



Planning and Development Act 2000, as amended

Planning Authority: Wexford County Council

Planning Register Reference Number: 20240734

Appeal by Patrick and Ann O'Mahoney against the decision made on the 14th day of August, 2024 by Wexford County Council to grant, subject to conditions a permission to Mark and Natasha Slevin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for the retention and completion of a shed for housing horses together with all associated site works at Caim, Killoughrum, County Wexford.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the modest nature, scale and extent of the development for which retention permission is sought, to the location of the development within an established agricultural holding, to the pattern of development in the area, to the relevant provisions of the Wexford County Development Plan 2022-2028 which support agricultural development, to the details submitted with the application and appeal and the submissions made by the third party, it is considered that, subject to compliance with the conditions set out below, the development for which retention permission is sought would not seriously injure the amenity of the area, including the amenity of adjoining properties, would not be prejudicial to public health, would be acceptable in terms of impact on the environment, including management of water, and would constitute an appropriate form of agricultural development at this rural location. The development for which retention permission is sought would, therefore, be in accordance with the proper planning and development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission noted and shared the opinion of the Inspector that "there is little likelihood of the development impacting on public health if the soiled water collection system is implemented as proposed and I reach that conclusion as the scale of the development would not generate significant quantities of waste and the aquifer underneath does not produce significant quantities of groundwater". The sole recommended reason for refusal related to a concern regarding absence of clarity regarding the presence and location of potable wells in the area. This issue itself arose from the commentary of the third party to the effect that a potable well was located on their landholding close to the location of the development for which retention permission was sought. As this was the only source of argument that such a well existed (the applicant reported otherwise) the Commission determined that, in the interests of natural justice and to protect the integrity of the planning system, the third party should be given the opportunity to provide measurable evidence of the location of the referenced well, so as to underpin their stated argument.

A circular official stamp of the Planning Commission is partially visible in the bottom right corner. Overlaid on it is a handwritten signature in black ink, which appears to be 'AM' followed by a flourish.

Having considered the response of the third party received on the 10th day of March 2026, the Commission noted that no such measurable evidence was provided. In this context, the Commission determined that a full weighting should be given to the totality of evidence available on file including the submissions of the applicant and the reports of the planning authority and the submissions of the third party. On the basis of the information on file, the Commission concluded that there is no evidence that a potable well exists in proximity to the development for which retention permission is sought. In this regard it therefore determined that a grant of retention permission would be appropriate by reference to the full available detail on file.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received on the 12th day of August, 2025, 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.



Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard-

- (a) all uncontaminated roof water and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.
- (b) all run off from the dungstead shall be channelled via the soiled water drainage channel and collection system and storage tank as set out in the application documentation. No soiled waters or slurry shall discharge or be allowed to discharge to any surface water drainage system, stream, watercourse or to the public road.

Reason: In the interest of environmental protection and public health.

- 2. The developer shall pay to the planning authority a financial contribution in respect of works, consisting of the provision or improvement of community 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 within two months of the date of the final grant of permission 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.



Chris McGarry

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 14th day of April 2026