road.
- 7.3.2. In appealing the decision, the applicant argues that the provision of a storage shed will allow both straw and machinery to be stored on the site, rather than transported to the applicant's home, which is some distance from the site. The applicant argues that in allowing for on-site storage, the development will have a positive impact on traffic movements on the N25, by reducing the level of vehicular movements to and from the site.
- 7.3.3. Having considered the information available to me, I would question whether any intensification of use of the junction at the N25 is likely to arise. The provision of a storage shed does not in itself allow for intensification of the farming enterprise and will not affect the amount of straw or other crops produced on the holding. However, and having said this, the straw will have to be transported from the site at some point, as it is intended for sale. It therefore seems logical to me that existing movement patterns to and from the site will be largely maintained, albeit in a revised form.
- 7.3.4. It also appears logical to me that the proposal will allow for less intense usage of the N25 junction during peak periods (i.e. harvest), by allowing for straw and machinery to be stored on site, rather than transported off site. That is to say, vehicular movements will be spread further across the year, rather than concentrated around peak periods.
- 7.3.5. In view of the above, I am satisfied that no intensification of use of the junction at the N25 is likely to arise.
- 7.3.6. Regarding the junction of the access lane and the N25, it is currently utilised by 5 No. residential properties and a farmyard complex and it also provides access to agricultural land, including the applicant's holding.
- 7.3.7. As the Planning Authority states in its refusal, visibility to the south of the junction is compromised. The Roads Department did not comment on this application but it

commented on the previously refused application at the site (Reg. Ref. 20210045) and identified that sightlines of only 130m to the nearside road edge and 190m to the far side road edge are available to the south, measured against the minimum 230m required.

- 7.3.8. The application did not include a drawing that identifies achievable sightlines at the junction with the N25 but I would concur with the Roads Department, that the maximum achievable southward sightline to nearside edge of the road is c.130m. Northward visibility from the junction is greater and appears to exceed the minimum requirement.
- 7.3.9. This achievable southward sightline is clearly below the minimum requirement but the Board will note that this is an existing junction and there are no restrictions in place regarding existing usage of the access lane to service the applicant's land and the current usage pattern sees all product/by-product and machinery removed from the site on the day of usage/harvest. Furthermore, as the lands adjacent to the junction are in third-party ownership, the applicant does not have the means to deliver upgrades to sightlines as part of a grant of permission.
- 7.3.10. I have previously outlined my view that no intensification of use is likely to arise and that the ability to store straw and machinery on the site would reduce the intensity of use of the junction at peak periods (i.e. at harvest time). In this context, I am inclined to agree with the applicant that the development will have a positive impact on the safe operation of the N25 during peak periods, by reducing the number of movements from the site. Therefore, taking a balanced view, I consider the existing achievable southward sightline from the N25 junction is acceptable.

7.4. Appropriate Assessment

Appropriate Assessment Screening

Compliance with Article 6(3) of the Habitats Directive

- 7.4.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background on the Application

7.4.2. A screening report for Appropriate Assessment was not submitted with this appeal case. Therefore, this screening assessment has been carried de-novo.

Screening for Appropriate Assessment- Test of likely significant effects

7.4.3. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

7.4.4. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of the development

7.4.5. The development is described at Section 2 of this Report. In summary, permission is sought for the erection of an agricultural storage shed for the storage of straw and loose farm machinery and including associated site works. The proposed shed is a steel portal frame building, with a stated gross floor area of 648sqm.

European Sites

7.4.6. The subject site is not located within or adjacent to any designated European Site. The closest such site is Wexford Harbour and Slobbs SPA (Site Code 004076), which is c. 850m east.

7.4.7. There are a large number of other European sites within a 15km search zone including: -

- Slaney River Valley SAC (Site Code 000781). c. 3.7km north,
- Tacumshin Lake SAC (Site Code 000709), c. 6.5km south,
- Tacumshin Lake SPA (Site Code 004092), c. 6.8km south,
- Lady's Island Lake SPA (Site Code 004009), c. 7.8km south,
- Lady's Island Lake SAC (Site Code 000704), c. 7.8km south
- Carnsore Point SAC (Site Code 002269), c. 9km south-east,
- Long Bank SAC (Site Code 002161), c. 10km east,
- Saltee Islands SAC (Site Code 000707), c. 10km south,

- Ballyteigue Burrow SAC (Site Code 000696), c. 12km south-west,
- Blackwater Bank SAC (Site Code 002953), c. 13km east,
- Ballyteigue Burrow SPA (Site Code 004020), c. 13.8km south-west

7.4.8. Available EPA drainage mapping indicates that watercourses in the area drain primarily to the north, discharging to the Irish Sea in a number of locations south of Wexford Town. There is an open drain approx 135m south of the site, which is shown to flow into a larger waterbody to the east and then onward to the north, where it flows into the Irish Sea east of Drinagh.

7.4.9. On the basis of this available river flow information, I am satisfied that European sites to the south (i.e. Tacumshin Lake SAC, Tacumshin Lake SPA, Lady's Island Lake SPA, Lady's Island Lake SAC, Carnsore Point SAC, Saltee Islands SAC and Ballyteigue Burrow SAC) are not hydrologically connected to the site. Taken together with the level of separation between sites, I am satisfied that there is no potential for significant effects on these sites, arising from the proposed development, and do not propose to consider them further in this screening exercise.

7.4.10. Long Bank SAC and Blackwater Bank SAC are designated sites off the eastern coast, in the Irish Sea. I am similarly satisfied that there is no potential for significant effects on these sites, arising from the proposed development, and do not propose to consider them further in this screening exercise.

7.4.11. Summaries of Wexford Harbour and Slob's SPA and Slaney River Valley SAC are outlined in the table below.

European Site (code)	List of Qualifying interest /Special conservation Interest	Distance from proposed development (Km)
Wexford Harbour and Slob's SPA (Site Code 004076)	Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Bewick's Swan, Whooper Swan, Light-bellied Brent Goose, Shelduck, Wigeon, Teal, Mallard, Pintail, Scaup, Goldeneye, Red-breasted Merganser, Hen Harrier, Coot, Oystercatcher, Golden Plover, Grey	c.850m east

	Plover, Lapwing, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Lesser Black-backed Gull, Little Tern, Greenland White-fronted Goose, Wetland and Waterbirds	
Slaney River Valley SAC (Site Code 000781)	Estuaries, Mudflats and sandflats not covered by seawater at low tide, Atlantic salt meadows, Mediterranean salt meadows, Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation, Old sessile oak woods with Ilex and Blechnum in the British Isles, Alluvial forests with Alnus glutinosa and Fraxinus excelsior, Freshwater Pearl Mussel, Sea Lamprey, Brook Lamprey, River Lamprey, Twaite Shad, Salmon, Otter, Harbour Seal	c. 3.7km north

Potential impacts on European Sites

7.4.12. As I have outlined previously, there is an open drain approx 135m south of the site, which is shown to flow into a larger waterbody to the east and then onward to the north, where it flows into the Irish Sea east of Drinagh. The larger waterbody routes through both the SAC and SPA sites.

7.4.13. Taking account of the project characteristics, I consider the following impact mechanisms require examination:

- Impact on water quality within the SAC and SPA sites arising from surface water discharges / discharge of pollutants during construction work.
- Loss of ex-situ habitat for Species of Conservation Interest within a European site

Impact on water quality within the SAC and SPA sites arising from surface water discharges / discharge of pollutants during construction work.

- 7.4.14. The subject site is approx. 135m from the open drain and is connected to it by a drainage channel that routes on the north side of the access. The drainage channel appeared to be dry on the date of my site inspection.
- 7.4.15. The site falls from east to west and the construction phase has the potential to result in the discharge of surface waters that contain suspended solids but, in this event, such discharges are over 2.5km from the SPA and over 6.5km from the SAC, following the route of the waterbody. In view of the smallscale nature of the development, I am satisfied that this level of separation is adequate to ensure there is no real likelihood of significant effects on either European site. I am therefore satisfied that the possibility of impacts on water quality within a European site, arising from surface water discharges during the construction phase, can be excluded at this stage.

Loss of ex-situ habitat for Species of Conservation Interest within a European site

- 7.4.16. As the site is used for tillage farming, it may offer suitable ex-situ habitat for SCI within the SPA. However, the area of the farm holding that would be taken up by the proposed development is very small and there are extensive other tillage lands in the area, including other farms in the surrounding area, that provide similarly suitable habitat. The subject site is a very small parcel, in the context of the wider agricultural hinterland. On this basis I am satisfied that the potential for significant effects on SCI within the SPA, arising from loss of suitable ex-situ habitat is low and can be screened out at this stage.

Screening Determination

- 7.4.17. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site Nos. 004076 or 000781, or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

7.4.18. This determination is based on the following:

- The separation distance between the subject site and the European sites, and
- The presence of substantial areas of tillage farmland in the surrounding area that may provide similarly suitable ex-situ habitat for species of conservation interest within the Special Protection Area.

8.0 Recommendation

8.1. I recommend that permission for the proposed development be granted, subject to conditions as set out below.

9.0 Reasons and Considerations

The proposed development of an agricultural storage shed is supported by Objective ED20 of the Wexford County Development Plan 2013-2019, which states that sustainable agricultural facilities will be facilitated and supported, subject to complying with normal planning and environmental criteria, and it is considered the proposed development, which would be accessed via an existing junction on the N25 national primary route and which would allow for a less intense use of this junction during peak periods, would not result in the creation of a traffic hazard. The proposed development is therefore considered to be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be 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. 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>
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2.	<p>The agricultural shed shall be used for the storage purposes associated with the farming operation and shall not be used for any other purposes in the absence of a further grant of permission.</p> <p>Reason: To control the permitted use of the development.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services, details of which shall be agreed in writing prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

Barry O'Donnell
 Planning Inspector

1st July 2022.