



An
Coimisiún
Pleanála

Inspector's Report PL-501350-WW-26

Development	Removal of existing entrance and access track and reinstatement of same to farmland construction of new entrance and access track, extension of hardcore yard and landscaped screening banks and all associated site works.
Location	Brewershill, Dunlavin, Co. Wicklow
Planning Authority	Wicklow County Council
Planning Authority Reg. Ref.	2649
Applicant(s)	Michael Cleary
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party Planning Appeal
Appellant(s)	Michael Cleary
Observer(s)	None
Date of Site Inspection	19/08/26

Inspector

Donal Farrelly

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1.0 Introduction

- 1.1. There have been a number of previous retention applications submitted to the Planning Authority (PA) regarding the proposed change of use of a portion of the appeal site from agriculture to timber storage for drying, with the remainder of the site to remain as agricultural land. These previous submissions are under planning reference no's. **25/61, 23/491, 22/1140, 21/1350, 21/31**. All of the previous planning submissions were refused by the PA. The reasons for refusal of the most recent application 25/61 was regarding the consolidation of unauthorised development and the location of a commercial activity in a rural area.

2.0 Site Location and Description

- 2.1. The appeal site is 0.71ha and is located at Brewershill, Dunlavin, Co. Wicklow circa 1.9km southeast of Dunlavin Town Centre. The site fronts the rural road L8336 which has a speed limit of 60kph. The site comprises existing agricultural land used in part for the storage and stacking of timber for drying. There is an existing shed located to the rear of the site with access by way of a hardcore road circa 80m in length.
- 2.2. Residential units are located directly opposite the site entrance and to the west and southwest of the site. A farmyard is located northeast of the appeal site, with Cleary Fuels located circa 200m to the northeast. Agricultural fields form the eastern, western and southern boundaries of the appeal site.
- 2.3. The topography of the site slopes towards the public road, with existing mature vegetation and trees forming the northern boundary of the site along the public road. The public road level is 100.00m which rises to 101.85m at the rear of the appeal site. The appellant proposes to move the access road circa 30m to the east and reinstate the boundary ditch at the existing site entrance. The site layout plan outlines 150m sightlines in both directions from a 2m setback from the public road which is appropriate for a rural road with a 60kph speed limit.

3.0 Proposed Development

3.1. The proposed development which includes elements subject to retention comprises the following.

- Change of use of a portion of the appeal site from agricultural land to storage of timber which can be stacked up to 3m in height. The remainder of the appeal site to be fenced off and remain as agricultural land.
- Retention of the existing hardcore storage area located to the rear of the site, with an extension of this hardcore area also proposed. Permission is also sought to use this hardcore area for the storage of timber for drying, with timber to be stacked up to 3m in height.
- A new hardcore access road circa 91m in length from the site entrance to the rear timber storage area with an associated drainage channel and soakaway to prevent water discharge onto the public road. A post and rail fence is proposed either side of the access road.
- New site entrance and boundary works to achieve 150m sightlines in both directions from a 2m setback from the public road.
- Works to the site boundaries also to include the removal of the existing gravel path and replacement with topsoil and planting.
- A 1.8m high grassed bank on the western boundary of the timber storage area to match the existing grassed bank on the southern boundary. A 2.4m high grassed boundary is proposed on the eastern boundary of the timber storage area adjacent to the existing shed.

4.0 Planning Authority Decision

4.1. Decision

Permission was refused by Decision Order dated 22/04/2026 for the following 2 reasons. These reasons for refusal are similar to the PA previous reasons for refusal under Planning Reference No. 25/46. I note other historic applications were also refused for similar reasons.

- location of commercial use on rural lands
- Consolidation of unauthorised development

4.2. Planning Authority Reports

4.2.1. Planning Reports

Report of the Planner dated 16/04/2026 recommends a refusal of permission. This refusal is based on consolidation of unauthorised development, and location of the commercial development in a rural area which would impact visual amenity. The development should be directed to zoned land. Development would only be considered in the rural setting if located on a similar brownfield site and if compatible with the receiving rural area.

4.2.2. Other Technical Reports

- Municipal District Engineer. No objection subject to conditions regarding drainage and sightlines.
- Transportation and Infrastructure Delivery. No objection subject to conditions on surface water drainage and sightlines.
- Environment. No response received.

4.3. Prescribed Bodies

Department of Housing, Local Government and Heritage. No response received.

4.4. Third Party Observations

Third party objection letters received from Frank Barrett and Matt and Kathleen Owens. These letters are summarised as follows.

- The application is the latest in a series of attempts to regularise unauthorised development.
- Previous enforcement and legal proceedings associated with the site.
- Enforcement is separate to planning but history of non-compliance is relevant.

- The site is a large scale commercial fuel depot, log storage and distribution yard and is inconsistent with the settlement strategy of the CDP. Employment generated development should be directed to zoned lands or brownfield sites.
- Objective CPO 9.35 allows only small scale rural enterprises but what is proposed is not small scale.
- The site is located in a sensitive landscape area and CDP policies are relevant in this regard. DUN 8 of the Dunlavin Town Plan is also relevant.
- The unauthorised development detracts from the rural landscape.
- Ongoing noise and disturbance, air quality impacts, risks to groundwater and agricultural land due to lack of appropriate drainage.
- The use is not compatible with the receiving environment.
- HGV traffic is not appropriate or suitable for this site.
- Risk of safety to local residents regarding traffic and height of timber stacks.
- Continued expansion of industrial type use is contrary to Regional Spatial and Economic Strategy (RSES) and the National Planning Framework (NPF).
- Results in a loss of visual amenity and impact on the quality of life of residents.
- Validation checklist notes solar/red III but the final section notes that it is not. The notices do not mention solar/red III.
- Timber storage will entail up to 3 years supply at any one time and heavy machinery will be used to package the timber.

5.0 Planning History

Planning reference no. 25/61. the hardcore surface storage area referred to in UD 5294. Full planning permission is also sought for the removal of the existing entrance and access track and reinstatement of same to landscaping, construction of new entrance and access track, construction of new landscaping screening banks to parts of Eastern and Western boundaries, all associated ancillary works and material change of use to allow for storage of timber for the purpose of drying same.

Retention permission refused on 29/04/25 regarding consolidation of unauthorised development and location of a commercial activity in a rural area.

Planning reference no. 23/491. of the hardcore surface storage area referred to in UD5294. Full planning permission is also sought for the removal of the existing entrance and access track and reinstatement of same to landscaping, construction of new entrance and access track, extension of the hardcore yard, construction of new landscaped screening banks to parts of the Eastern and Western boundaries, all associated ancillary works and the material change of use from agricultural use to allow for storage of timber for the purpose of drying same.

Retention permission refused on 20/07/23 regarding consolidation of unauthorised development and location of a commercial activity in a rural area.

Planning reference no. 22/1140. the widening of the existing farm entrance, upgrade of existing farm track and retention of the hardcore surface of this track and storage area referred to in UD5294. Full planning permission is also sought for the upgrade of the existing entrance, removal of areas of the hardcore track and reinstatement of same to landscaping, extension of the hardcore yard, construction of new landscaped screening banks to parts of the Eastern and Western boundaries, all associated ancillary works and the material change of use from agricultural use to allow for storage of timber for the purpose of drying and parking of the applicants own commercial vehicles.

Retention permission refused on 16/12/22 regarding sightlines, consolidation of unauthorised development, and location of a commercial activity in a rural area.

Planning reference no. 21/1350. widening of the existing farm entrance, upgrade of existing farm track and retention of the hardcore surface of this track and storage area referred to in UD5294. Full planning permission is also sought for the upgrade of the existing entrance, removal of areas of the hardcore track and reinstatement of same to landscaping, extension of the hardcore yard, construction of new landscaped screening banks to parts of the Eastern and Western boundaries, all associated ancillary works and the material change of use from agricultural use to allow for storage of timber for the purpose of drying and parking of the applicants own commercial vehicles.

Retention permission refused on 07/01/22 regarding sightlines, consolidation of unauthorised development, and location of a commercial activity in a rural area

Planning reference no. 21/31. widening of existing farm entrance and also for the widening of an existing farm track and for the hardcore surface of this track referred to in UD5294. Under this application full planning permission is sought for the construction of a structural steel shed comprising of two loose boxes, fodder storage area and agricultural machinery storage with an adjoining litter bay, outdoor exercise arena, deep bored well and all associated site works. Permission is also sought for the reinstatement of the unauthorised hardcore area not used within the proposed overall project. Planning permission also sought for the material change of use from agricultural use to allow for the parking of applicants own commercial vehicles within the yard area of the proposed development.

Retention permission refused on 10/03/21 regarding consolidation of unauthorised development, lack of information to show bunding of hardstanding area, and location of a commercial activity in a rural area.

6.0 Policy Context

5.1 Development Plan

The Wicklow County Development Plan 2022-2028 is the relevant Development Plan for the appeal site. In my opinion the most relevant policies and objectives are listed below.

Chapter 4 relates to 'Settlement Strategy'. The appeal site is located in Level 10: Rural (Open Countryside) zoned land.

Chapter 9 Economic Development

Enterprise CPO 9.1 which seeks to support all forms of employment creation

CPO 9.3 which seeks to normally require new employment generating developments to locate on suitably zoned or identified land in settlements.

CPO 9.5 which seeks to permit proposals for employment generating development where it can be demonstrated that the development complies with the relevant development standards and is not detrimental to residential amenity or to

environmental quality and is acceptable with regard to its impact on the character and visual amenity of the area.

CPO 9.32 To permit the development of employment generating developments in rural areas, where it is proven that the proposed development requires to be located in a rural area (e.g. dependent on an existing local resource) and will have a positive impact on the location.

CPO 9.35 To permit the development of small-scale commercial / industrial developments in rural areas that are not dependent on an existing local resource, subject to compliance with all of the following criteria:

The proposed development shall be a small-scale industrial / commercial scheme or service and the number employed shall be appropriate in scale to the location and its characteristics, including proximity to the workforce and customers;

the proposed development shall be located on the site of a redundant farm building / yard or similar agricultural brownfield site; and

the nature and scale of the proposed development and the proposed process or activity to be carried out, shall be appropriate to and compatible with, the character of the rural environment of the site at which the development is proposed, and shall not be detrimental to the rural amenity of the surrounding area. In the assessment of planning applications, cognisance shall be taken of the location of the site vis-à-vis the proximity of the site to the national and regional road network.

This formed one of the reasons for refusal.

CPO 9.38 To encourage and facilitate agricultural diversification into suitable agri-businesses. Subject to all other objectives being complied with, the Council will support the alternative use of agricultural land for the following alternative farm enterprises:

Specialist farming practices, e.g. organic farming, horticulture, specialised animal breeding, deer and goat farming, poultry, flower growing, forestry, equine facilities, allotments, bio energy production of crops and **forestry**, organic and speciality foods; and

suitable rural enterprises.

CPO 9.48. To encourage the development of farm forestry as a means of promoting rural diversity and strengthening the rural economy.

CPO 9.49. To encourage the development of forestry for timber biomass, which can be used as a renewable energy source (see also Chapter 16).

Chapter 12 Sustainable Transport

CPO 12.54. Rural local roads shall be protected from inappropriate development and road capacity shall be reserved for necessary rural development.

Appendix 1-Development and Design Standards

Section 4 Business, Commercial and Employment Developments.

4.1.5. all new development proposals shall be accompanied by proposals for suitable boundary treatment, including walls, fencing or landscaping.

4.1.6. Landscaping proposals should accompany all applications.

Section 4.3.3 Commercial / industrial development in rural area

Where permission is sought for a commercial / industrial development in a rural area, the application shall be required to include the following information:

- Details of the ownership of the site / buildings and the intended operator of the business;
- Full details of the activity proposed to be carried out, the materials and processes involved, information of plant and machinery and any emissions / wastes arising therefrom;
- Details of staff (full / part time) required to operate the business and the proposed hours of business;
- Details of transportation requirements, the types of vehicles to be used, the estimated number of vehicle movements per day, likely routes of vehicles to major transport routes / the market for the product and evaluation of ability of existing road network to accommodate the development;
- Where a new building is proposed, evidence that the location and design of the structure is optimal having considered both the needs of the business and the environmental sensitivities of the location and where applicable, measures that have been taken to minimise visual impact on the landscape;

- Evaluation of the proposals in terms of likely impacts on scenic value (including listed views and prospects and sensitive landscapes), heritage, local ecology / biodiversity and nearby residences;
- Detailed landscaping proposals.

In order to verify the viability of a proposed business, the planning authority may require the submission of a business plan with any application for permission.

5.2 National/Regional Plans/Policies

NPF (First Revision)

NPO 30 Facilitate the development of the rural economy, in a manner consistent with the national climate objective, 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 biodiversity and the natural landscape and built heritage which are vital to rural tourism.

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031

RPO 4.79 Local authorities shall identify and provide policies that recognise the contribution that small towns, villages and rural areas contribute to social and economic wellbeing. As part of this policy provision that seeks to support and protect existing rural economies such as valuable agricultural lands to ensure sustainable food supply, to protect the value and character of open countryside and to support the diversification of rural economies to create additional jobs and maximise opportunities in emerging sectors, such as agribusiness, renewable energy, tourism and forestry enterprise is supported.

RPO 6.7 Support Local authorities to develop sustainable and economically efficient rural economies through initiatives to enhance sectors such as agricultural and food, forestry, fishing and aquaculture, energy and extractive industries, the bio-economy, tourism, 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.

5.4 Natural Heritage Designations

Wicklow Mountains SPA (004040) is located circa 8km to the northeast of the appeal site.

Wicklow Mountains SAC (002122) is located circa 8km to the southeast of the appeal site.

Slaney River Valley SAC (000781) is located circa 5km to the southeast of the appeal site.

Poulaphouca Reservoir SPA (004063) is located circa 9km to the northeast of the appeal site.

Proposed Natural Heritage Areas

Dunlavin Marshes (001772) is located circa 3.5km to the northwest of the appeal site.

Hollywood Glen (002053) is located circa 4.2km northeast of the appeal site.

Newtown Marshes (001759) is located circa 5km to the northeast of the appeal site.

7.0 EIA Screening

I have considered the proposed development under Part 2 Schedule 5 of the Planning and Development Regulations 2001 as amended. Class 8 comprises wood industries and associated production activities. I am satisfied that the appeal site is related to wood/timber storage facilities only and therefore does not fall under Class 8 of the Regulations as there are no production operations on site.

I am satisfied that the development does not constitute 'agriculture' as per of the Planning and Development Act 2000 (as amended), or 'industrial process' or 'repository' as per the Planning and Development Regulations 2001 (as amended). I consider the development to constitute a sui generis use.

I am therefore satisfied that the development and change of use do not come within the definition of a 'project' for the purposes of EIA, that is, it does not comprise construction works, demolition or intervention in the natural surroundings. [Refer to Form 1 in Appendix 1 of report].

8.0 The Appeal

8.1. Grounds of Appeal

A first party planning appeal was submitted by a consultant acting on behalf of the appellant and is summarised as follows.

- The applicant's own and run a family business, own the appeal site and live within 500m of the site. They have been running their business for over 50 years.
- The applicant and family employ up to 9 people at any one time.
- The planning authority are currently levying commercial rates on the applicant's but have advised that the workplace is unauthorised development.
- This business is an enterprise that is supported in the CDP and is part of the rural community.
- Timber needs to be stacked and stored in order to reach an appropriate moisture content. The drying out process can take from 6-9 months.
- No vehicles will be stored on the site. The timber will be stacked up to 3m in height in log form. This is common for a business of this nature.
- It is expected that there will be 5-10 trips weekly between delivery and removal of timber. The entrance has been designed to cater for the proposed traffic.
- The site is located close to Dunlavin in a large rural hinterland and that sufficient consideration has not been given to the current CDP including s5.2 and s5.4 and Policy DUN5.
- National standards require a larger storage area for the business to carry out its operations. The proposal is only to dry timber and store it on site.
- This is a smaller enterprise that will create employment. There are no suitable alternative industrial park locations locally for the business which needs external storage space and not buildings.

- The applicant would be agreeable to reasonable working hours and other suitable conditions and mitigation measures. The applicant is not seeking to substantially grow their existing operations but rather focus on continued operations. If the decision is to remove the storage, then the business may need to close.
- Landscaping and boundary treatments will reduce visual impact.

8.2. **Planning Authority Response**

None

8.3. **Observations**

None

9.0 **Assessment**

9.1. I have examined the application details (including the 2 no. reasons for refusal) and all other documentation on file including the submissions received in relation to the appeal and the report of the local authority. I have also inspected the site, and I have had 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 and change of use
- Visual and residential amenity
- Site entrance and sightlines
- Unauthorised development

9.2. **Principle of development and change of use**

9.3. The appeal site is located on agricultural land circa 1.9km southeast of Dunlavin. The application submitted to the planning authority under planning reference no. **26/49** was refused for two no. reasons which includes the consolidation of unauthorised development and the location of a commercial use on rural agricultural land.

- 9.4. I note the previous retention applications submitted for the appeal site which were refused, the most recent being planning reference no. **25/61**. The reasons for refusal are similar to those under the most recent submission to the planning authority under planning reference no. **26/49**.
- 9.5. The appellant seeks a change of use from agriculture to a site for timber storage. The site layout plan submitted identifies that the hardcore storage area for retention is located to the rear of the appeal site circa 91m from the public road. Permission is also sought to increase the size of the hardcore storage area. The appellant outlines that the yard will be used to store timber stacks for drying purposes which will be up to 3m in height. The dried timber will then be sold as firewood. The appellant outlines that this is a family business which employs up to 9 people and the business has been in operation for 50 years between the family home and the appeal site.
- 9.6. Objective CPO 9.48 and CPO 9.49 of the development plan encourages farm forestry for rural diversification and the use of timber as a renewable energy resource. The appeal site constitutes the storage of timber felled from forestry activities. I consider the use of the yard as being part of and supporting forestry activities. Therefore, I consider the appeal site to satisfy the requirements of Objectives CPO 9.48 and 9.49 of the Development Plan with respect to forestry activities.
- 9.7. I note Objective CPO 9.38 of the development plan which supports the diversification of agricultural activities into many other enterprises including forestry.
- 9.8. I also note Objective CPO 9.35 which formed one of the reasons for refusal under planning reference no. **26/49**. This permits small scale commercial/industrial developments in rural areas on a site associated with a redundant farm building/agricultural yard or brownfield site and the scale of the development shall not be detrimental to the rural amenity of the area, and the number of employees shall be appropriate for the rural location.
- 9.9. I observed the presence of an existing agricultural shed during my site visit. This is located adjacent to the hardcore storage area to the rear of the site with access by way of an existing hardcore laneway which connects to the public road. The site layout plan submitted to the planning authority proposes to relocate the hardcore access road to a more central position within the appeal site. Fencing will be erected

along the length of this proposed access road with the surrounding land to be used for livestock.

- 9.10. Boundary planting and raised earth banks on the southern, eastern and western boundaries of the hardcore storage area will provide appropriate screening of the development. I am satisfied that the landscaping measures are appropriate to satisfy CPO 9.35. An assessment of visual and residential amenity will be detailed in the section below.
- 9.11. I consider that the forestry related activities on site constitute a diversification from the permitted agricultural activities which I consider to satisfy the requirements of Objective COP 9.38 of the Development Plan. I also consider that the proposed change of use would conform with the requirements of Objective CPO 9.35 of the development plan in that the storage area constitutes the expansion of the existing agricultural shed. I consider the existing shed to constitute a brownfield site in that they are not fully operational with respect to agriculture use and capacity.
- 9.12. I note Objective CPO 9.3. I consider that the change of use for retention represents forestry related activities on an agricultural site with small scale employment of up to 9 people. I consider this scale of development and nature of the business to be appropriate for the location in a rural area. I therefore do not consider Objective 9.3 of the Development Plan to be appropriate for the appeal site in this instance.
- 9.13. Having regard to the above I consider that the proposed change of use from agriculture to a storage area for stacked timber up to 3m in height for the purposes of drying to be sold as firewood to constitute forestry related activities on an expanded brownfield agricultural yard. I consider in this instance that this development is appropriate for the rural area and that it is not required to be located on zoned industrial land.
- 9.14. I note details of the submissions to the Planning Authority regarding the use of the site for fuel storage and that the site constitutes a large scale commercial activity. During my site visit I did not see any fuel storage facilities on site, and I did not see any equipment that would be associated with a sawmill. Considering this I am satisfied that the site is used for the storage of timber, does not have a public store/shop, and does not constitute a large scale commercial operation.

- 9.15. I am therefore satisfied that the principle of development is acceptable and it conforms with Objectives 9.35 and 9.38 of the Development Plan. However, visual and residential amenity of the development is subject to other planning considerations further detailed below.
- 9.16. **Visual and residential amenity**
- 9.17. The site is located within an area associated with 'rolling lowlands' as per Map No. 17.09A of the Development Plan. It is not located within a high amenity area or other landscape sensitive area.
- 9.18. The hardcore storage area is located circa 91m from the public road to the rear of the appeal site. The site layout plan submitted to the planning authority outlines that the hardcore storage area will be contained within a raised grassed bank on the southern, western and eastern boundaries. The height of the bank on the western boundary is 2.4m and 1.8m on the western boundary. An existing 1.7m high grassed bank is located along the southern boundary. The northern boundary of the hardcore yard will remain open.
- 9.19. The appellant outlines that the timber will be stacked up to 3m high in height for storage and will remain in place for the duration of the drying period. The site layout plan outlines that there will be no liquid fuel tankers or fuel storage on site. The hardcore access track along the western boundary will be removed and the roadside ditch reinstated. The western boundary will be planted with a hornbeam hedge and Rowan trees. The eastern boundary will be planted with a native hedge.
- 9.20. The access road to the rear extended hardcore area will be relocated centrally within the site. Lands to the east and west of this road will be used for livestock purposes and will be fenced off.
- 9.21. I consider that the appellant has positioned the hardcore storage area some 91m from the public road which will be significant in terms of reducing visual impact when viewed from the local road. I consider the size of the yard not to be excessive considering it will be used to store timber. The 3m height for timber stacking will also appear less intrusive in the landscape as a result of the set back distance from the public road. I am of the opinion that the raised grassed area around the storage yard will help to reduce the visual impact of the development when viewed from adjacent farm lands and residential dwellings located to the west and south west of the site.

The nearest residential dwellings to the southwest are circa 167m and circa 110m to the west. I consider that the setback from adjacent properties to be adequate.

9.22. The operations associated with the site are predominantly for the storage of stacked timber for drying. I am satisfied that there will not be significant and ongoing operations on site having regard to the proposed trips associated with the development, outlined at 5-10 per week. It is anticipated that up to 9 no. employees will be on site at any one time and I consider this to represent a small business as opposed to a significant commercial operation. I consider the business appropriate for a rural location and I do not consider that it will have a significant impact on the residential amenities of adjacent properties considering the nature of the operations and setback distances.

9.23. Having regard to the boundary treatments proposed in the form of earthworks and planting and the distance from the public road and nearby residential properties I am satisfied that the development for retention and the proposed development will not result in an adverse impact on residential property in the vicinity of the site or impact on visual amenity of the area.

9.24. **Site entrance and sightlines**

9.25. Objective CPO 12.54 of the development plan seeks to protect rural roads from inappropriate development. I note that the reasons for refusal did not include any reference to the sight entrance or sightlines, however I have undertaken an assessment as I am of the opinion that it is relevant having regard to the nature and location of the development with access off a local road.

9.26. Table 1.3 of the Transport Infrastructure Ireland (TII) publication DN-GEO-03031 (May 2023) states a desirable minimum stopping distance of 90m for a design speed of 60kph. The speed limit of the local road is 60kph. During my site visit I observed mature hedgerows however I do not consider these to obstruct sightlines from a 2m setback on the local road. I also note the site entrance is located on a section of the road that is predominantly straight and which slopes upwards in a westerly direction.

9.27. The proposed development includes the relocation of the existing site entrance to a more central location within the appeal site. The site layout plan outlines 150m sightlines in both directions from a 2m setback from the public road. I observed that appropriate sightlines can be achieved during my site visit. I acknowledge that an

existing tree needs to be removed to facilitate sightlines as outlined on the site layout plan submitted to the Planning Authority.

9.28. I note that the Planning Authority transportation engineer and district engineer both outlined no objection to the entrance subject to it being setback appropriately and adequate sightlines being achieved, and surface water not discharging onto the public road. I am satisfied that appropriate planning conditions can address sightlines, the site entrance, and surface water drainage in the event of a grant of permission. Further to this, I am of the opinion that the entrance gate should be set back 18m to enable a lorry to park on site in the event that the gate is closed. This would ensure that vehicles are not parked on the local road in the event that the site entrance is locked.

9.29. I also note that the appellant has outlined that trip movements associated with the site will be in the region of 5-10 per week. I am satisfied that this is appropriate for a rural area and the development will therefore be in accordance with CPO 12.54 of the development plan.

9.30. **Unauthorised development**

9.31. I note the reason for refusal regarding the consolidation of unauthorised development. I consider unauthorised development to constitute an enforcement issue and any matter of enforcement falls under the jurisdiction of the Planning Authority and is not in the remit of An Coimisiun Pleanala.

9.32. **Other matters**

9.33. The appellant has referenced Policy Dun5 of the Dunlavin Town Plan 2022-2028 which forms part of the overall Wicklow County Development Plan 2022-2028. The appeal site is not located within the boundaries of the Dunlavin Town Plan therefore Policy Dun5 is not relevant in this instance.

9.34. I note the third party submission to the PA in that solar/Red III is mistakenly selected on the validation checklist notes of the PA. I consider this to represent an administrative typo error and I do not consider it relevant regarding the assessment of this appeal application.

10.0 AA Screening

10.1. I have considered the project in light of the requirements of S177U of the Planning and Development Act 2000 as amended. The subject site is located at Brewershill, Dunlavin, Co. Wicklow approximately 5km northwest Slaney River Valley SAC (000781).

The development which includes elements for retention proposes a change of use of agricultural land to be used for the storage of timber for drying which will be stacked up to 3m in height. A new internal access road and site entrance and retention and expansion of a hardcore area to the rear of the site. Boundary treatments to include raised earthworks around the perimeter of the timber storage area, and boundary planting, removal of the existing hardcore access track and reinstatement of roadside boundary ditch at the existing site entrance are also proposed.

No nature conservation concerns were raised in the planning appeal.

Having considered the nature, scale and location of the project, 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 of the works and scale of the development.
- Location and distance from nearest European site and lack of hydrological connections.

I conclude, on the basis of objective information, that the proposed development 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.

11.0 Water Framework Directive

11.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive, together with relevant guidance published by the Environmental Protection Agency (Ireland),

including applicable codes of practice for the protection of water quality. Having considered the nature, scale, and location of the development, it is concluded that the proposal does not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects.

- 11.2. The development does not adversely affect the achievement of established environmental objectives, including the maintenance or attainment of Good Ecological Status/Potential and Good Chemical Status, as required under the Directive. Accordingly, the development is considered to be compliant with the requirements of Article 4

12.0 Recommendation

- 12.1. I recommend to the Commission that permission be granted for the reasons and considerations set out below.

13.0 Reasons and Considerations

Having regard to:

- the provisions of the Wicklow County Development Plan 2022-2028, including Objective CPO 9.35 which facilitates rural related business in a rural area, Objective 9.38 which supports diversification of agriculture into forestry activities, and Objectives 9.48 and 9.49 which supports businesses associated with forestry.
- the nature, scale, and location of the proposed forestry related development on a hardcore area which is connected to an existing farm shed,
- the measures to ensure traffic safety regarding the proposed site entrance,
- the separation distances from neighbouring dwellings,

It is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of properties in the vicinity, would be acceptable in terms of road safety, and would be

acceptable in terms of visual amenity. Therefore, the proposed development would be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be retained and carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity.

2. The entrance gates to the proposed development shall be set back not less than 18 metres from the edge of the public road. Any wing walls forming the entrance shall be splayed at an angle of not less than 45 degrees and shall not exceed one metre in height.

Reason: In the interest of traffic safety.

3. The existing boundary hedge along the local road shall be retained except to the extent that its removal is necessary to provide for the entrance to the site and to achieve the appropriate sightlines.

Reason: In the interest of visual amenity

4. The applicant shall comply in full with the following:

(a) The hours of operation shall be restricted to between 8.00am to 7.00pm Monday to Saturday.

(b) No activities shall take place on Sundays, bank or public holidays

(c) Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority. Such approval may be given subject to conditions pertaining to the particular circumstances being set by the Planning Authority.

Reason: To protect the amenities of the area.

5. No liquid fuel tankers, or facilities for fuel storage are permitted on site.

Reason: To protect the amenities of the area.

6. No overnight parking of vehicles is permitted on site.

Reason: To protect the amenities of the area.

7. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

(b) The access road to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

Reason: In the interest of traffic safety and to prevent flooding or pollution.

8. No signage, advertisement or advertisement structure (including that which is exempted development under the Planning and Development Regulations, 2001 (as amended), shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity and to protect the character of the area

9. Site development and building works shall be carried out between the hours of [08:00 to 18:00] Mondays to Fridays inclusive, between [08:00 to 14:00] on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

10. 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 Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

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.

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.”

Donal Farrelly
Planning Inspector

27/08/26

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-501350-WW-26
Proposed Development Summary	The development which includes elements for retention proposes a change of use of agricultural land to be used for the storage of timber for drying which will be stacked up to 3m in height. A new internal access road and site entrance and retention and expansion of a hardcore area to the rear of the site. Boundary treatments to include raised earthworks around the perimeter of the timber storage area, and boundary planting, removal of the existing hardcore access track and reinstatement of roadside boundary ditch at the existing site entrance are also proposed.
Development Address	Brewershill, Dunlavin, Co. Wicklow
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?	☐ Yes, it is a 'Project'. Proceed to Q.2.
	☒ No, No further action required.
(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)	

2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☐ 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?	
☐ 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.	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ 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 ☐	
No ☒	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____ Date: _____