



An  
Bord  
Pleanála

## Inspector's Report

### ABP-316311-23

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<b>Development</b>	Retention of an existing agricultural entrance
<b>Location</b>	Tomsallagh, E.D. Tinnacross, Co. Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20220989
<b>Applicant(s)</b>	William & Kathleen Whelan
<b>Type of Application</b>	Retention Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Liam Sheridan
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> July 2023
<b>Inspector</b>	Catherine Dillon

## **1.0 Site Location and Description**

- 1.1. The site is located on the western side of a local road L-6065 and comprises an existing agricultural entrance into a field. The entrance into the field has a narrow frontage onto the road and the existing agricultural gate is set back from the road with splayed timber fencing on either side to the road frontage.
- 1.2. There is a cottage on the southern boundary and a bungalow to the northern boundary of the subject site, both of which have windows on the flank walls overlooking the field. There is a hedge along the frontage of the bungalow and cottage on either side of the agricultural entrance gate.
- 1.3. There is a ditch along the southern boundary of the site and two drainage pipes to the southeast of the existing entrance with an outfall into a ditch along the frontage of the cottage parallel to the road.

## **2.0 Proposed Development**

- 2.1. Planning permission was originally sought to retain the existing agricultural entrance into the field. Following a further information request by the Planning Authority the position of the gate was revised to achieve the required sightlines. It is the revised position of the entrance gate and sightlines and proposed landscaping which are the subject of this appeal.
- 2.2. The proposal under consideration is as indicated on Dwg no. WKW SLP 2.1 dated February 2023 and is as follows:
  - Existing agricultural entrance to be closed and blocked off.
  - The proposed entrance would be relocated 10.5m from the southern boundary.
  - The northern boundary of the site would be realigned to accommodate the repositioned entrance (increasing the site by 75m<sup>2</sup>).
  - The agricultural gate would be set back 8m from the road edge to permit vehicles to park within this area to open/close the gate.
  - The gate would be 4m in width.

- Sightlines of 65m in both directions measured 3m from the back edge of the public road in a straight line to the near roadside edge in both directions.
- A landscaped area indicated along the southern splay of the revised entrance.
- All works are shown to be contained within the red line.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

3.2. The Planning Authority granted planning permission on 24<sup>th</sup> March 2023 for the permission for retention of an existing agricultural entrance subject to 4 conditions.

#### **3.3. Planning Authority Reports**

##### **3.3.1. Planning Reports**

The planner's report notes the applicants have stated it is their intention to use the entrance to access lands to the rear for organic horticultural purposes. The site lies within Flood Map Category C. The access is onto a county road and 65m sightlines are therefore required.

##### **3.3.2. Other Technical Reports**

The Road's Executive Engineer recommended further information regarding the sightlines. Following receipt of the further information, the development was considered adequate and conditions were recommended, including; the existing gate to be closed, no obstruction of sightlines, any damage to the roadside to be made good at the developer's expense, interceptor drainage grating along width of entrance, maintenance of roadside drainage and accessway to be piped with suitably sized pipe to ensure no interference to existing roadside drainage.

#### **3.4. Prescribed Bodies**

None

### 3.5. Third Party Observations

A submission was received from the appellant to the original application on the following grounds:

- Applicants had an agricultural entrance to this land, to the north of the entrance, which was sold with the farmyard.
- In the past number of weeks there has been a constant flow of large tractor and trailer loads of topsoil being removed from the site. This would be detrimental to any future organic or horticultural activities.
- Sightlines to the south of the entrance are not shown correctly to the nearside of the road. If sightlines were to be measured correctly to the south of the entrance it would require realignment of his concrete piers to his entrance and part of his front boundary ditch which the applicants do not have permission to do.

Following the submission of the further information the same observer noted:

- Concerns regarding where the applicant has marked 'X' just inside the entrance on the site layout plan referring to screen planting to reduce impact of lights from traffic. This directly impacts windows on the northern elevation of his property. Marking 'X' does not give any indication of the type and species of planting that is intended.
- Requested the Planning Authority seek a detailed landscaping proposal in order to enable him to assess whether the proposed planting will impact on his natural light to his dwelling and will prevent the impact of the lights from the traffic.

## 4.0 Planning History

4.1. There is no planning history associated with the site.

4.2. **P.A. Enforcement Ref: 0143/2021:** Possible unauthorised opening of entrance.

## **5.0 Policy Context**

### **5.1. Development Plan**

5.1.1. Wexford County Development Plan 2022-2028

5.1.2. Volume 1 Chapter 8 Transportation Strategy

Section 8.7.3 Local Roads

Objectives TS77, TS78 & TS79 regarding sightlines on local roads.

5.1.3. Volume 2 Development Management Manual

5.1.4. Sections 2.3.1- Application of DMURS and 2.9.1 refers to the importance of roadside boundary treatments in rural areas, in particular, any proposed removal of existing roadside boundaries and the design of replacement and/or new boundary.

5.1.5. Section 6 Transport & Mobility

Section 6.2.6 sets out the siting and design of access/egress points and specifies the sightline requirements on local roads is 65m measured from a point 3m from the edge of the public road (Figure 6-7), with gates positioned to facilitate safe parking whilst the gate is being opened or closed. Details on the design and construction of the access are specified including surface water management and impact on landscaping.

### **5.2. Natural Heritage Designations**

5.2.1. The site is not located within a designed Natura 2000 site and does not adjoin such a site.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The appellant lives in the property immediately to the south of the proposed entrance. The main grounds of appeal are as follows:

- The Planning Authority, when making their decision did not specify what type of landscaping was to be carried out in order to reduce the impact of lights from

traffic turning into the proposed new entrance coming through his kitchen windows. On the site layout map provided with the application, it just has an 'X' marked on the map stating "screen planting to reduce impact of lights from traffic" and does not specify types and species of screen planting.

- There is an existing open drain which bounds the site and the gable wall of his dwelling. Any additional surface water at this agricultural entrance may increase the risk of the open drain flooding and overflowing during wet weather. The Council have only requested an interceptor drainage grating across the full width of the entrance to prevent surface water discharge onto the public road, and not from the site.

## 6.2. Applicant's Response includes:

The applicant has submitted a revised drawing WKW SLP 2.1.1 dated May 2023. This drawing is similar to that granted by the Planning Authority, but specifies the following on the plans in compliance with conditions attached to the planning permission:

- Location of interceptor drainage grating to sump within the site behind the site entrance.
- Existing entrance shown to be closed with a reconstructed boundary.
- Access to be piped to ensure no interference caused to existing roadside drainage.

A covering letter submitted in response to the appeal states the following:

- The roadside boundary at the existing gate will be reconstructed of sod and stone, or loose rubble and /or earth construction and will not be less than 0.9m in height off road level. Planting on top of this mound will consist of indigenous hedging plants in double rows at 400mm intervals and no less than 500mm in height. The planting would take place in accordance with the timeframe of Condition 4 of the planning permission and would reduce the impact of lights from traffic as intended.
- It is proposed to comply with the conditions attached to the planning permission and provide an interceptor drainage grating with an outfall to the sump as shown on the revised site layout plan. The entrance gate to the edge

of the carriageway will be provided with a hardcore/dust free finish and the roadside drainage will be maintained with no interference to same, while allowing for ease of future maintenance.

- There will no surface water generated in the site as a result of the proposal and the internal access way to the land will not be surfaced with impenetrable material.

### **6.3. Planning Authority Response**

No submission

### **6.4. Further Third-Party Submission includes:**

The appellant has commented on the received plans submitted by the applicant outlined above as follows:

- Concerned how the surface water from the proposed new entrance and driveway is to be disposed of.
- Would rather an engineer or suitably qualified persons carry out the required calculations in order to assess surface water volumes based on previous rain fall calculations for this area. Flooding has previously occurred on his property following works that were carried out by William & Kathleen Whelan's property back in August 2020, and enclosed photos of the flooding showing water which flowed into his property.

Having considered the contents of this further submission, Section 131 of the Planning and Development Act 2000 as amended was not invoked as it was considered no new issues had been raised by the third party.

## **7.0 Assessment**

### **7.1. Introduction**

7.2. The proposal before the Board is that described in 2.0 above, which was received by the Planning Authority as a result of the further information request, namely the

closing of the existing entrance gate and its relocation to the north of the existing gate.

7.3. The applicant submitted an additional plan and particulars as a result of the appeal which has been outlined in 6.2 above. The location of the entrance and sightlines are the same as that considered by the Planning Authority. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, inspected the site, and having regard to the Development Plan, I consider the main issues raised in this appeal are as follows:

- Flooding and surface water run-off from the access, and
- Residential amenity.

7.4. **Flooding and surface water run-off from the access**

7.5. The appellant has raised concerns regarding the impact of the development on a drain which extends along the southern boundary of the site. The site lies within Flood Zone C as per the OPW flood map, and therefore the probability of these lands flooding is low. There is no record on the OPW flood maps identifying any flood event near the site. Whilst the appellant's photographs indicate the drain which extends along the southern boundary has been subject to flooding in the past (relating to works carried out on the site to the north of the appeal site) the revised entrance would be further away from this drain, and I do not consider the proposed entrance impacting on this drain or increasing the flood risk to the drain. I therefore do not consider it necessary in this instance to carry out a site-specific flood risk assessment, as the site is located in Flood Zone C, is a minor form of development, and the existing drain on the southern boundary has an outflow pipe to the road.

7.6. Section 6.7.6 of the County Development Plan Volume 2 requires that a new/intensified access/egress point should not result in surface water being brought onto the public road and that existing roadside drainage is not adversely affected. Condition 3 of the planning permission requires an interceptor drainage grating to be provided for the full width of the entrance with the public road and piped to a satisfactory outfall to ensure no interference to the existing roadside drainage. The applicant has proposed an interceptor drainage grating with an outfall to a sump, and permeable material at the entrance, and it is considered this addresses the impact of



any surface run off onto the road and is in accordance with the requirements of Section 6.7.6 of the County Development Plan.

#### **7.7. Residential Amenity**

7.8. The appellant raises issues regarding the lack of detail for the proposed screen planting at the entrance to reduce the impact of lights from traffic when using the access. The cottage to the south has windows at ground and first floor level overlooking the site.

7.9. Whilst a landscaping scheme may reduce an element of glare from traffic lights, the windows to the cottage already look onto the site and are exposed to the road. It is unlikely given the nature of the access for agricultural purposes it would be used at night. Nevertheless, if the Board are minded to grant planning permission it is recommended the applicant submit a landscaping scheme for the written approval of the planning authority as indicated on the revised plan to the south of the entrance splay, and along the eastern boundary of the site (marked X on dwg. WKW SLP 2.1.1 dated May 2023 submitted in response to this appeal) and planted within the first planting season of the development being implemented.

#### **7.10. Appropriate Assessment**

7.11. The Slaney River Valley SAC (site code 000781) lies 0.72km to the south of the site and 1.73km to the north west of the site. There is no hydrological link with the site and the nearest Natura 2000 site the Slaney River Valley SAC. Having regard to the nature and small scale of the proposed development, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **8.0 Recommendation**

8.1. I recommend that permission be granted subject to conditions.

### **9.0 Reasons and Considerations**

9.1. Having regard to the limited scale of the proposal and the overall extent of the development in a rural location and the established nature of the agricultural land

use, it is considered that the proposed development would not give rise to flooding and would not seriously injure the amenities of the adjoining properties, and would, therefore, be in accordance with the 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, as amended by the further plans and particulars submitted on 28<sup>th</sup> February 2023 and further plans and particulars received by An Bord Pleanala on 17<sup>th</sup> May 2023 (Drwg. WKW SLP 2.1.1 dated May 2023), 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 applicant 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><b>Reason:</b> In the interests of clarity.</p>
2.	<p>The existing agricultural gate shall be closed and the new gate and access installed within 3 months of the date of this order.</p> <p><b>Reason:</b> In the interest of traffic safety.</p>
3.	<p>No surface water from the site shall be permitted to flow onto the public road. The drainage arrangements, including the disposal of surface water shall comply with the requirements of the Planning Authority for such works and services. The access shall be piped with a suitably sized pipe to ensure that no interference shall be caused to the existing roadside drainage. Interceptor drainage grating shall be provided the full width of the entrance with the public road and shall be piped to a satisfactory outfall.</p> <p><b>Reason:</b> To ensure adequate servicing of the development, in the interest of traffic safety and prevent pollution.</p>

4.	<p>A landscaping plan shall be submitted for the written approval of the Planning Authority to the south of the entrance splay, and along the eastern boundary of the site as indicated on Drawing No.WKW SLP 2.1.1 dated May 2023 and shall be landscaped using a continuous hedge of indigenous species planted for the full length of the eastern boundary marked X on the plan, within the first planting season following this order, unless otherwise agreed by the Planning Authority.</p> <p>Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing by the planning authority.</p> <p><b>Reason:</b> To enhance the residential amenity of the adjoining property.</p>
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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.

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Catherine Dillon  
Planning Inspector

8<sup>th</sup> August 2023