



An
Bord
Pleanála

Inspector's Report

ABP-318756-23

Development	Retention and completion of hayshed and construction of manure shed and site works
Location	Moneyhore, The Leap, Enniscorty, Co. Wexford
Planning Authority	Wexford Co. Co.
Planning Authority Reg. Ref.	20230331
Applicant(s)	Wheelock Farms Ltd.
Type of Application	Retention and permission
Planning Authority Decision	Grant subject to 8 no. conditions
Type of Appeal	Third Party
Appellant(s)	Pat Wheelock
Observer(s)	None
Date of Site Inspection	14 th March 2024
Inspector	Bernard Dee

1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Moneyhore which is located approximately 4.5km west of Enniscorty town. The farm is located on a third class road in an agricultural area with a dispersed settlement pattern. The site is used for machinery storage and as a cattle shed with ancillary fodder storage buildings.
- 1.2. The appeal site itself is comprised of a collection of sheds, barns and cattle sheds with a large manure pile on a concrete slab and baled silage stacked in the yard. The boundary to the north facing onto the public road is not enclosed with a wall or gates but is open to the road.

2.0 Proposed Development

- 2.1. The development for which retention permission and planning permission is sought relates to the retention and completion of a hayshed that is oriented east-west and whose northern wall faces onto the public road. It is proposed to construct a 2m high wall extending from the north wall of the shed to define the northern boundary of the site. An entrance measuring 9m in width would be retained. No gates are proposed for the entrance. The floor area of the hay shed for which retention is sought is 143m².
- 2.2. The proposed manure storage shed is located at right angles to the hay shed and is to be constructed on top of an existing concrete slab. The proposed shed has a footprint of 12.2m x 16.7m and a maximum height approximately 7.5m. The floor area is stated to be 200m². The shed is a steel frame and cladding construction with a shallow A-frame roof.

3.0 Planning Authority Decision

3.1. Decision

Retention permission and permission for the works was granted on 6th December 2023 subject to 8 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

There was a Further Information request issued on 19th May 2023 and responded to on 14th November 2023 in relation to: (i) surface water drainage details, (ii) storage details for slurry/manure, and (iii) details on the proposed entrance onto the public road.

The Planner's Report on file following the receipt of the response to the Further Information request, in summary, had regard to the following planning issues:

- The principle of development of the type proposed is acceptable given the farmyard and rural context.
- The response to the Further Information request is deemed to be adequate.
- Neither EIA nor AA is required in relation to the retained/proposed development.

3.2.2. Other Technical Reports

- The Senior Executive Scientist (Environment) recommended a grant subject to conditions.
- The Roads Section recommended a grant subject to conditions.

3.2.3. Prescribed Bodies

- No submissions on file.

3.2.4. Observations

- Observation received from Pat Wheelock the current Third Party appellant.

4.0 Planning History

4.1. On the Appeal Site

- ABP-308468-20 (20200880) - permission granted by the Board to Isaac Wheelock on 4th February 2021 for the retention and completion of a straw storage shed. Planning permission was also sought for the erection of new roadside boundary wall with pedestrian entrance, concrete yard area and all ancillary site works.

- Ref. No. 20200231 - permission granted on 27th May, 2020 to Isaac Wheelock for (a) the erection of a farm machinery and sprayer shed and (b) the erection of a new grain store together with all ancillary site works at Moneyhore, The Leap, Enniscorthy, Co. Wexford.
- Ref. No. 20100722 - permission granted on 27th August, 2010 to Isaac Wheelock for the retention and completion of agricultural sheds for the storage of grain, together with concrete yard, concrete roadside boundary wall, widening of existing entrance and all other ancillary site works at Moneyhore, The Leap, Enniscorthy, Co. Wexford.
- Ref. No. 20023294 - permission granted on 23rd December, 2002 to Isaac Wheelock for the erection of a farm machinery shed at Moneyhore, The Leap, Enniscorthy, Co. Wexford.

4.2. In the Vicinity of the Appeal Site

- No relevant cases nearby.

4.3. Policy and Context

4.3.1. Development Plan

The Wexford County Development Plan 2022-2028 is the relevant Development Plan for the area within which the appeal site is located. The following policies and objectives are relevant to this appeal.

Volume 1: Written Statement

- Objective ED89 - To support the Action Plan for Rural Development led by the Department of Rural and Community Development and to support the development of priority areas under the Rural Development Programme 2014-2020 led by the Department of Agriculture, Food and the Marine.
- Objective ED96 - To support and facilitate the development of vibrant rural areas with a diverse rural economy and to ensure that economic development in rural areas protects the natural and built heritage and environment of the area.

- Objective ED97 - To ensure that all buildings are appropriately sited and sympathetic to their surroundings in terms of scale, design, materials and colour. The grouping of buildings will be encouraged in the interests of visual amenity. In general, the removal of hedgerows to accommodate agricultural buildings will generally not be permitted.
- Objective ED98 - To ensure all developments permitted in rural areas in accordance with Objective ED49, including agricultural, horticultural and rural diversification do not impact negatively on the quality of the environment or character of the rural area or rural settlement. Applications for all such developments will be required to submit details to demonstrate that the proposed development:
 - Will not result in the contamination of potable water, surface or ground waters, or impact on natural or built heritage;
 - Is appropriate in terms of scale, location, design and that the character of the farm or settlement is retained and enhanced where possible;
 - When located on a farm, it is located within, or adjacent to, existing farm buildings, unless the applicant has clearly demonstrated that the building must be located elsewhere for essential operational or other reasons;
 - Is appropriately sited so as to benefit from any screening provided by topography or existing landscaping and does not seriously impact on the visual amenity of the area;
 - Will not result in an unacceptable loss of residential amenity by reason of noise, odour or pollution;
 - Will not result in a traffic hazard,
 - Will provide for adequate waste management; and
 - Where possible will restore and/or enhance built and/or natural heritage.

- Objective ED99 - To facilitate the development of sustainable agricultural practices and facilities within the county, subject to complying with best practice guidance, normal planning and environmental criteria and the development management standards in Volume 2.
- Objective ED101 - To facilitate the modernisation of agriculture and to encourage best practice in the design and construction of new agricultural buildings and installations to protect the environment, natural and built heritage and residential amenity. Planning applications for new agricultural structures must clearly outline the use of the structure (livestock / equine / pig / poultry / storage) subject to Objectives ED97 and ED98.
- Objective ED102 - To ensure agricultural waste is managed and disposed in a safe, efficient and sustainable manner having regard to the environment and in full compliance with the European Communities Good Agricultural Practice for the Protection of Waters Regulations (2014) and relevant best practice guidelines.

Volume 2: Development Management

5.5 Agriculture Developments

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. Notwithstanding this, these buildings will be required to be sympathetic to their surroundings in terms of scale, materials and finishes. The building should be sited as unobtrusively as possible and the finishes and colours used must ensure the building will blend into its surroundings and landscape. The use of appropriate roof colours of dark green and grey will be required. Where cladding is proposed it shall be dark in colour also. The Planning Authority will give consideration to the following during the assessment of planning applications:

- It should be demonstrated that there are no suitable redundant buildings on the farm holding to accommodate the proposed development.
- The proposal should not detract from the character and visual amenities of the immediate and surrounding area.
- The proposals should not detract from the residential amenities of properties in the vicinity.
- The traffic movements associated with the proposed development must not give rise to a traffic hazard.
- All waste associated with the proposed development must be stored and disposed of in accordance with the relevant legislation and guidelines and not impact on public health.
- Objective ED106 Where an extension to/intensification of an existing development referred to in Objective ED105 is proposed, it must remain of a scale which is appropriate to the rural area and it should not detract from the environment, rural character, natural or built heritage of the area.
Development, from which the majority of the raw material is not from the farm (or other nearby rural resource) or within a reasonable distance thereof, will be required to locate on appropriately zoned lands in a town or village.
- Objective ED107 Development of the type referred to in Objective ED105 and Objective ED106 shall be required to submit adequate information to demonstrate that the proposed development: i) Will make a positive contribution to the local rural economy; ii) Will not adversely affect the character and appearance of the landscape and where possible, involves the reuse of redundant or underused buildings that are of value to the rural landscape; and iii) The design, layout, materials and boundary treatments are of a high quality and appropriate for a rural setting.

6.2.6 Siting and Design of Access/Egress Points

The Planning Authority will only permit the formation of a new, or the material intensification of use of an existing, vehicular access/egress to a public road (including to/from a private laneway) where it has been demonstrated that:

- The principle of a new/intensified access point to/from that category of road satisfies the criteria for such as set out in the Roads section of Volume 1 Chapter 8 Transportation Strategy.
- The detailed siting and design of the access/egress point is acceptable having regard to: a) The characteristics and features of the public road and private lane at that location; b) The availability of the required sightlines at the access/egress point to the public road, to allow for safe intervisibility of vehicles, cyclists, motorcyclists and pedestrians; c) The design and construction of the access/egress point; d) Surface water management arrangements; e) Impacts on existing mature trees and existing built features such as stone walls at the road frontage.

It should be noted that the Planning Authority will assess each application for a proposed new or the material intensification of an existing, access/egress point on its particular merits and will have regard to relevant TII Guidelines (including Rural Road Link Design and Geometric Design of Junctions, as may be updated) in that assessment.

8.2 Water

8.2.1 Surface Water Management

The Planning Authority will require the use of Sustainable Drainage Systems (SuDS) in the design of new developments in the county. The use of SuDS will control the release of water runoff in a carefully managed way, will improve the quality of surface water run-off and will seek to ensure that the risk to the receiving water from pollution is minimised. The application for SuDS should prioritise the use of appropriate nature-based solutions. The design of SuDS measures should have regard to the CIRIA report C753 the SuDS Manual (2015) in order to maximise benefits:

- Use surface water runoff as a resource;
- Manage rainwater close to where it falls (at source);
- Manage runoff on the surface (above ground);
- Allow rainwater to soak into the ground (infiltration);

- Promote evapotranspiration;
- Slow and store runoff to mimic natural runoff rates and volumes;
- Reduce contamination of runoff through pollution prevention and by controlling the runoff at source;
- Treat runoff to reduce the risk of urban contaminants causing environmental pollution.
- Depending on the characteristics of the site and local requirements, these may be used in combination and to varying degrees.

4.4. Natural Heritage Designations

The following natural Heritage designations are located in the vicinity of the appeal site:

- Killoughrum Forest pNHA (Site Code: 000765), approximately 3.0km north-northwest of the site.
- Slaney River Valley SAC (Site Code: 000781), approximately 3.7km southeast of the site.
- Slaney River Valley pNHA (Site Code: 000781), approximately 5.1km southeast of the site.
- Wexford Harbour and Slobbs SPA (Site Code: 004076), approximately 5.6km east of the site.

5.0 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

The relevant planning issues raised by the Third Party are, in summary, as follows:

- There is no evidence to demonstrate that the discharge of effluent from the site is being properly managed notwithstanding the installation of an effluent storage tank on the subject site.
- Insufficient information in relation to the effluent storage tank has been supplied to confirm whether or not the tanks is properly located within the site or is capable of coping with the amount of effluent produced.
- Surface water drainage is not managed at this site as there is no attenuation system in place and the gutters and downpipes on the existing buildings are not functioning properly thereby exacerbating the surface water runoff problem at this site.
- The response to the Further Information request should have been informed by an Agricultural Advisor which was not the case and the response did not supply a Nutrient Management Plan to the Planning Authority as requested.
- Condition 2 of Ref. ABP- 308468-20 (20200880) which required measures to control surface water runoff onto the public road and the Appellant's property has not been complied with.
- Condition 3 of Ref. ABP- 308468-20 (20200880) which required the buildings at the appeal site to be painted green has not been complied with.
- In the absence of compliance with conditions and ongoing surface water runoff problems permission should be refused by the Board and the Planning Authority should pursue appropriate enforcement action.

6.2. Planning Authority Response

- The Planning Authority has not responded to this appeal.

6.3. First Party Response

6.3.1. The First Party response, in summary, makes the following points:

- Further Information was supplied to the Planning Authority during the determination of the application.
- All works that need to be carried out are not yet authorised by a grant of permission.
- The cattle are dry bedded and the effluent storage tank is designed to collect any excess runoff from same.

6.4. Observations

- None.

7.0 Assessment

7.1.1. Having examined all the application and appeal documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The principle of development being acceptable is a given as the development relates to farm buildings within a farmyard.

7.1.2. The main assessment issue therefore is surface water runoff and secondary issues are access arrangements and compliance with ABP- 308468-20 (20200880) which required measures to control surface water runoff onto the public road.

7.1.3. The issue of AA Screening is also addressed in this assessment.

7.1. Surface Water Runoff

7.1.1. The Third Party Appellant states that surface water runoff from the appeal site is not properly managed and is causing problems within his own property across the road from the appeal site. In addition, the Appellant states that the rainwater goods on the existing buildings are defective and exacerbate the surface water runoff problem and also that the effluent storage tank is not proven to cope with surface water runoff.

7.1.2. I note the drawings received by the Planning Authority on lodgement of the application and also on foot of the Further Information request that rainwater and effluent runoff is to be separated and not mixed into one drainage system.

- 7.1.3. Rainwater will be channelled via the rainwater goods affixed to the buildings and off the surface of the yard via a surface water collection channel and drain to a soakpit in the NE corner of the site. The soakpit proposed measures 20m x 4m and is 1.5m deep and it's stated capacity is 120,000 litres.
- 7.1.4. Effluent runoff from the yard and buildings is proposed to be collected via separate drains (the yard slopes downward from west to east on the site) to an underground effluent storage tank with a capacity of 11,000 litres.
- 7.1.5. I note that the Senior Executive Scientist (Environment) report dated 15th November 2023 recommended a grant subject to conditions relating to (i) design standards compliance, (ii) storm water to be diverted to the new storm water system, (iii) manure, slurry and soiled water to be applied to land or exported in accordance with SI 113 of 2022 EU (Good Agricultural Practice for Protection of Waters) Regulations 2022, and (iv) no effluent/soiled water to be permitted to drain onto adjoining property or to enter any stream, drain, ditch or other watercourse or to the overflow effluent storage tank.
- 7.1.6. I would concur with the Planning Authority assessment and decision with respect to surface water runoff from the yard and believe that this issue can be satisfactorily addressed by the imposition of appropriate conditions should the Board be minded to grant retention permission and permission in this instance.

7.2. Other Issues

- 7.2.1. Access to the yard is proposed to be narrowed to 9m compared with the current open boundary to the public road. Sightlines of 65m are available in both directions at the access point and I have drafted a condition where the access details need to be agreed with the Planning Authority prior to the commencement of development.
- 7.2.2. Reference was made by the appellant to the unpainted nature of the sheds and a condition is drafted below regarding the agreement required from the Planning Authority with respect to external finishes.
- 7.2.3. Comments by the Appellant regarding enforcement do not come within the remit of the Board to adjudicate upon.

7.3. AA Screening

- 7.3.1. Having regard to the relatively minor development proposed within an existing housing estate and the distance from the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

I recommend that planning retention be granted for the retention and completion of the hay shed and the construction of the manure storage shed for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to the provisions of the Wexford County Development Plan 2022-2028 and to the location of the development within an established farmyard and to its nature and scale, it is considered that, subject to compliance with the conditions set out below, the 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, and would not be prejudicial to public health. The development would, therefore, 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 on the 31st March 2023, as amended by the Further Information submitted on 14th November 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>Reason: In the interest of clarity.</p>
2.	<p>All uncontaminated roof water from the building and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.</p> <p>Reason: In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.</p>
3.	<p>All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.</p> <p>Reason: In the interest of public health.</p>
4.	<p>Prior to the commencement of development the access arrangements to the site shall be agreed in writing with the Planning Authority.</p> <p>Reason: In the interests of traffic safety.</p>

5.	<p>Details of the materials, colours and textures of all the external finishes of the proposed development 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>
6.	<p>Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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>
7.	<p>The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.</p> <p>Reason: 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.</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.

Bernard Dee
Planning Inspector

21st March 2024

Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318756 -23		
Proposed Development Summary	Retention and completion of hayshed and construction of a new manure storage shed and all ancillary site works		
Development Address	Moneyhore, The Leap, Enniscorty, Co. Wexford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
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?			
Yes			EIA Mandatory EIAR required
No	√		Proceed to Q.3
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]?			

		Threshold	Comment (if relevant)	Conclusion
No	√			No EIAR or Preliminary Examination required
Yes				Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	N/A	Preliminary Examination required
Yes	N/A	Screening Determination required

Inspector: _____

Date: 21st March 2024

Bernard Dee