



An
Bord
Pleanála

Inspector's Report ABP-315978-23

Development

Packaged Wastewater Treatment System, percolation area, existing well and alterations to existing agricultural building.

Location

Sheilstown, Knockanna, Co.
Wicklow

Planning Authority

Wicklow County Council

Planning Authority Reg. Ref.

22/1301

Applicant(s)

Muireann Brennan.

Type of Application

Retention Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party v Refusal

Appellant(s)

Muireann Brennan.

Observer(s)

None.

Date of Site Inspection

14-09-2023

Inspector

Adam Kearney.

2022-2028 in respect of Economic and Farming development in the rural area, would result in a traffic hazard, and would be contrary to the amenities of this rural area, and to the proper planning and sustainable development of the area.

2. Inadequate evidence is available that the site is suitable for septic tank effluent percolation and if found to be unsuitable then this development would be prejudicial to public health

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planner noted the scale of the proposal exceeded what could reasonably be considered appropriate in terms of agricultural use
- The development is premature due to the poor condition of the road and wider road network in terms of inadequate capacity, width, and alignment.
- The external design changes are minimal and aided by planting/screening

3.2.2. Other Technical Reports

- EHO Sought FI in relation to the artificial lake and requested cross sections through the wastewater treatment & disposal system

4.0 Planning History

4.1. 05/2881

Permission Granted for the erection of an Agricultural Shed.

5.0 Policy and Context

5.1. Development Plan

Wicklow County Development Plan 2022 – 2028

6.0 The Appeal

6.1. Grounds of Appeal

- Planning Authority should not have considered scale/internal layout of the barn in its decision.
- The planning Authority was incorrect to conclude that the barn is not justified relative to the size of the landholding it will serve.
- The proposed development is not haphazard development, nor will it endanger traffic safety.
- The Planning Authority should have asked for further information in relation to the suitability of the site to treat foul effluent.

6.2. Planning Authority Response

- None

6.3. Observations

- None

6.4. Further Responses

- None

7.0 Assessment

7.1. I have visited the site and read the file and consider the salient planning issue is whether the application for retention pertains to development that involves a change of use, a **new issue** of other development (revised boundaries, security gates and CCTV infrastructure) not covered by the application, and finally the degree to whether the WWTP and local road network could support such a proposal.

7.2. On the day I visited the site I was unable to gain access or any meaningful visual perspective. There was no activity obvious unless there was internal activity in the shed. The presence of imposing urban style electric gates and CCTV cameras were

Section 7.2 and I am satisfied that the stated use of the building as outlined in the application and the appeal can be categorised as a commercial enterprise and as such is an activity that necessitates an application for a material change of use.

- 7.8. It is further noted that the red line area of the development covers the shed and an arbitrary area of 0.43 Hectares surrounding the shed, whereas the original application in 2005 was for a much-reduced area of 0.25 Ha. I further note the extant application does not contain a revision of site boundaries to reflect the larger site area.
- 7.9. The site characterisation report submitted with the application is based on a 4-bedroom dwelling with a PE of 6. Based on the size of the structure and the uncertain no. of people on the site at any given time (appellant stated in a letter to the Planning Authority on the 12/08/2022 that there were multiple teams of contractors on the site). There is also, as mentioned heretofore reference to students visiting to conduct research. I am not therefore satisfied that the WWTP can adequately treat the wastewater generated on the site. In addition, there is an artificial pond introduced 45m northeast of the Agricultural shed that was highlighted by the EHO during the application and this feature and the vulnerability surrounding it is not addressed in the report.
- 7.10. The application and appeal also delve into great detail about the wider project occupying the lands controlled by the applicant and how this underpins the need for the altered Agricultural shed and the wastewater treatment plant yet these components do not form part of the application. I note from aerial imagery and from limited perspectives at the property that there is a significant intervention obvious on the landscape that is outside the red line area and I note that there is a description of crushed stone importation to form an internal road layout. I, therefore, struggle to understand how the larger Park/Project can be decoupled from the activities in the barn for the purposes of an application for retention.

8.0 Appropriate Assessment Screening

Having regard to the nature and scale of the proposed development, the nature of receiving environment as a rural area remote from any Natura Sites and the absence of a pathway between the application site and any European site it is possible to

3.	The site is accessed from a minor road which is severely substandard in terms of width and alignment. The traffic, especially HGV traffic generated by any intensification of development would, if permitted, interfere with the safety and free flow of traffic and endanger public safety by reason of traffic hazard and obstruction of road users.
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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
25th October 2023

DECISION QUASHED