



An  
Bord  
Pleanála

## Inspector's Report ABP-318209-23

<b>Development</b>	Construct Agricultural shed with solar panels on roof, install solar panels on existing shed and all associated site works.
<b>Location</b>	Coolattin, Bunclody, Co. Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20221702
<b>Applicant(s)</b>	Coolattin Farms Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Margaret Morrissey
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	7 <sup>th</sup> August 2024
<b>Inspector</b>	Matthew McRedmond

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## **1.0 Site Location and Description**

The appeal site is a 1.57 hectare, generally rectangular shaped site on low lying land approximately 100m north of the River Glasha. The site is just over 5 km south of the town of Bunclody. The landscape is defined by the meandering Slaney River to the east, which flows to the south-east in an open valley through mainly agricultural land. The appeal site is located within the Coolattin townland and is accessed via the N80 junction with the L-20071, which in turn provides access to a private road into the site. The site is part of a larger landholding that extends to the east, north and west and comprises an existing agricultural enterprise, with an occupied dwelling located in the northeastern corner of the site.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises construction of an agricultural shed with solar pv panels on the roof and to install solar pv panels on the roof of an existing shed. The proposed development includes all associated site works including concrete yard area and soakaways.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 13th September 2023, Wexford County Council issued a decision to grant permission subject to 9 no. conditions.

Relevant conditions of note are:

Condition 2 – No surface water from roofs, paved areas or otherwise shall discharge onto the public road.

Condition 6 – All design and construction standards shall be in accordance with Department of Agriculture and Foods specifications.

Condition 7 – The proposed grain store is not to be used to house animals or animal manures.

Condition 8 – All stormwater to be diverted to the attenuation pond.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Local Authority planning report had regard to the location of the site, planning history, national and local policy and to the referral responses and submissions made. Their assessment included the following:

- The proposal is considered more commercial than agricultural on the evidence of the site visit. The nature of existing and proposed uses should be clarified by the applicant.
- The provision of solar panels on the existing shed is considered acceptable in principle.
- The design of the proposed shed with solar panels on the roof is considered acceptable in principle.
- Details of the number and type of vehicles should be confirmed by the applicant.
- Further information was requested in relation to the above items.

#### Further Information Request

- The applicant is requested to provide a full description of the existing and proposed activities on site.
- Commercial activities and vehicle numbers are to be confirmed by the applicant.
- Full extent of landholding should be provided.
- Any current and proposed truck numbers to be confirmed by applicant.

#### Further Information Response

The applicant submitted a further information response which includes the following:

- Applicant confirmed existing farm use is malting barley and vegetables and new shed is for storage of malting barley.
- Existing uses generate 2 truck movements per day entering and exiting the site.

- The proposed use will generate an additional 3 trucks per day entering and exiting the site.
- A land registry map is submitted indicating extent of lands in applicant's ownership.

### Planning Authority Response

The Planner's Response to the F.I. Submitted included the following:

- Details in relation to the farm operation, including waste management is considered acceptable.
- The provision of solar panels on the roof of the existing and proposed shed is considered acceptable in the context of the stated agricultural use.
- The number of trucks entering and exiting the site is considered acceptable in terms of dwell areas provided/available and sightlines.

#### 3.2.2. Other Technical Reports

- Senior Environmental Scientist – Grant permission subject to conditions – construction to be in accordance with Department of Agriculture and Food Specifications, the grain store shall not be used to house animals or animal manures, all stormwater from proposed shed to be diverted to attenuation pond.
- Executive Roads Technician – Grant permission with conditions – sightlines to be maintained, any damage to drainage to be made good, all surface water generated within the boundaries of the site shall be collected and disposed of within the curtilage of the site.

#### 3.3. Prescribed Bodies

None on file.

#### 3.4. Third Party Observations

A single submission was received from two neighbouring landowners, expressing concerns about the number of commercial vehicles entering and exiting the application site and contending that this additional traffic may cause safety issues for

users of the L20071. As the observer party are the subsequent Third-Party Appellant, their concerns are noted and considered further in the context of the Grounds of Appeal and Assessment below.

## 4.0 Planning History

**Ref. 990689** – Granted permission to John G. Murphy for the erection of an onion store.

**Ref. 20090382** – Granted permission to Doyle DPH for the laying of soils and stone on existing ground.

## 5.0 Policy Context

### 5.1. Development Plan

#### 5.1.1. Wexford County Development Plan 2022-2028

The current Development Plan came into effect on 25<sup>th</sup> July 2022. The subject appeal was submitted under the provisions of this plan.

#### 5.1.2. Volume 1 – Chapter 6 Economic Strategy

Relevant objectives include the following rural diversification objectives:

- Objective ED90: To enhance the competitiveness of our rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services.

Objective ED91: To facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

- Objective ED 95: To develop a diverse base of smart economic specialisms in our rural economy, including innovation and diversification in agriculture (agri-Tech, food and beverage).
- Objective ED104 seeks to support the continued development of the agri-food industry, by facilitating food production and processing at appropriate locations and subject to the proper planning and sustainable development of the area.
- Objective ED105 is to facilitate farm or rural resource related enterprises, including food production and processing on farm holdings, where the key resource is produced on the farm (or other nearby rural resource) or a number of farms in the locality subject to Objectives ED97 and ED98 and normal planning and environment criteria.

#### 5.1.3. **Volume 2 – Development Management Manual**

##### Section 5.5.1 – Agricultural Buildings

The Planning Authority will facilitate agriculture developments at appropriate locations. The Planning Authority recognises the need for agricultural buildings and acknowledges that there is often a requirement for these structures to be significant in scale, but materials, siting and design are important.

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

The closest Natura 2000 sites are the Slaney River Valley SAC (Site Code: 000781) located approximately 100m to the south of the subject site and the Slaney River Valley pNHA (Site Code: 000781), located circa 0.5km to the east of the subject site.

#### 5.3. **EIA Screening**

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ 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 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**

A third-party appeal was submitted by a resident who lives in a neighbouring property. The main issues raised by the appellant can be summarised as follows:

- The Local Road (L20071) is too narrow for existing and additional commercial vehicles, resulting in traffic safety issues for other users.
- The road should be widened to accommodate larger vehicles if the use is to continue.
- Details on commercial activities and number of vehicles using the site were not provided by the applicant as requested by the Planning Authority at further information stage.
- The commercial trucks using the site carry pig food and not vegetables and barley as submitted by the applicant.
- The stated use of the shed for storage of barley for a whiskey merchant is not accurate as the stated company do not distil whiskey and therefore do not need malting barley.
- In relation to waste disposal, the submitted invoice refers to a company at Ryland Road Bunclody, which is 5km from the subject site and is therefore not relevant to the subject site.
- There is noise pollution from the existing operations on site.

### **6.2. Applicant Response**

None on file.

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

None on file.



#### 6.4. **Observations**

None.

### 7.0 **Assessment**

7.1. Having reviewed the details and appeal documentation on the file, the submissions made, having inspected the site, and having regard to relevant local and national policy and guidance, I conclude that the main issues are the following:

- Principle of Proposed Development
- Traffic Issues
- Noise

7.2. Appropriate Assessment (AA) also needs to be considered. I am satisfied that no other substantive issues arise.

#### 7.3. **Principle of Proposed Development**

- 7.3.1. The grounds of appeal state that the proposed development is commercial in nature and not agricultural, that the use is for the storage of pig feed and not malting barley and that the Whiskey Merchant referred to does not distil whiskey and therefore does not need the barley as referred to by the applicant. Therefore collectively, I consider these issues from the grounds of appeal, relate to the principle of the proposed development.
- 7.3.2. The stated size of the proposed shed is c. 1,806m<sup>2</sup>. In the drawings submitted originally with the application, the proposed use is stated as agricultural shed.
- 7.3.3. In response to the Planning Authority Further Information Request the applicant indicated that the existing use is for storage of vegetables and malting barley, with the proposed shed to provide additional malting barley storage that will allow for diversification and the sustainable management of the farmholding into the future. A letter from W.D. O'Connell Whiskey Merchants was provided by the applicant at further information stage outlining their requirements for malting barley.
- 7.3.4. With regard to the need / rationale for the proposed development, including the assertion in the grounds of appeal that the existing use on site is commercial in nature and that the Whiskey Merchant referred to does not distil whiskey, I am

satisfied with the information on file, including the documentation submitted by the applicant, and from the existing use of storage sheds on site, that the proposed use will be for the storage of agricultural crops including barley to be transported elsewhere at a later stage.

7.3.5. On the basis that the development in question is intended for agricultural purposes, and as the subject site includes an existing farmyard which is situated in a rural area where the predominant land use is agriculture, I am of the opinion that agriculturally related developments such as that proposed are an inherent part of rural life and should generally be accommodated within such areas. This approach is consistent with the provisions of the County Development Plan including Objectives ED104 and ED105.

7.3.6. I consider that most farming enterprises are commercial in nature and do not consider this principle to be at odds with the agricultural use at this location. The applicant does not propose to process or provide a direct point of sale on-site associated with the harvested barley, only providing storage for later transportation elsewhere. I consider this to be consistent with the majority of agricultural practices. On balance, I am satisfied that the proposed development is required for agricultural purposes in connection with the continued operation of the farm holding and that it will function in conjunction with the existing farmyard for the storage of malting barley as evidenced by the details provided in the application.

7.3.7. I am satisfied that the proposal is consistent with the use of the land and that it is supported by Development Plan Objectives ED104 and ED105, which states that sustainable agricultural enterprises will be facilitated, subject to complying with normal planning and environmental criteria.

#### **7.4. Traffic Issues**

7.4.1. The grounds of appeal state that the L20071 is too narrow to be used safely for additional commercial vehicles associated with the proposed use.

7.4.2. I consider that any traffic generated from the proposed development will be limited to use of a short, approx. 160m section of the L20071 and with the low number of vehicles (3no. additional Trucks/HGV added to the existing 2no.) likely to be using this road per day as a result of the proposed development, I would consider this typical of an agricultural enterprise and acceptable at this rural location.

7.4.3. Although the L20071 is clearly a low capacity road in the vicinity of the application site, having regard to the established use of the site (and the wider area) for agricultural purposes, the presence of an active farmyard within the confines of the site, the limited scale and nature of the proposed development, and following a site inspection, I am satisfied that the surrounding road network has adequate capacity to accommodate the limited increase in traffic volumes that would result from the subject proposal, without detriment to public safety.

#### **7.5. Noise**

The noise related issues associated with existing operations, as raised by the appellant are noted. Any issues with existing operations on site are a matter for the Planning Authority and is beyond the scope of this assessment. Given the details provided on file, and following my review of the site, I do not consider any additional noise related impacts would result from the subject proposal and therefore do not consider this to be a reason for refusal.

### **8.0 AA Screening**

8.1. The Slaney River Valley SAC is located approximately 100m south of the subject site. The proposed development includes storage of grain in a proposed shed, a concrete yard and includes a number of soakaways within the site. The Planning Authority screened out any potential impacts on Natura 2000 sites.

8.2. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and existing established similar uses at the subject site, the absence of any direct hydrological connection to any European Site and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

## 9.0 Recommendation

- 9.1. Having regard to the foregoing, I recommend that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

## 10.0 Reasons and Considerations

- 10.1. Having regard to the location of the proposed development alongside an established farmyard and to its nature and scale, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate land use in this rural and agricultural area, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic 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, as amended by the further plans and particulars submitted on the 18th day of August, 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 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><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed structure shall be for agricultural use in connection with the storage of malting barley and shall not be used for any other purposes without a further grant of permission.</p> <p><b>Reason:</b> In the interest of clarity and orderly development.</p>

3.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.</p> <p><b>Reason:</b> To ensure adequate servicing of the development, and to prevent pollution.</p>
4.	<p>The roof and elevational cladding of the proposed structure shall be coloured to match the existing farm complex, to details to be agreed in writing with the planning authority prior to commencement of work on site.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<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><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
6.	<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, 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. 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.</p>

	<b>Reason:</b> 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.
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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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Matthew McRedmond  
Senior Planning Inspector

14<sup>th</sup> August 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-318209-23		
<b>Proposed Development Summary</b>	Construct Agricultural shed with solar panels on roof, install solar panels on existing shed and all associated site works.		
<b>Development Address</b>	Coolatin, Bunclody, Co. Wexford		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	√		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
			<b>Conclusion</b>
<b>No</b>	√	N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class/Threshold.....	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_