



An
Bord
Pleanála

Inspector's Report ABP-315289-22

Development

The development will consist of the provision of 2no. stable blocks, stable block B (359sqm) consisting in 10 no. stables, a wash bay at ground level and associated tack room and fodder storage at first floor level. A further stable Block D (472 sqm) is proposed alongside existing stable Block C, provision is also made for associated covered dry manure storage area, site works and drainage provision, relocation of the existing vehicular entrance, associated landscaping and associated minor ancillary alterations.

Location

Wrenwood Stables, Killeen, Oldtown, Co. Dublin.

Planning Authority

Fingal County Council.

Planning Authority Reg. Ref.

F22A/0493.

Applicant

Graham Quinn.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal	Third Party
Appellant	Patrick Griffin.
Observer(s)	None.
Date of Site Inspection	23-08-23.
Inspector	Adam Kearney.

1.0 Site Location and Description

The subject rectangular site with a stated area of 7.75 Hectares is located in the townland of Killeen, Oldtown, Co. Dublin c. 7 km to the north-west of Swords. The area can be characterised as low-lying agricultural land. The lands comprising the site are populated with a number of existing structures which include a dormer dwelling, storage building, 2 blocks known as Block A (stable & ancillary staff accommodation) and Block C (stables). There is an existing entrance with recessed access gates located at the northeast corner of the subject site and a short distance further north is a private road spur from the bend on the public road which accesses another equine enterprise and a newly constructed dwelling. The local public road is narrow with hedgerow and the proposed entrance is located on a bend at the confluence of the public road and a private road.

2.0 Proposed Development

The development will consist of the provision of 2no. stable blocks, stable block B (359sqm) consisting in 10 no. stables, a wash bay at ground level and associated tack room and fodder storage at first floor level. A further stable Block D (472 sqm) is proposed alongside existing stable Block C, provision is also made for associated covered dry manure storage area, site works and drainage provision, relocation of the existing vehicular entrance, associated landscaping and associated minor ancillary alterations.

3.0 Planning Authority Decision

3.1. Decision

Grant Permission Subject to 11 Conditions

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The PA report sets out the Planning History detailing the number of applications that have involved entrances to the subject lands.
- Refers to designation in the 2017 - 2023 Development Plan which supports rural enterprises. 'RU' zoning objective seeks to protect and promote the value of the rural area of the County. This rural value is based on Agricultural and rural economic resources.
- In an area characterised by a mix of pasture and arable farming on Low lying land with few protected views or prospects
- Design of the proposed stable blocks and proposed new entrance have been well considered to take cognisance of the existing structures and rural setting of the site.
- Has regard to the Traffic Report and the response from the Transportation Department.
- The Planning Authority considers that the proposed development sought for permission by virtue of its scale and design would not detract-from the amenity of the surrounding area.

3.2.2. Other Technical Reports

Transportation Section:

No objection to the proposed development subject to following conditions

1. No objects, structures or landscaping shall be placed or installed within the visibility triangle exceeding a height of 900mm; which would interfere or obstruct (or could obstruct over time) the required visibility envelopes.
2. No gate shall open across a public footpath/roadway.
3. The vehicular entry-splay (i.e. the paved area lying between the edge of road carriageway and the gates/piers of the site entrance or, if no gate is provided, to a point 6m from the edge of road carriageway) shall be constructed in a

bound road material or other suitable material to a detail approved by the Area Engineer, Operations.

4. All stormwater shall be disposed of to soakpits or drains within the site and shall not discharge onto the public road.
5. All the above works shall be carried out at the Developer's expense according to the Specification and Conditions of Fingal County Council.

Water Services Department: No objection subject to conditions

4.0 Planning History

F21A/0127

Permission sought for the provision of a new stable barn (455sq.m) alongside existing stable block, provision for a covered dry manure storage area and associated minor ancillary alterations. (Withdrawn)

F21A/0081

Proposed development comprised of works consisting of the provision of a stable block with 10 no. stables and wash bay at ground level, associated tack room and fodder storage at first floor level and associated minor alterations (O/A 309 sqm). (Withdrawn)

F09A/0261 Permission Granted at Wrenwood House, Killeen, Old Town, County Dublin for the construction of a new driveway and driveway entrance to existing permitted development. The application will also include for the construction of a new recessed entrance, new stone wall, indigenous hedging and associated timber gate.

FO8A/0408 & PL06F.230804

Permission Granted by Fingal for the construction of a new driveway. Refused on Appeal.

5.0 Policy and Context

5.1. Development Plan

Fingal Development Plan 2023 – 2029 is the statutory plan for the area.

ZONING OBJECTIVE 'RU' RURAL

Objective - Protect and promote in a balanced way, the development of agriculture and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.

Vision

Protect and promote the value of the rural area of the County. This rural value is based on:

Agricultural and rural economic resources

Visual remoteness from significant and distinctive urban influences,
A high level of natural features.

Agriculture and rural related resources will be employed for the benefit of the local and wider population. Building upon the rural value will require a balanced approach involving the protection and promotion of rural biodiversity, promotion of the integrity of the landscape, and enhancement of the built and cultural heritage.

Section 7.5.3.3 Rural enterprise

It is acknowledged that the development of rural enterprise and employment opportunities will be vital to sustaining the rural economy. In accordance with the economic strategy for the overall County, employment, servicing the rural areas, should, in general, be directed to the local employment centres of small towns and

villages and rural business zones, catering for local investment and small-scale industry. Within the rural countryside, horticulture, agriculture, equine, recreational, tourism, energy production and rural resources based enterprise is promoted.

Objective EEO82 - Support and Encourage the Equine Industry

Support and encourage the development and expansion of the equine industry in the County, including supporting equine related activities of an appropriate size and at suitable locations.

Landscape Character Area: *Low Lying Agricultural*

5.2. **Natural Heritage Designations**

The site is located c. 8km to the west of the Rogerstown Estuary SPA (Site Code: 004015) and SAC (Site Code: 000208).

5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development involving the expansion of an existing equine enterprise and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The appeal focuses solely on the proposed entrance and the perceived road safety issues that will arise and can be summarised as follows.

Traffic Hazard –

- No analysis of the hazardous traffic implications of vehicular traffic merging from the Private Laneway or from Collins' residential farm.
- Should proposed new entrance be permitted a fourth busy entranceway would exit onto the area shaded yellow and would constitute a severe traffic hazard.
- While the 2022 Decision stipulates a condition that no objects, structures or landscaping be placed or installed within the visibility triangle exceeding a 900mm height, we cannot see how that condition ameliorates the fact that traffic exiting the Private Laneway will merge from a sharp blind bend directly onto the proposed new entrance way.
- Decision is in direct conflict with An Bord Pleanála decision in PL06F.230804

6.2. Applicant Response

- Entrance necessary for safe and orderly access to the equine complex.
- Principle of the development of the stables not in question.
- Only issue is revision to the existing permitted entrance.
- Permission granted by PA based on comprehensive assessment.
- Technical report confirms that the permission will not affect appellants safe access to their property.
- Fingal Transport department considered the proposal.
- No technical counter argument provided by appellant.
- Third party appeal relies on 2 no. recent withdrawn files.

6.3. **Planning Authority Response**

No further comments to make in relation to the proposal and request that S48 is included in any determination.

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

- 7.1. I have assessed the file and visited the site. The main issue as raised by the Third-Party Appeal centres around the proposed access. The appeal does not raise any issues in relation to the proposed agricultural stable block buildings or dry manure storage area.
- 7.2. In regard to the proposed stables buildings, the application seeks to expand an existing equine enterprise in an area designated 'Rural' in the Fingal CDP 2023 – 2029 where under Objective EEO82 the Local Authority seeks to encourage the development and expansion of the equine business in the county.
- 7.3. The proposed stable blocks are not unduly large, and the height of the structures is such that they will not be overbearing or impact on the visual amenity of this low-lying area. I agree with the Area Planner's assessment that the proposed development by virtue of its scale and design would not detract from the amenity of the area.
- 7.4. The appellant is concerned that the relocation of the current entrance further north of its existing location will provide an unacceptable traffic hazard specifically relating to traffic accessing and egressing from their equine facility and the private dwelling to the north. In this regard the appellant points to the decision of ABP under Ref PL06F.230804 where the board refused permission based on a traffic hazard and in so doing disagreed with the inspector's decision to grant permission.

- 7.5. With regard to PL06F.230804 the situation has materially changed on the ground since the time of this decision in that the existing entrance (for which a replacement is now being sought) was permitted under F09A/0261 and is now in place and operational. I consider the existing entrance to be a substandard access and there are serious deficiencies in terms of forward visibility for traffic approaching from the east that pose a serious traffic hazard. I believe the proposed entrance albeit not an ideal proposal, serves to remove this danger and offers acceptable sightlines and forward visibility in both directions along the public road. It should also be noted that the DMURS document albeit not applicable outside of urban areas has provided a cathartic shift in the understanding of how road alignment and design speeds impact on road behaviour. The traffic survey accompanying the application demonstrates the low design speed of this road at the proposed relocated entrance and having driven the road I can testify that speeds in excess of 30km are not realistic along this section.
- 7.6. I refer to application Drawing PL003 'Vision Lines and Sightlines' which illustrates that the proposed new entrance will straddle the public road and the private road and note that consent to this effect has been given by way of a legal Right of Way Agreement. Should the board be minded to grant permission it should be clarified that permission in and of itself does not bestow development rights and Section 34 (13) of the Planning & Development Act applies.
- 7.7. The aforementioned Right of Way agreement coupled with the applicant's land ownership area allows for the hedgerow north of the proposed entrance to be removed/setback/reduced sufficiently to allow for the drivers of vehicles exiting at the proposed entrance to see and become aware of vehicles exiting from the neighbouring yard and dwelling to the north.
- 7.8. It should be borne in mind that this is a low traffic environment, during my site visit which lasted approximately 30 minutes I encountered 2 no. vehicles at the proposed entrance none of which originated or terminated at the private road to the north of the proposed entrance.
- 7.9. Further it should be restated that the private driveway to the appellants property is gated where vehicles approaching or exiting would open and close the gate after them. This practise coupled with visibility splay works between the proposed

entrance and this gate would provide sufficient visibility to the north for vehicles exiting the proposed entrance and sufficient forward visibility for the existing road users (both commercial and residential) egressing from the private road.

7.10. Conclusion

Having regard to the above, I am satisfied that the proposed development is in accordance with the provisions of the Fingal County Development Plan, is in keeping with the character and pattern of development in the area and is in accordance with the proper planning and sustainable development of the area,

8.0 **Appropriate Assessment Screening**

Having regard to the nature and scale of the proposed development and the distance between the application site and any European site (Rogerstown Estuary SPA (Site Code: 004015) and SAC (Site Code: 000208) located 8 km to the west of the site). Taking into consideration the existing residential and agricultural development in the immediate vicinity I am of the opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect and it is possible to screen out the requirement for the submission of an NIS and carrying out of an EIA at an initial stage.

9.0 **Recommendation**

I Recommend permission be Granted for the Development

10.0 **Reasons and Considerations**

Having regard to the Fingal County Development Plan 2023 – 2029 and Objective EEO82, the pattern of development in the area and the existing local road alignment and low design speeds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or the amenities of property in the vicinity and would not be detrimental to road safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 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>
2.	<p>The developer shall enter into water and wastewater connection agreements with Uisce Eireann.</p> <p>Reason: In the interest of public health.</p>
3.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Details of the external finishes of the proposed agricultural structures shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>The developer shall pay to the planning authority a financial contribution 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. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable</p>

	<p>indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000 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>
6.	<p>Details of the proposed entrance construction and details of works to create and maintain visibility splays along the public road and the private road to the north of the entrance shall be submitted to and agreed in writing with Transportation Section of the planning authority prior to commencement of development.</p> <p>Note: The existing entrance shall be removed, and boundary reinstated prior to the commencement of use of the proposed entrance.</p> <p>Reason: In the interest of Road & Traffic Safety.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Adam Kearney
 Planning Inspector

28th August 2023