



An  
Bord  
Pleanála

## Inspector's Report ABP 306591-20.

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<b>Development</b>	Construction of 8 no. dwellings
<b>Location</b>	Ballymoney, Courtown, Co. Wexford.
<b>Planning Authority</b>	Wexford Co. Council
<b>Planning Authority Reg. Ref.</b>	20191508
<b>Applicant</b>	Imelda Scully
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant</b>	Imelda Scully
<b>Observer</b>	Sharon Murphy
<b>Date of Site Inspection</b>	29/6/2020
<b>Inspector</b>	Siobhan Carroll

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## 1.0 Site Location and Description

- 1.1. The appeal site is located at Ballymoney, Co. Wexford. It is situated on the southern side of Beach Road and approximately 586m to the east of Ballymoney crossroads. Ballymoney lies circa 4km to the east of Gorey town and 3km to the north of Courtown.
- 1.2. The surrounding area is characterised by a mix of residential and tourist uses including a holiday caravan park and associated facilities on Beach Road. Ballymoney Beach lies circa 630m to the east of the site. The Seafield complex borders the site to the south. It comprises a hotel, spa and golf resort. Beachwalk of development of 11 no. detached dwellings is located immediately to the south and east of the site.
- 1.3. The site has a stated area of 0.89ha and is roughly L shaped. It comprises a section of private lane which extends for circa 130m and an area of land to the western side of the lane. The site is situated to the rear of six detached houses with frontage along Beach Road. The Ballymoney Lower stream runs along northern boundary of the site.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of 8 no. dwelling units and associated site works consisting of the following;
  - (a) 8 no. four bedroom detached two-storey dwellings with ancillary domestic storage sheds;
  - (b) Connection to existing services including connection to foul water treatment plant, with associated pipe-work and engineering works;
  - (c) Upgrading and improvement works to the existing access roadway to include vehicular access, footpaths, the laying of services and public lighting with ancillary works
  - (d) Surface water drainage and associated attenuation systems

- (e) Hard and soft landscaping works including boundary treatments
- (f) Ancillary works.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was refused for 4 no. reasons;

1. The use of a shared private effluent treatment plant is not acceptable to the planning authority and would be prejudicial to public health and the proper planning and sustainable development of the area.
2. The proposal to culvert the existing stream for a length of 130m is considered contrary to the protection of local biodiversity and the proper planning and sustainable development of the area. The proposal will result in the loss of natural in-stream and bankside habitats and with this change will require regular unblocking of pipes. There therefore remains the potential for increased overspill flooding onto adjoining lands.
3. The proposed development by reason of design and layout would present serious overlooking from opposing first floor windows and proposed balconies and as such would be detrimental on the adjoining residential amenities and would therefore be contrary to the proper planning and development of the area.
4. Inadequate information with regards to demonstrating evidence of an agreement from Irish Water for the proposed development to connect to the public water supply and lack of evidence of having obtained a legal right of way over the access lane, and sufficient legal interest to provide an electronically controlled gate onto the private access road from the adjoining Seafield resort. The proposed development is therefore contrary to the proper planning and sustainable development of the area.
5. The proposed development is considered substandard in terms of provision of adequate turning bays at the end of the access road to comply with 'Recommendations for Site Development Works for Housing Areas'. The

proposed development is therefore contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The Planning Officer concluded that the proposed development would be premature pending the outcome of legal proceedings regarding the operation and management of the existing Waste Water Treatment System which it is proposed to connect to. The private treatment plant is outside the red line site boundary and outside of the applicants control which is considered unacceptable to the Planning Authority. The proposed design of the scheme is considered deficient in terms of layout, no turning bays are proposed and the siting and design of dwellings would result in overlooking of existing dwellings. The proposal to culvert the stream is unacceptable and could result in blocking of culvert pipes and flooding. Inadequate information was provided to demonstrate an agreement from Irish Water for the proposed development to connect to the public water supply. There is a lack of evidence on file to indicate that the applicant has obtained a legal right of way over the access lane and sufficient legal interest to provide an electronically controlled gate onto the private access road from the adjoining Seafield resort. Permission was refused on that basis.

#### 3.2.2. Other Technical Reports

Senior Executive Scientist (Environment Section) – refusal recommended. The proposal is premature pending the outcome of legal proceedings regarding the operation and management of the existing Waste Water Treatment System to which it seeks to discharge.

Roads Design – Further information recommended. Turning bays to be in accordance with 'Recommendations for Site Development Works for Housing Areas'. Evidence required that the applicant has legal right to use the lane and access/egress to/from the proposed development. How is it proposed to protect the open stream from access. Clarify if dwellings from Beachwalk estate will be using the proposed access road for access/egress.

Water services – Further information recommended. There has been no pre connection enquiry lodged for the development to connect to public water.

Chief Fire Officer – No objections

### 3.3. **Prescribed Bodies**

None

### 3.4. **Third Party Observations**

The Planning Authority received 9 no. submissions/observations in relation to the application. The issues raised concern the following;

- Flood risk
- Excessive density proposed and scheme would be out of character
- Impact upon local biodiversity
- Lack of SUDS calculations
- Potential overlooking
- The treatment plant it is proposed to connect to is outside the application site
- The treatment plant is subject to foul odour in summer months
- The proposal would impact the existing stream which floods during heavy rainfall.
- There are capacity issues with the public water supply during summer months.

## 4.0 **Planning History**

- None on site

## 5.0 Policy Context

### 5.1. Development Plan

The operational Development Plan is the Wexford County Development Plan, 2013 – 2019. The sections below are directly relevant to the current appeal:

Section 3.4.9 Smaller Villages

Section 4.3 Sustainable Rural Housing

Section 12.6 Managing Flood Risk

Section 13.5 Coastal Zone

Section 14.4.2 Landscape Character Assessment – Coastal

Section 17.7 Rural Design Guide

Section 18.12 Rural housing

Section 18.8 Accessibility

Section 18.29.3 Sightlines

Section 18.29.7 Car Parking Standards

Section 18.32 On-site Wastewater Treatment facilities.

Chapter 9 refers to Infrastructure

Objective WW05 - To consider the provision of communal private wastewater treatment facilities where appropriate to serve developments in Strong Villages, Smaller Villages and Rural Settlements only where it is demonstrated that the proposed wastewater treatment system will meet all the relevant environmental criteria of the EPA and the Planning Authority and subject to complying with the provisions and objectives of the EU Water Framework Directive, relevant River Basin Management Plan, relevant Pollution Reduction Programmes for Shellfish Waters and the Habitats Directive. An annual renewed contract for the management and maintenance of the system contracted to a reputable company/person will be required: details of which shall be submitted to the Planning Authority.

## 5.2. Natural Heritage Designations

The nearest Natura 2000 sites are;

- Kilpatrick Sandhills SAC (Site Code 001742) is located 6.2km to the north-east.
- Slaney River Valley SAC (Site Code 000781) is located 8.3km to the west.
- Cahore Polders and Dunes SAC (Site Code 000700) is located 13.3km to the south.
- Cahore Marshes SPA (Site Code 004143) is located 13.4km to the south.

## 5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first party appeal was submitted by Brock McClure Planning and Development Consultants on behalf of the applicant Imelda Scully. The issues raised are as follows;

- The first refusal reason states that the use of a shared private effluent treatment system is not acceptable to the Planning Authority and that it would be prejudicial to public health. It is submitted that the refusal is contrary to Development Plan policy and also scientific evidence.
- The first party request that the Board fully regard the technical assessment which was submitted with the application. A report prepared by Tobin Consulting Engineering carried out an independent assessment of the proposal to use the existing wastewater treatment plant. The assessment found that at peak flow including the proposed development the plant would



only be operating at 44% capacity. In normal condition the plant operates at less than 40% capacity.

- The assessment of Tobin Consulting Engineering found that the treatment plant was installed correctly and that it is functioning successfully and that it has ample capacity to accommodate the proposed development.
- The proposed connection of the 8 no. houses to the treatment plant is supported by the Director of Seafield Demesne Management. A letter of consent stating this was submitted with the application. The ongoing maintenance and management of the wastewater treatment plant will remain the responsibility of Seafield Demesne Management.
- It is submitted that the proposed connection to the treatment plant is supported by Development Plan policy. Objective WW05 states;  
“To consider the provision of communal private wastewater treatment facilities where appropriate to serve developments in Strong Villages, Smaller Villages and Rural Settlements only where it is demonstrated that the proposed wastewater treatment system will meet all the relevant environmental criteria of the EPA and the Planning Authority and subject to complying with the provisions and objectives of the EU Water Framework Directive, relevant River Basin Management Plan, relevant Pollution Reduction Programmes for Shellfish Waters and the Habitats Directive. An annual renewed contract for the management and maintenance of the system contracted to a reputable company/person will be required: details of which shall be submitted to the Planning Authority.
- It is submitted that the Planning Authority has not provided a credible rationale for the refusal in respect of this issue.
- The second refusal reason refers to the proposal to culvert the stream for 130m, that it would be contrary to the protection of local biodiversity, it would result in the loss of natural in-stream and bankside habitats. The refusal reason also referred to the potential for increased overspill flooding onto adjoining lands.

- The first party wish to highlight that the Planning Authority's conclusion is based on an inaccuracy. The proposed culvert of the existing Ballymoney Lower stream extends for circa 63m and not 130m as stated in the refusal reason. It is proposed that the existing stream will remain open along the majority of the site. The culvert is required to cross under the access road for 63m. It submitted that the proposed culvert would be modest in scale and that it would not have a material negative impact on biodiversity or increased flooding.
- The Flood Risk Assessment submitted with the application contains detailed modelling and it is concluded in the assessment that the risk of flooding arising from a blockage of the culvert is low.
- Regarding the matter of biodiversity, it is noted that Wexford Co. Council completed a Screening Assessment for Appropriate Assessment which concluded that the proposal would have no impact on the relevant Natura 2000 sites in the vicinity.
- The Planning Authority expressed concern at the potential loss of local biodiversity. The Council's Ecologist stated that the development is of 'limited extent'. Therefore, it is submitted that it is not appropriate to refuse permission on that basis. The proposed development includes the retention of existing mature boundaries. Furthermore, a wide variety of landscaping and replacement plant will be provided which will support local biodiversity and also assimilate the proposed development into the area.
- Refusal reason no. 3 refers to the design and layout of the scheme and states that it would present serious overlooking from opposing first floor windows and proposed balconies which would be detrimental to the adjoining residential amenities.
- The first party acknowledges the concern of the Planning Authority in relation overlooking of neighbouring properties. Modifications to the house types have been proposed to address the matter. The design of each proposed house had been modified to ensure that the potential of overlooking from balconies has been removed. The applicant is amenable to accepting a condition

specifying that the development is carried out in accordance with the revised plans submitted with the appeal.

- In relation to potential overlooking from the first floor windows it is submitted that a generous separation distance has been provided between dwellings which ensures no undue overlooking would occur.
- Refusal reason no. 4 refers to proposed water supply and states that inadequate information was provided to demonstrate evidence of an agreement from Irish water for the proposed development to connect to the public water supply. The refusal reason also refers to the lack of evidence provided that the applicant has a legal right of way over the lane and sufficient legal interest to provide electronically controlled gates onto the private access road from the adjoining Seafield resort.
- The first party highlight that it is not mandatory for an applicant to demonstrate evidence of an agreement from Irish Water in order to receive a grant of permission. Notwithstanding this, the appeal includes a Confirmation of Feasibility received from Irish Water which confirms the viability of the development proposal and its connection to the public water supply.
- Regarding the matter of a legal right of way over the lane and sufficient legal interest to provide electronically controlled gates onto the private access road from the adjoining Seafield resort, the first party refer the Board to the letter of consent from Mary Cullen which was submitted with the application. Mary Cullen is the owner of the lane and has provided consent to the proposed development. In relation to electronic gates originally proposed, these have been removed from the revised Site Plan submitted with the appeal.
- The provisions of Section 34(13) of the Planning and Development Act 2000 (as amended) are cited which states, “a person shall not be entitled solely by reason of a permission under this section to carry out any development.” It is submitted that the applicant has demonstrated sufficient legal interest to make the application and for permission to be granted.
- Refusal reason no. 5 refers to the substandard provision of residential turning bays at the end of the access road within the scheme. The first party acknowledged the concerns of the Planning Authority in relation to the matter

and a modified site layout plan has been submitted to address it. A turning bay 15m x 9m is proposed at the end of the access road.

## 6.2. **Planning Authority Response**

- None received

## 6.3. **Observation**

An observation to the appeal has been received from Sharon Murphy. The issues raised are as follows;

- The proposed development would negatively impact upon the observers residential amenity due to overlooking.
- Flood risk.
- The proposed development is premature in relation to connections to foul water and public water.
- The design of the scheme is deficient in terms of roads layout and access.

## 7.0 **Assessment**

The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. The issues of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Design and residential amenity
- Effluent treatment
- Water supply
- Stream culvert and flooding risk
- Appropriate Assessment

## 7.1. Design and residential amenity

- 7.1.1. Refusal reason no. 3 issued by the Planning Authority refers to the design of the scheme. The Planning Authority had concerns in relation to the design of the scheme specifically having regard to potential overlooking of neighbouring properties from proposed balconies and opposing first floor windows.
- 7.1.2. In response to the issue modifications to the house design have been proposed. The design of each proposed house had been modified to ensure that the potential of overlooking from balconies has been removed. House Type A is proposed to site 1 at the western end of the site. The dwelling features a balcony and covered balcony. The rear of the dwelling addresses the golf course to the south and there is a separation distance of circa 60m to the rear of the neighbouring dwelling to the north. House Type B is proposed to site 2. The dwelling features two balconies to the rear elevation which addresses the golf course. I note that a separation distance of circa 74m is provided between the front of the dwelling the neighbouring opposing property to the north. House Type B1 is proposed to site 3. The dwelling features two balconies to the rear elevation which addresses the golf course. I note that a separation distance of circa 64m is provided between the front of the dwelling the neighbouring opposing property to the north. House Type A1 is proposed to site 4. The dwelling features two balconies to the rear elevation which addresses the golf course. I note that a separation distance of circa 80m is provided between the front of the dwelling the neighbouring opposing properties to the north.
- 7.1.3. House Type C1 is proposed to site 5 and 6. This house type does not feature a balcony and I am satisfied that the siting and design of these dwellings would not result in any undue overlooking of neighbouring existing or proposed dwellings. House Type D1 is proposed to site 7. This house type does not feature a balcony and the dwelling does not directly oppose any properties. House Type D is proposed to site 8. This house type does not feature a balcony and the dwelling does not directly oppose any properties. Having regard to the revisions proposed I am satisfied that the proposed dwellings would not cause any undue overlooking of existing surrounding properties.
- 7.1.4. It is confirmed in the appeal the applicant is amenable to accepting a condition specifying that the development is carried out in accordance with the revised plans

submitted with the appeal should the Board decide to grant permission for the scheme.

- 7.1.5. Refusal reason no. 5 refers to the substandard provision of adequate turning bays at the end of the access road to comply with 'Recommendations for Site Development Works for Housing Areas'. In response to this issue the revised proposals have been submitted. A turning bay 15m x 9m is proposed at the end of the access road. This is indicated on the revised Site Layout Plan (Rev A-Appeal Submission 03-02-20). I considered that this satisfactorily addresses the matter.
- 7.1.6. The issues of the whether the applicant has a legal right of way over the lane and sufficient legal interest to install the proposed electronic gates onto the private access road from the adjoining Seafield resort where raised in refusal reason no. 4. In response to these matters it is stated in the appeal that Mary Cullen is the owner of the lane and that she has provided consent to the proposed development. A letter of consent from Mary Cullen dated 9<sup>th</sup> of October 2019 was submitted with the application. The first party also cited the provisions of Section 34(13) of the Planning and Development Act 2000 (as amended) in relation to the matter.
- 7.1.7. The Planning and Development Act 2000, as amended, requires that the applicants have sufficient legal interests in the lands to carry out the development. Furthermore, I note that it is not within the remit of the Board to determine legal interests and/or obligations held by the applicant, in relation to such lands. Section 34(13) of the Planning and Development Act, 2000, as amended, relates as follows: "A person shall not be entitled solely by reason of a permission or approval under this section to carry out a development." This subsection makes it clear that the grant of permission does not relieve the grantee of the necessity of obtaining any other permits or licences which statutes or regulations or common law may necessitate." Accordingly, I do not consider that these matters are reasonable and substantive grounds for refusal of the proposed development.
- 7.1.8. In relation to the electronic gates which were originally proposed onto the private access road from the adjoining Seafield resort, these have been removed from the revised Site Plan (Rev A-Appeal Submission 03-02-20) submitted with the appeal. Accordingly, I am satisfied this addresses the issue.

## 7.2. Effluent treatment

- 7.2.1. The first reason for refusal issued by the Planning Authority refers to the proposed use of a shared private effluent treatment plant to serve the development and states that the proposal is not acceptable and would be prejudicial to public health.
- 7.2.2. In response to the matter the first party request that the Board have regard to the technical assessment which of the existing wastewater treatment plant located within the Seafield resort complex which was submitted with the application. The report was prepared by Tobin Consulting Engineering. The appeal refers to the main findings of the assessment. At the peak flow of the plant including the proposed development the plant would be operating at 44% capacity. The report found that in normal conditions the plant operates at less than 40% capacity. The Consultant Engineers found that the treatment plant was installed correctly and that it is functioning successfully and that it has ample capacity to accommodate the proposed development.
- 7.2.3. It is confirmed in the appeal that the proposal to connect the 8 no. dwellings to the wastewater treatment located within the Seafield complex is supported by the Director of Seafield Demesne Management Ltd. The first party highlighted that a letter of consent from the Director of Seafield Demesne Management Ltd was submitted with the application. In relation to the ongoing maintenance and management of the wastewater treatment plant the first party confirm that it will remain the responsibility of Seafield Demesne Management.
- 7.2.4. It is argued in the appeal that the proposed connection to the existing private treatment plant located off site is supported by Development Plan policy. The first party cite Objective WW05 which states;
- 7.2.5. "To consider the provision of communal private wastewater treatment facilities where appropriate to serve developments in Strong Villages, Smaller Villages and Rural Settlements only where it is demonstrated that the proposed wastewater treatment system will meet all the relevant environmental criteria of the EPA and the Planning Authority and subject to complying with the provisions and objectives of the EU Water Framework Directive, relevant River Basin Management Plan, relevant Pollution Reduction Programmes for Shellfish Waters and the Habitats Directive. An annual renewed contract for the management and maintenance of the system

contracted to a reputable company/person will be required: details of which shall be submitted to the Planning Authority.”

- 7.2.6. This objective refers to the provision of communal private wastewater treatment facilities. The existing wastewater treatment plant which it is proposed to connect is not a communal facility as it solely serves the Seafield complex. The proposed servicing of the 8 no. dwellings by the existing private wastewater treatment plant located off site and under the ownership and management of a separate third party does not in my opinion provide for an assured permanent and satisfactory treatment of wastewater generated.
- 7.2.7. Furthermore, I would also be concerned that a precedent might be set for other similar developments to be serviced in this manner.
- 7.2.8. Whilst, I note the existing wastewater treatment plant would have capacity to accommodate the wastewater generated by the proposed development, in principle I do not consider that it provides a suitable or appropriate approach to servicing the site. Accordingly, I would conclude that the absence of a standalone on-site wastewater treatment plant to serve the proposed development renders it unacceptable from a public health perspective.

### 7.3. **Water supply**

- 7.3.1. The fourth refusal reason refers to the proposed water supply and states that inadequate information was provided to demonstrate evidence of an agreement from Irish water for the proposed development to connect to the public water supply. In response to the matter it was highlighted in the appeal that it is not mandatory for an applicant to demonstrate evidence of an agreement from Irish Water in order to receive a grant of permission.
- 7.3.2. The appeal submission also included a Confirmation of Feasibility dated 3<sup>rd</sup> of February 2020, received from Irish Water which confirms the viability of the development proposal and its connection to the public water supply. I consider this satisfactorily addresses the matter and confirms that connection to the public water supply is available and feasible.



#### **7.4. Stream culvert and flood risk**

- 7.4.1. Refusal reasons no. 2 as issued by the Planning Authority refer to the matter of the proposed stream culvert and flooding. As detailed in the refusal reason the Planning Authority considered that the proposal to culvert the existing stream for a length of 130m is considered contrary to the protection of local biodiversity, that it will result in the loss of natural in-stream and bankside habitats and with this change will require regular unblocking of pipes. The Planning Authority also had concerns that there remained the potential for increased overspill flooding onto adjoining lands.
- 7.4.2. It is set out in the appeal that the Planning Authority incorrectly stated in the refusal reason it is proposed to culvert the stream for a distance of 130m. The first party states that the distance of culvert proposed is 63m and that it is required to provide for the streams crossing of the proposed access road. It is contended in the appeal that the proposed culvert would be limited in scale and that it would not have a negative impact on biodiversity or increased flooding. I note that there is an existing culvert of the stream across the existing private lane.
- 7.4.3. In relation to the matter of the proposed culverting of the stream while it is preferable to minimise alterations or interference with river/stream beds, banks and channels I would concur with the opinion of the first party that the proposed culvert would be relatively limited. I note that existing stream would remain open along over 100m alongside the northern site boundary. Given the limited extend of the culvert proposed I do not consider that it would have a material negative impact on biodiversity.
- 7.4.4. A Site Specific Flood Risk Assessment prepared by IE Consulting was submitted with application. As detailed in the assessment the eastern portion of the site falls within Flood Zone 'A' and Flood Zone 'B'. As detailed on Drawing No: IE 1881-002 of the Site Specific Flood Risk Assessment Flood Zone 'A' lies along the banks of the stream with Flood Zone 'B' adjoining this area to the north and south of the stream on the eastern side of the site. I note that Flood Zone B is located within the sites of proposed dwellings within the scheme.
- 7.4.5. The Planning System and Flood Risk Management Guidelines (DoEHLG/OPW, 2009) provide guidance in respect of development and flood risk. Table 3.2 of the Guidelines advises the restriction of types of development permitted in Flood Zone A

and Flood Zone B to that are 'appropriate' to each flood zone, as set out in the Guidelines. Developments that are an 'inappropriate' use for a flood zone area, as set out in Table 3.2 of the guidelines, this includes residential development which will not be permitted, except where a proposal complies with the 'Justification Test for Development Management', as set out in Box 5.1 of the Guidelines.

7.4.6. The following criteria must be satisfied in respect of the 'Justification Test for Development Management' that (1) The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines. (2) The proposal has been subject to an appropriate flood risk assessment that demonstrates: The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk.

7.4.7. Having regard to the 'Justification Test for Development Management', I note that the appeal site is located on lands which have no zoning objective and that it is not otherwise designated for the particular use or form of development. Accordingly, I conclude that the proposal fails to justification test for residential development to be located on lands which are located within Flood Zone A and Flood Zone B. Therefore, having regard to the greenfield nature of the site, the location of the Ballymoney stream on site the fact that the eastern portion of the site lies within Flood Zone A and Flood Zone B, and the location of the appeal site on lands where there is no zoning objective I would conclude that the proposed development would be contrary to the provisions of the 'The Planning System and Flood Risk Management Guidelines (DoEHLG/OPW, 2009)'.

## 7.5. **Appropriate Assessment Screening – Stage 1**

7.5.1. Kilpatrick Sandhills SAC is located 6.2km to the north-east of the subject site. There no is direct hydrological connections between the subject and Kilpatrick Sandhills SAC. The Slaney River Valley SAC is located 8.3km to the west of the subject site, however there is no direct hydrological connections between the subject site and the Slaney River Valley SAC. Having regard to the nature and scale of the proposed development and the separation distance to the nearest European sites, no Appropriate Assessment issues arise, and it is not considered that the development

would be likely to give rise to a significant effect individually or in combination with other plans or projects on a designated European site.

## **8.0 Recommendation**

8.1. I recommend a refusal of permission.

## 9.0 Reasons and Considerations

1. The Board is not satisfied, on the basis of the submissions made in relation to the application and appeal, that the proposed development can be satisfactorily serviced by the method proposed, having regard to the proposal to connect to a shared private effluent treatment plant which is located outside the site and which is subject to ongoing operation and maintenance by a separate party. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the greenfield nature of the site, the location of the Ballymoney Lower stream on the site, the location of the eastern portion of the site within Flood Zone A and Flood Zone B, and the location of the appeal site on lands where there is no zoning objective the Board is not satisfied that the proposal would be in accordance with the provisions of 'The Planning System and Flood Risk Management Guidelines (DoEHLG/OPW, 2009)'. On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the proposed development would not give rise to an increased risk of flooding of the site or of property in the vicinity. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

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Siobhan Carroll  
Planning Inspector

9<sup>th</sup> of July 2020