



Inspector's Report

PL-500885-WX-26

Development	Construction of an agricultural grain store adjoining to the existing agricultural store, install a new concrete apron and all associated site works.
Location	Coolishal Lower, Gorey Rural, County Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20251593W
Applicant(s)	James Casey
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	James Casey
Observer(s)	John Maher Neil Lane
Date of Site Inspection	18 th May 2026
Inspector	Emma Gosnell

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – AA Screening Determination

Appendix 3 – Screening for Water Framework Directive Assessment Determination

1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 1.460ha, is located in the rural townland of Coolishal Lower c. 1.6km to the south-west of Gorey in Co. Wexford.
- 1.2. The site is adjoined by agricultural fields to its south, a farmhouse and storage yard to its south-west, large rectangular open shed to its west and by an agricultural field to its east. There is a compound for the parking of large machinery located to its north, with an active quarry/ construction and demolition recycling facility located to its north-west. The site is accessed from the south-east off the R-772 regional road.
- 1.3. The site comprises of the access to the lands, 2 no. large, adjoined open sided sheds (c. 4980sq.m) on its west side with the remainder of the site comprising of the agriculture field to the immediate east of this structure.
- 1.4. In terms of the existing uses on the site, I observed the large rectangular shed and much of the yard to the west of the site to be in agricultural use with hay, animal waste and hay bales being evident. The yard adjacent to the farmhouse and the comping compound appeared to be in use for the storage of materials and equipment related to the operation of the non-agricultural commercial activity on neighbouring lands. In respect to the adjoined sheds which exist on the west side of the appeal site, the west side of the northernmost shed was found to be in use for the storage of a mix of agricultural and other machinery with its east side being used mainly for the storage of soil and what appeared to be mounds of crushed stone and agricultural foodstuffs. The southernmost shed was observed to be largely in use for the storage of agricultural foodstuffs with a small area of it being used for the storage of geological core samples.

2.0 Proposed Development

- 2.1. The proposal comprises of the construction of a new agricultural grain store (c. 2937sq.m) adjoining to the existing agricultural store, install a new concrete apron and all associated site works.
- 2.2. The proposed shed would be c. 24.3m wide and c. 122.5m in length and would be located to the rear of the existing shed with its floorplate set at a lower relative level. It would feature a gently pitched roof with a maximum ridge height of c. 13.6m. (in keeping with that of the adjoining shed). In terms of materiality, the shed would

comprise partly of concrete walls at its base with corrugated green sheeting to its sides and roof, with a large roller door centrally located on its front (south-west facing) elevation.

3.0 Planning Authority Decision

3.1. Decision

Permission refused on 04/02/2026 for 1 no. reason:

“During site visit on the 02/01/2026 sheds adjacent to the proposed development were not being used for agricultural purposes. These sheds measuring 4935sqm are currently redundant and could accommodate the proposed storage of grain. The proposal is therefore contrary to Objective ED99 and to section 5.5.1 Agricultural Building Volume 2 of the Wexford County Development Plan 2022-2028 and therefore to the proper planning and sustainable development of the area”.

3.2. Planning Authority Reports

3.2.1. Planning Reports

1 no. PA report (30/01/2026) formed the basis of the decision.

- *Nature of Use* – existing sheds adjacent to proposal were not being used for agricultural purposes during site inspection, are redundant and are capable of being used for proposed grain storage.
- *Access* – proposed to use existing access with adequate sightlines. Noted Roads Dept. recommend a grant with conditions in this regard.
- *Traffic* – submitted Traffic Management Plan states that proposal can be accommodated within the existing and planned road network subject to mitigation/management measures that are acceptable to PA.
- *Drainage* – proposal for stormwater collection tanks and soakaway pits acceptable.
- *Power Lines* – 38kv power lines located along full length of shed proposed to be undergrounded. Whilst noted no correspondence on file from Electric Ireland, proposal is acceptable to PA.
- *Flooding* – site is located in Flood Risk Zone C.

The report concluded by recommending that permission be refused as per Section 3.1.

3.2.2. Other Technical Reports

Roads Department (08/01/2026) – grant subject to conditions relating to maintenance of sightlines and roadside drainage and prevention of road flooding/ safeguarding of road condition during site works.

Environmental Department (17/12/2025) – grant subject to conditions regarding the design and construction of shed complying with Dept. of Agriculture and Food specifications; management of storm and foul water; prohibition on use of structure for the housing of animals or storage of manure/ fertilisers; and, restriction on allowable dust and noise emissions.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

5 no. third party submissions were received from Colman Doyle (16/01/2026), E. & A. Brennan (12/01/2026), John and Josephine Hourican (12/01/2026), John Maher (06/01/2026), Neil Lane (06/01/2026). These raised the following issues:

- *Enforcement* – Multiple incidences of alleged unauthorised development on quarry site cited. Established pattern of non-compliance/ enforcement – Section 35 of Planning and Development Act (2000) as amended should be invoked.
- *Design* – scale of structure is not in-keeping with character of the area.
- *Use* – Proposal will facilitate expansion of commercial (quarry/ construction & demolition recycling) activities and not agriculture. Existing site use as commercial quarry and waste facility operating under license is not made clear. Applicants are not involved in agriculture/ tillage farming. Existing sheds not used for agriculture.
- *Traffic Generation* – estimated quantum of HGVs arising lacks credibility. Proposal would allow applicant to operate and access their site 24/7 – condition wont stop it.
- *Traffic Safety and Road Condition* – proposal will exacerbate same.
- *Diminution of Residential Amenity* – arising from noise, dust, increased traffic etc. will read to a reduction in property values.

- *Surface Water Runoff* – leads to Banogue/Ounavarra Rivers & Gorey water supply.
- *Procedural Issues* – issues regarding timing of statutory notice erection on site and the accuracy of the description of development provided in the statutory notices. Incorrect information provided on application form re: planning history/ quarrying.
- *Breach of Development Plan policy* – agricultural/ commercial development and access design.

4.0 Planning History

4.1. Appeal Site

Planning Applications

P.A. Ref. 20/210413 – application by James Casey for retention of alterations to approved farm development under planning register number 20160218. This includes the extension and alterations to the previously approved loose cattle house, and extension and alterations to the previously approved general purpose and straw storage shed and associated works. Permission is also sought to erect a new loose cattle accommodation unit comprising feed passages, straw bedded pens, isolation unit & handling area, and to erect a separate general purpose feed store and machinery storage area, and carry out all ancillary and associated site works, granted on 16/06/2021 subject to 6 no. conditions, including the following:

“4. Agricultural shed (Unit 3) shall be used as a straw storage only in the main section and isolated areas only be used to house animals and animal manures as per application. Reason: To ensure the proposed development accords with the permission and that effective control is maintained.

5. Agricultural shed (Unit 4) shall be used for feed and dry storage only and is not be used to house animals, animal manures or silage bales for any reason. Reason: To ensure the proposed development accords with the permission and that effective control is maintained” [red line included north side of appeal site].

P.A. Ref. 20/160218 – application by James Casey for permission to erect a cattle accommodation unit comprising loose house with slatted underground effluent storage tanks and feed rails/ barriers, a general purpose and straw storage shed to replace existing store and a storage silage slab and carry out all ancillary and associated site

works, granted on 25/05/2016 subject to 4 no. conditions [red line included north side of appeal site].

P.A. Ref. 20/201146 – application by Fraser Court Ltd. for development comprising of (1) Proposed reclamation of land through the filling of material comprising of clay, silt, sand, gravel or stone on a site having an area of circa 2.2786 hectares for the purpose of improvement of land for agricultural use, (2) Proposed yard area for the recycling & shipment of concrete, C&D and tarmacadam material for re-use (1.3733 hectares) including to lowering/re-contouring of levels in yard area, (3) Proposed building (219.50 sq. metres) for the purpose of the temporary storage of aggregate materials, (4) Proposed temporary, portable office/chemical toilet facilities (24.35 sq. metres), (5) Ancillary works including alterations/upgrade of existing vehicular entrance onto R772 public road, upgrade/widening of existing access road, temporary truck wheel-wash, installation of land drainage, surface water drainage and attenuation facilities to infill and recycle areas, landscaping and screening. The proposed development relates to an activity which requires a Waste Facility Permit, granted on 28/04/2021 subject to 19 no. conditions incl. No. 19 *“Only agricultural tractor trailer units and rigid trucks shall transport material to the site. All vehicles using the site shall have loads effectively covered. No dust, stones, mud etc. giving rise to traffic safety hazards shall be brought onto the public road by vehicles accessing or leaving the site. REASON: In the interests of traffic safety”*. [red line included site access road and hardstanding area to side of proposed appeal site].

Enforcement

There is an extensive planning enforcement history linked to the appeal site. The most recent and relevant (which were cited in the PA’s report) are outlined below.

Compliant No. 0007-2023 – Alleged non-compliance with conditions attached to P.A. Ref. 20/201146. Status: Closed.

Complaint No. 0035-2023 – Alleged unauthorised development. Status: Closed.

Complaint No. 0113-2025 – Alleged unauthorised change of use from farmhouse to apartments. Status: Open.

5.0 Policy Context

5.1. National Policy

Project Ireland 2040 – National Planning Framework (First Revision, 2025) – NPO 33 (Support of agri-food industry).

Climate Action Plan (2024 & 2025) and National Biodiversity Action Plan (NBAP) 2023-2030 – Outcome 2A protection of existing designated areas & protected species.

5.2. Development Management Guidelines for Planning Authorities (2007) – Sections 7.6 (Conditions relating to occupation of buildings), 7.9 (Conditions requiring matters to be agreed) and 10.4 (Past failures to comply with planning permissions).

5.3. Regional Policy

Regional Spatial & Economic Strategy for the Southern Region 2020-2032 – NSO: Strengthened Rural Economies and Communities.

5.4. Development Plan

The Wexford County Development Plan (WCDP) 2022-2028 applies:

Volume 1 – Written Statement

Map 1 (Rural Area Types) – site located in area under ‘Strong Urban Influence’

Chapter 2 – Climate Action, Section 2.3.6 (Agriculture and Forestry)

Chapter 6 – Economic Development Strategy

Section 6.7.6 (Rural Economy): As outlined in Objective ED45 and Objective ED49 it is the Council’s policy to direct commercial development to the settlements identified in the Settlement Hierarchy. Exceptions to these objectives will be permitted in accordance with those outlined in this chapter, Chapter 7 Tourism Development, Chapter 12 Coastal Zone Management and Marine Spatial Planning, Chapter 14 Recreation and Open Space Strategy, Volume 8 Retail Strategy and Volume 10 Energy Strategy. Developments referred to in Objectives ED89 to ED98 must comply with the location specific objectives of the Plan.

Section 6.7.6.1 (Agriculture Development): Agriculture includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including

any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of the land as grazing land, meadow land, osier land, market gardens and nursery grounds. Agriculture is hugely important to the County's economy (see Figure 6.5).

Agricultural practices are continually changing and modernising. The increasing scale of farming, together with increasing use of chemicals, and new methods of production mean that there is pressure on the environment, in particular through soil contamination, ground and surface water pollution and impacts on natural and built heritage. Agricultural methods also have the potential to both add to and mitigate climate change.

The Council will facilitate and encourage best practice in terms of new agricultural development. The traditional form of agricultural buildings, farm layouts and field patterns are a valuable part of the character of our rural areas and are worthy of protection. New farm buildings are generally large in size and can have the appearance of industrial buildings and as a result there is potential for negative visual impacts. While the Council acknowledges that new farm buildings must be functional and efficient, they will also be required to be sympathetic to their surroundings and should be sited and designed to assimilate with the rural landscape.

Objective ED09 - To support a positive presumption in favour of locating appropriate employment where it would address unemployment blackspots, support sectoral and location based strengths and synergies with existing employers and take advantage of 'ready to go' property solutions [cited in GOA].

Objective ED45 - To direct commercial development to the settlements identified in the Settlement Hierarchy. Economic development proposals will be permitted within settlements on suitably zoned land or within towns and villages defined within the Core Strategy/ Settlement Hierarchy, subject to the proper planning and sustainable development of the area. Exceptions to the objective will be permitted in accordance with those outlined in this chapter, Chapter 7 Tourism Development, Chapter 12 Coastal Zone Management and Marine Spatial Planning, Chapter 14 Recreation and Open Space Strategy, Volume 8 Retail Strategy and Volume 10 Energy Strategy of the Plan.

Objective ED49 - To ensure that commercial development in rural areas is related to agriculture, horticulture or other rural related resource or activity. Exceptions to this objective are detailed in Section 6.7.6, of this chapter, Chapter 7 Tourism Development, Chapter 12 Coastal Zone Management and Marine Spatial Planning, Volume 8 County Retail Strategy and Volume 10 Energy Strategy.

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 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.

The Council will monitor and report on the number, nature and impacts of applications for economic development granted in rural areas outside of settlements. Reporting will take place as part of the 2 year review of the County Development Plan and as part of SEA.

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 ED 101 - 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.

Section 8.8 (Sightlines which Require Work)

Sections 9.5 (Water Supply) and 9.11 (Flood Risk and Surface Water Management)

Volume 2 – Development Management

Sections 5.5 (Agriculture Developments) and 5.5.1 (Agriculture 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.

Section 6.2.6 (Siting and Design of Access/ Egress Points)

Section 7.4 (Landscape and Biodiversity)

Objective NH13: To ensure applications for development include proposals for native planting and leave a suitable ecological buffer zone between the development works and any areas or features of ecological importance. To minimise the removal of hedgerow and natural boundaries, and where hedgerows are required to be removed the applicant/ developer will be required to reinstate the hedgerows with a suitable replacement of native species.

Sections 8.2 (Water), 8.3 (Wastewater), 8.4 (Air Quality) and 8.8.4 (Agricultural Waste).

Volume 7 – Landscape Character

Section 3.0 – Landscape Character Assessment – site located in ‘Lowlands’ area.

6.0 Natural Heritage Designations

The appeal site is not located within or adjoining any designated site.

The nearest European sites in close proximity to the appeal site are as follows:

- Cahore Marshes SPA (Site Code 004143) – approx. 14km to south-east.
- Seas off Wexford SPA (Site Code 004237) – approx. 15km to south-east.
- Slaney River Valley SAC (Site Code 000781) – approx. 3km to west.
- Cahore Polders and Dunes SAC (Site Code 000700) – approx. 15km to south-east.

The site is also proximate to the following Natural Heritage Areas and proposed Natural Heritage Areas:

- Courtown Dunes And Glen pNHA (Site Code 000757) – approx. 5.5km to east.

7.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendix 1 of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

8.0 Water Framework Directive Screening

An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Eastern/South Eastern River Basin Management Plan 2022–2027.

The receiving water environment has been identified and assessed, see Table in Appendix 3 attached. Having regard to the nature, scale, and location of the proposed

development, and the mitigation measures incorporated into the design, it is concluded that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

Any residual risks are capable of being addressed through the proposed mitigation measures.

The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

9.0 The Appeal

9.1. Grounds of Appeal

A first party appeal submission was received on 03/03/2026 and seeks to address the PA's reasons for refusal. The grounds of appeal (GOA) are as follows:

- *Farm* – proposal for grain store made to serve agricultural landholding established under P.A. Ref. 20251593W. Applicant owns and operates a 420-acre (predominantly arable) farm – this fact is evidenced by submitted Dept. of Agriculture scheme mapping.
- *Need for Proposal* – purpose-built grain store building is required to condition and store harvested corn produced on the farm in a moisture-controlled environment – a core operational requirement of the existing farm. The proposed structure provides for appropriate structural & hygiene conditions such as containment walls, an impervious floor and moisture control design.
- *Use of Sheds* – existing sheds currently serve the farm's feeding, fodder and machinery functions (i.e. already have specific operational roles within the farming enterprise) and are not constructed/ configured to function as bulk grain storage buildings on account of their design and open nature. PA refusal is unfounded and based on an incorrect understanding of the function and capability of the existing

structures gleaned from a site inspection undertaken in early January (during one of the quietest months in agricultural calendar with low feed stocks being typical).

- *Planning Impact* – proposal will consolidate farm operations with no adverse traffic, drainage, environmental, visual or residential amenity impacts arising. PA's technical departments did not raise any issues with the proposal.
- *Development Plan* – policy support for agricultural enterprises is outlined.
- *Procedural Issue* – PA did not assess proposal on its merits and applied additional/ incorrect policy tests. Refusal is not evidence based.

The GOA are accompanied by an Agricultural Report (dated 28/02/2026) which outlines the nature and extent of the farming enterprise operation on the lands and provides details of the existing use of each of the structures on the lands.

9.2. **Planning Authority Response**

None received.

9.3. **Observations**

Two observations on the appeal were received from John Maher (30/03/2026) and Neil Lane (30/03/2026). These raise the following issues:

- No evidence of agricultural activity on the site.
- Concerns raised regarding future non-agricultural use of the proposed building having regard to enforcement history of lands/ applicant's alleged non-compliance with planning conditions.
- Siting of proposal not suitable on account of proximity to quarry & recycling facility.
- Design and scale of proposal is out of character with rural landscape.
- Lands and structures on site are used in connection with applicant's non-farming commercial activities – this is not acknowledged in the application.
- Exacerbation of traffic hazard and road maintenance issues on R772.
- Proposal will give rise to increased traffic, noise, dust and disruption which will negatively impact on existing residential amenities and property values.

- Proposal directly conflicts with enforcement notice 0007-2023 re: breach of condition no. 19 on P.A. Ref. 20201146 (HGV import of materials incl. grain).

The observation from Neil Lane is accompanied by an aerial photo of the site and adjoining lands which is dated 27/03/2026.

10.0 **Assessment**

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, having inspected the site and, having regard to the relevant local/ regional/ national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Design
- Residential Amenity
- ESB Infrastructure – New Issue
- Other

10.1. **Principle of Development**

- 10.1.1. The appeal site is located in the townland of Coolishal Lower outside of Gorey in Co. Wexford and comes within a rural area which is designated as being under Strong Urban Influence.
- 10.1.2. Whist development plan policy generally directs commercial development into the settlements identified within the county settlement hierarchy; I note that Objective ED45 allows for exceptions in the case of agricultural development in line with Objective ED49. This requires that commercial development in rural areas be related to activities including agriculture in line with Sections 6.7.6 (Rural Economy) and Section 6.7.6.1 (Agriculture Development).
- 10.1.3. Section 5.5 (Agricultural Development) and Objectives ED91 and ED99 seek to facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector whilst protecting nature and the rural landscape, with Objective ED101 encouraging best practice in the design and

construction of new agricultural buildings and also requiring applicants to clearly outline the use of the structure.

- 10.1.4. The proposed development comprises of an agricultural grain store which the appellant argues will consolidate their farm operations on the land thereby enabling greater economic efficiency in compliance with Objectives ED91 and ED99 and I am satisfied from the information on file that the applicant has provided adequate information on the nature of the structures' proposed use in compliance with Objective ED101.
- 10.1.5. The PA's refusal reason related to both the underutilisation of existing structures on site giving rise to available capacity to accommodate the proposed grain storage and to the fact that the existing structures that were being used were not being used for agricultural purposes. In this regard, I note that Section 5.5.1 (Agriculture Buildings) states that it should be demonstrated that there are no suitable redundant buildings on the farm holding to accommodate the proposed development.
- 10.1.6. Third parties consider that the proposal will facilitate the continued expansion of the applicant's quarrying and/ or construction and demolition recycling activities on the lands. They express concern that the building proposed will not be used for agricultural storage purposes and cite previous incidences of alleged unauthorised development and non-compliance with conditions attached to previous permissions in respect of the lands in this regard. It is further argued by an observer that the applicant is not involved in agriculture or tillage farming, and they implore the Commission to invoke Section 35 of the Planning and Development Act (2000) as amended.
- 10.1.7. The appellant strongly refutes the views of the PA and third parties and has submitted an Agricultural Report (dated 28/02/2026) outlining the nature and extent of the farming enterprise operation and building use on the lands. The GOA state that the applicant owns and operates a 420 acre farm which includes the appeal site, with documentation from the Dept. of Agriculture being submitted to evidence same.
- 10.1.8. Having reviewed the information on file and having inspected the site and the existing buildings on the lands, I am satisfied that there is sufficient evidence that the applicant is actively involved in farming and I am also satisfied that the majority of the existing buildings on site are in active use for agriculture-related activities. Based on my observations, I do not agree with PA's view that the existing structures are not being

used for agricultural purposes or that they are materially underutilised and I am of the opinion that their refusal reason cannot be substantiated on this basis.

- 10.1.9. I note that Section 35 of the Planning and Development Act (2000), inter alia, concerns incidences where there is a real and substantial risk that the development in respect of which permission is sought would not be completed in accordance with such permission if granted or with a condition to which such permission if granted would be subject. However, I note that the majority of the enforcement cases cited by third parties/ by the observers relate to lands in Coolishal Upper that are not subject of this appeal, with the cases being relevant (as detailed in Section 4.0 of this report) no longer being open or having been resolved with the PA. I also note that P.A. Ref. 20/201146 and Condition No. 19 attached to same bear no real relevance to the subject proposal. In light of the foregoing, I consider that Section 35 need not be further considered in this specific instance.
- 10.1.10. Having considered the aforementioned policy support for agricultural related development, the design and required specification of the proposed grain storage building, the details of the nature and functionality of the existing buildings detailed in both the GOA and the submitted Agricultural Report together with my observations on the design and form of the existing buildings on site, I consider that the proposal for an agricultural grain store adjoining an existing agricultural store is acceptable in principle.
- 10.1.11. However, given the concerns raised regarding the future use of the proposed building, I consider it prudent that, where the Commission are minded to grant permission, as per the approach taken under P.A. Ref. 20/210413, a condition be attached to restrict its use to agricultural purposes only in the interests of clarity.

10.2. **Design**

- 10.2.1. The observers consider that the design and scale of the proposed structure is not in-keeping with the rural character of the area and raises concerns regarding the citing of the proposal in proximity to an active quarry and recycling facility.
- 10.2.2. I note that the site is located in a 'Lowlands' landscape character area which would not be regarded as having a high level of visual sensitivity.
- 10.2.3. Objective ED 101 seeks to facilitate the modernisation of agriculture and to encourage best practice in the design and construction of new agricultural buildings. Section

6.7.6.1 (Agriculture Development) acknowledges that new farm buildings are generally large in size and can have the appearance of industrial buildings with potential for negative visual impacts, with the requirement for functionality and operational efficiency/ requirements required to be balanced with visual integration requirements. Similarly, Section 5.5.1 (Agriculture Buildings) provides that the PA recognises the need for agricultural buildings and acknowledges that whilst there is often a requirement for these structures to be significant in scale 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. Objective ED97 seeks that buildings are appropriately sited and sympathetic to their surroundings in terms of scale, design, materials and colour and it encourages the grouping of buildings in the interests of visual amenity.

- 10.2.4. I note from the plans that the proposal would be sited next to an existing agricultural storage shed and within a complex of agricultural buildings and not adjoining the quarry or construction and demolition recycling facility operations.
- 10.2.5. The submitted plans and elevations illustrate that the proposed shed is generally equivalent in length and massing to that of the existing shed that would adjoin it – albeit it would be set at a lower ground level. The shoulder and ridge height (c. 13.62m) of the proposed shed is in-keeping with that of the existing shed, with the proposed materiality of green insulated panels and concrete base & wall also reflecting the character and materiality of the existing shed. Whilst the height of the side elevation of the proposed shed, when viewed from the south-east, would be greater than that of the existing shed, it is noted that the existing shed is located on a ridge overlooking the adjoining field and the R-772 and as such, on account of their matching overall heights, there would be no material change to the overall visibility of the agricultural sheds from neighbouring lands and no potential for the proposal to give rise to a negative visual impact on the rural landscape on the basis that it will be visually indistinguishable from the existing grouping of buildings on the lands.
- 10.2.6. In light of the foregoing considerations, I am satisfied that the proposal does not have the potential to detract from the residential amenities of properties in the vicinity.

10.3. **Residential Amenity**

- 10.3.1. The observers are of the opinion that the proposal will give rise to increased noise, dust and disruption which will negatively impact on existing residential amenities and property values in the locality.
- 10.3.2. Given the issues raised, the policy requirements of Objective ED98, which require that developments in rural areas not result in an unacceptable loss of residential amenity by reason of noise, odour or pollution, are a relevant consideration.
- 10.3.3. The PA's Environmental Department examined the proposal and advised a grant of permission subject to relatively standard conditions relating to, inter alia, the technical design of the structure and controls on dust and noise emissions.
- 10.3.4. Given the nature of the proposal (storage of agricultural grain) which would give rise to limited, seasonal vehicular movements and in considering the existing agricultural operations on the appeal site and the commercial operations in its vicinity, I do not consider that the proposal is likely to give rise to demonstrable nuisance to neighbouring properties in the form of noise, odour or pollution. This is particularly so given the site's substantial physical separation from neighbouring dwellings and the existence of intervening landscape features. On this basis, I am satisfied that there is no potential for the proposal to give rise to a negative impact on property values.

10.4. **ESB Infrastructure – New Issue**

- 10.4.1. The submitted Site Plan illustrates that a 38KV ESB cable/ power line which currently traverses the full extent of the appeal site to the immediate south-east of the existing adjoined sheds. An annotation is included on the plan which states 'ESB Cable to be Placed Underground'.
- 10.4.2. The PA in their report noted that there are 38KV power lines located along the full length of the proposed shed. They considered the applicant's proposal to underground these power lines to be acceptable notwithstanding the lack of correspondence on file from Electric Ireland and/or ESB networks.
- 10.4.3. I note that the applicant is proposing works to existing third party infrastructure and that there is no correspondence on file illustrating consultation or consent agreement with Electric Ireland/ ESB Ireland in its capacity as the utility provider with regard to the applicant's proposals. Whilst no information is available on the nature and scope of

related works that will be required to be undertaken to facilitate the proposal or details provided in respect to who/ what entity will undertake the required works, it is likely that the power line will need to be rerouted rather than simply undergrounded with related installation of new angle post infrastructure etc. It is also not clear whether the required undergrounding/ re-routing of the existing 38KV power lines can be facilitated within the application red line.

10.4.4. Section 7.9 (Conditions requiring matters to be agreed) of the Development Management Guidelines for Planning Authorities (2007) states that “In some cases, it may be considered unreasonable when granting a permission to require the applicant to go through the statutory application procedure again in relation to some detail of the proposed development and, to obviate this, a practice has developed of using a form of condition which requires that the matter shall be agreed with the planning authority. However, such conditions should be avoided in cases where the matters involved are of a fundamental nature or such that third parties could be affected”.

10.4.5. I consider the proposal to undertake works to underground or otherwise reroute the existing 38KV power lines which traverse the site constitutes a matter of a fundamental nature that would directly affect third party infrastructure. As such, I am not satisfied that this matter could be addressed by condition.

10.5. **Other**

Servicing

10.5.1. Regarding the matter of servicing, the proposal will primarily connect into the site’s pre-existing servicing infrastructure with the PA raising no issues in this regard. I note from the submitted drawings and cover letter received with the application that “*All roof water will be collected and store in large water holding tanks which shall be used for cleaning purposes. Storm water will be collect via drains and this will discharge back into the ground*”.

10.5.2. Whilst third parties have raised an issue regarding the potential for the site’s surface water run-off to enter the Banogue and Ounavarra Rivers and ultimately Gorey’s water supply, I consider that this is unlikely given the separation distances involved and the nature of the intervening land uses and ecological features.

10.5.3. Having regard to the above details I would consider that, subject to adequate conditions regarding surface water and good agricultural practice, the proposal would pose no significant risk of contamination of surface water or groundwater sources.

Access/ Traffic

10.5.4. Third parties have raised concerns regarding the existing site access and about the condition of the regional road adjoining same (due to run-off and debris etc) and they consider that the proposal has the potential to exacerbate same.

10.5.5. Objective ED98 requires that applications for agricultural development not result in a traffic hazard with Section 5.5.1 (Agriculture Buildings) stating that traffic movements associated with proposed developments must not give rise to a traffic hazard.

10.5.6. The PA, in assessing the proposal, were satisfied that the existing site access provided for adequate sightlines with no requirement to undertake works to alter same. Having inspected the site access, I would concur with the PA's determination in this regard. Whilst not explicitly addressed by the PA, I note that the matter of surface water run-off is addressed as part of the proposal whereby they are proposing to construct a new water interceptor at the site entrance off the R-772 in order to collect storm water and discharge it to a soakaway. Having regard to this proposal, I consider that the safeguarding of the condition of the road is a minor matter capable of being addressed by standard condition(s).

10.5.7. A brief 'Traffic Management Plan' was submitted with the application. This plan sets out how peak traffic generation will occur in August each year, which coincides with the annual grain harvesting period, whereby an estimated 20 no. tractor movements a day would arise over a period of three weeks, with a further 6 no. articulated truck movements overall during the period November to June – whereby the produce is distributed to wholesale buyers. The plan also outlines a range of standard 'mitigation measures' to ensure traffic safety on site during the construction and operational phases of the development, however these appear as generic statements (i.e. 'restrict large deliveries to off-peak hours', 'traffic calming' and 'promote sustainable travel') and it is unclear how they specifically relate to the subject proposal.

10.5.8. Notwithstanding, the PA were satisfied on the basis of same that the proposal can be accommodated within the existing and planned road network subject to mitigation/

management measures which they considered were acceptable with the Roads Dept. recommending a grant subject to standard conditions.

10.5.9. In terms of estimated traffic generation, third parties are of the view that the quantum of HGVs arising lacks credibility and concerns are expressed that a grant of permission would allow the applicant to operate and access their site 24/7.

10.5.10. Having inspected the site and its existing access arrangements and having observed the traffic volume and conditions in the vicinity and having considered the seasonality/timing of the proposal's estimated trip generation/ vehicular movements, I am satisfied that the proposal will not give rise to traffic congestion on the local road network and that existing traffic together with the traffic generated by proposal can be readily accommodated within the existing local road network without requiring any mitigations or upgrades to same.

Hedgerow Removal

10.5.11. The submitted site plan states that it is proposed to remove a c. 19m section of 'ditch' on the southwest side of the site adjoining the access road in order to allow HGV access to the proposed grain store via a roller shutter on its front elevation. I note that the ditch referred to is actually a mature hedgerow featuring a number of mature trees. This was not raised as an issue by the PA notwithstanding that Objective ED97 states that "In general, the removal of hedgerows to accommodate agricultural buildings will generally not be permitted." with Objective NH13 seeking to minimise the removal of hedgerows and natural boundaries and requiring that, where hedgerows are required to be removed, the applicant/ developer will be required to reinstate the hedgerows with a suitable replacement of native species. In this latter regard, I note that the applicant has shown some incidental tree planting along the side elevation of the building. Whilst I do not consider that these proposals would not represent a like for like replacement, I note the existence of extensive swathes of mature hedgerows will remain intact along the remainder of the access road and also along the boundary with the R-772. Therefore, on balance I consider the proposal to be acceptable.

Procedural Concerns

10.5.12. Third parties have raised issues with regard to the timing of the erection of the site notice (but does not provide any further information regarding same), the accuracy of

the description of development provided in the statutory notices and the failure to disclose the full planning history and quarrying activity on the lands.

- 10.5.13. I note that the PA case officer inspected the site notice on the 02/01/2026 during the five-week statutory consultation period and found it to be in-situ and, as such, the application was deemed to be valid in this regard.
- 10.5.14. Having considered the description of development applied for against the plans and particulars submitted, I am satisfied that whilst concise it accurately reflects the proposal.
- 10.5.15. In respect to the nature and extent of information provided in respect to the site's planning history, having consulted the PA's planning register I am satisfied that I have sufficient information before me to inform my assessment of the proposal. Similarly, I consider that there is adequate information on file with respect to the applicant's other commercial enterprises (incl. quarrying) which primarily operate outside the appeal site.

11.0 Recommendation

I recommend that permission be REFUSED for the following reasons:

12.0 Reasons and Considerations

1. The site is traversed by an existing 38KV power line and in the absence of confirmation or consent from the third party utility provider and details of the nature and scope of works that would be required to reroute and/ or underground the existing power line in order to facilitate the proposed development, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

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.

Emma Gosnell

Planning Inspector

8th June 2026

Appendix 1

Form 1 – EIA Pre-Screening

Case Reference	PL-500885-WX-26
Proposed Development Summary	Construction of an agricultural grain store adjoining to the existing agricultural store, install a new concrete apron and all associated site works.
Development Address	Coolishal Lower, Gorey Rural, County Wexford.
In all cases check box /or leave blank	
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (For the purposes of the Directive, “Project” means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a ‘Project’. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.	

No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____

Appendix 2 – AA Screening Determination

Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposal for the construction of an agricultural grain store adjoining to an existing agricultural store, the installation of a new concrete apron and all associated site works at Coolishal Lower, Gorey Rural, County Wexford in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located:

- Cahore Marshes SPA (Site Code 004143) – approx. 14km to south-east.
- Seas off Wexford SPA (Site Code 004237) – approx. 15km to south-east.
- Slaney River Valley SAC (Site Code 000781) – approx. 3km to west.
- Cahore Polders and Dunes SAC (Site Code 000700) – approx. 15km to south-east.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project in a suburban location, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The nature and scale of the proposed development.
- The location of the development as part of an existing serviced agricultural complex, its distance from European Sites and the nature of intervening habitats and the absence of ecological pathways to any European Site.
- Taking into account screening determination by PA.

I conclude, on the basis of objective information, that the proposed development to be retained would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

APPENDIX 3**WFD IMPACT ASSESSMENT SCOPING TABLE****Step 1: Nature of the Project, the Site and Locality**

An Bord Pleanála ref. no.	PL-500885-WX-26	Townland, address	Coolishal Lower, Gorey Rural, County Wexford
Description of project	Construction of an agricultural grain store adjoining to an existing agricultural store, the installation of a new concrete apron and all associated site works		
Brief site description, relevant to WFD Screening,	Site is located within an existing agricultural complex in a rural location. The site is surrounded by well drained grassland with no drainage ditches being evident. There nearest watercourse (BANOGÉ_030 River) is located c.180 metres east of the site.		
Proposed surface water details	Stormwater will be collected and reused and excess drained to soakaways for discharge back into the ground.		
Proposed water supply source & available capacity	New supply not required.		
Proposed wastewater treatment system & available capacity, other issues	New foul servicing not required.		
Others?	n/a		

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater) (Consider all phases)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
River	BANOGE_030	Poor	At risk	Includes Agriculture	Not hydrologically connected to surface watercourse.	N/a	N/a
Groundwater	Gorey IE_SE_G_071	Good	Not at Risk	None	Potential for stormwater discharges to groundwater	Soakaways/ SuDS measures	Mitigation sufficient. No residual impacts predicted.