



An  
Bord  
Pleanála

## Inspector's Report ABP-302665-18

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| <b>Development</b>                  | Permission to construct 2 new houses and a shop.     |
| <b>Location</b>                     | Clonsharragh, Duncannon, Co. Wexford.                |
| <b>Planning Authority</b>           | Wexford County Council                               |
| <b>Planning Authority Reg. Ref.</b> | 20180987   |
| <b>Applicant(s)</b>                 | John Ryan of Parklane Construction                   |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | To Refuse Permission                                 |
| <b>Type of Appeal</b>               | First Party v. Decision                              |
| <b>Appellant(s)</b>                 | John Ryan of Parklane Construction                   |
| <b>Observer(s)</b>                  | Garvan and Miriam Cagney<br>Residents of South Beach |
| <b>Date of Site Inspection</b>      | 12.12.2018   |
| <b>Inspector</b>                    | Erika Casey  |

## 1.0 Site Location and Description

- 1.1. The proposed development is located in the village of Duncannon. Duncannon is a small settlement with a population of c. 300 persons. It is a popular tourist destination.
- 1.2. The subject development is located within an overall larger residential scheme known as 'South Beach' comprising 58 dwellings including a mix of holiday homes and permanent dwellings. The subject site is located to the west of the village centre and is accessed from the R737 route. There is a small children's playground, tennis court, picnic and parking area opposite the main entrance to the development.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the construction of 2 dwellings and a retail unit with a proposed floor area of 140 sq. metres. The dwellings are two storey with a floor area of 125 sq. metres each and a maximum height of 7.4 metres. The two dwellings are located to the north of the site within an existing area of open space, accessed from two internal turning cul de sacs. The retail unit is located to the south of the site, directly fronting the R737 route. It is also located within an area of open space which serves the holiday home development. 9 car parking spaces are proposed to serve the retail unit.

## 3.0 Planning Authority Decision

### 3.1. Decision

#### 3.1.1 To Refuse Permission for 6 no. reasons:

1. *It is considered that the proposed retail development would endanger public safety by reason of traffic hazard due to increase in volume of traffic, resulting haphazard parking on the public road and proximity to the existing access to South Beach and access to playground car park opposite.*
2. *The proposed retail development would endanger public safety by reason of traffic hazard due to no connecting footpaths within the vicinity, pedestrian access through the car park from South Beach, with no turning area within the*

*proposed parking area and no set down or turning area for delivery and waste vehicles associated with the development.*

3. *The proposed shop is located outside of what would be considered the established village centre and therefore would be considered contrary to the proper planning and sustainable development of the area and contrary to Objective ED33 and ED28 of the County Development Plan 2013-2019 and would seriously damage the viability of the village core and is not considered in accordance with the Retail Planning Guidelines and in particular the sequential test.*
4. *The proposed development is premature pending the agreement from Irish Water to connect into the public sewer as there would appear to be historical problems with remedial measures required to address the storm water misconnection.*
5. *The applicant has failed to demonstrate that there is sufficient legal interest to propose the development which is located on public open space associated with the overall estate. The proposed development also result in a reduction in the quality of the overall remaining public open space with reduced passive surveillance and severed pockets of unusable open space.*
6. *Inadequate proposals for surface water disposal and SUDS calculations have been provided and therefore the planning authority were unable to make a full assessment. The proposed development is therefore considered contrary to the proper planning and sustainable development of the area.*

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Report (07.09.2018)**

- The development is located outside of the village centre and would seriously damage the village core and is considered not in accordance with the sequential test.
- The applicant has failed to demonstrate sufficient legal interest in the lands.
- The siting of the proposed development creates cut off parcels of open spaces unusable with little passive surveillance. The principle of two dwellings is

considered a layout after thought and while there may be technically sufficient open space remaining, the quality of the open space would be reduced.

### 3.2.2. **Other Technical Reports**

**Roads Design Engineer (21.08.2018):** Recommends refusal as the development would cause a traffic hazard. Notes that the development provides no adequate set down or turning area for delivery vehicles and that there is poor pedestrian connectivity.

**Chief Fire Officer (09.08.2018):** No objection subject to compliance with the relevant Building Control Regulations and that a Fire Safety Certificate is required.

### 3.3. **Prescribed Bodies**

- **Irish Water (17.05.2018):** Notes concerns regarding the existing privately owned pumping station and that the plant has occasionally flooded. This is an indication of a poor level control system, poor pump performance and control philosophy. States that the development will increase wastewater loading to the pump station. Requires that a survey be carried out on pump station to ensure it complies with Irish Water Standard Details and Code of Practice and that a CCTV survey of the existing wastewater network is undertaken.

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

3.4.1 Multiple 3<sup>rd</sup> party observations made. Issues raised relate primarily to:

- Impact of the development on residential amenities from noise disturbance, litter, general nuisance, traffic, deliveries etc. and concerns regarding anti-social behaviour.
- That the development will cause a traffic hazard due to inadequate loading facilities for vehicles, lack of parking, intensification of traffic, lack of pedestrian connectivity and proximity to children's playground.
- That the applicant has insufficient legal interest over the lands and that the applicant is directly associated with the original builder who did not adequately complete the estate. Note that the residents currently maintain the open space areas.

- That the development would result in an unacceptable loss of public open space. A previous application which proposed housing in this area of open space was refused by An Bord Pleanála.
- Retail impact and inappropriate location for commercial development. Concerns regarding viability of retail unit.
- Inadequate wastewater treatment facilities.
- Adverse visual impact and that the development would result in an unacceptable intensification of the estate.
- Impact on flora and fauna and potential impacts on archaeology.

## 4.0 Planning History

### **Planning Authority Reference 20091379. Appeal Reference PL26.235709**

- 4.1 Permission granted in May 2010 for the change of use of 60% of the residential units from permanent residential occupancy to holiday homes and second homes for individual sale.

### **Planning Authority Reference 20071657**

- 4.2 Permission granted in June 2007 to an amendment of Condition no. 2 of Planning Register No. 20053255.

### **Planning Authority Reference 20053255**

- 4.3 Permission granted in August 2006 for the construction of an additional 14 no. detached houses comprising 3 no. three bed and 11 no. four bed houses in a cul-de-sac off existing site road and extension of existing services etc. to same, the cessation of use of the existing percolation area, and connection of existing sewage treatment plant to county council mains on public road adjoining at 'South Beach'.

### **Planning Authority Reference 20033935/Appeal Reference PL26.206082**

- 4.4 Permission refused in June 2004 for a development comprising: 1) to erect an additional 5 no. 3-bed detached houses (2) minor modification to the road layout of phase three (3) minor modification to front boundaries of houses 39-44 (4) minor modification to the location of houses 40, 41 & 42 and (5) omit pathway from internal road opposite house 8 to the main road.

4.5 The reason for refusal stated:

*“Having regard to the loss of an area of public open space and the position of the proposed dwellings with rear gardens adjoining the public road, it is considered that the proposed alterations to the permitted layout would seriously injure the residential and visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.*

**Planning Authority Reference 20021453/Appeal Reference PL26.200379**

4.6 Permission granted in January 2003 for alterations to housing development at ‘South Beach’.

**Planning Authority Reference 99/0907**

4.7 Outline permission granted in December 1999 for the erection of 45 houses, entrance roads, footpaths and sewage treatment system.

**Planning Authority Reference 2001/0360**

4.8 Permission granted in March 2001 for 45 houses, entrance roads, footpaths and sewage treatment system.

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1 The operative Development Plan is the Wexford County Development Plan 2013-2019. The site is located on unzoned land.

5.1.2 **Section 6.4.11** of the plan addresses Retail Development.

**Objective ED32:** *“To permit retail development of a scale which is appropriate to the level of the town/area within the retail hierarchy and the population of the catchment.”*

**Objective ED33:** *“To prohibit new retail development if they would either by themselves or cumulatively with other recent development and proposals seriously damage the vitality and viability of existing town centres.”*

**Objective ED38:** *“Retail developments on edge of centre sites or out of town centre sites will be considered when it has been clearly demonstrated that all viable,*

*available and suitable sites in the town centre have been fully investigated and considered in accordance with the Retail Planning Guidelines and in particular the sequential test.”*

5.1.3 Under the Core Strategy, Duncannon would be categorised as a small village with a population less than 400 persons. It is stated in the Plan:

**Smaller Villages <400 population**

*“The development approach for these villages is to ensure they maintain their existing population levels and services. Future growth will be incremental, small in scale and appropriate to the size, scale and character of the village. In line with recommendations of the Sustainable Residential Development in Urban Areas- Guidelines for Planning Authorities new residential developments should comprise no more than 12 residential units.”*

**Objective SS25:** *“To ensure the Smaller Villages in the county maintain and enhance their roles as important local service centres in order to maintain sustainable communities and ensure a good quality of life.”*

**Objective SS27:** *“To ensure that siting of new residential development complies with the sequential approach to the development of land which is focused on developing lands closest to the village centre first.”*

5.1.4 Section 8.6.2 of the Plan states:

*“Regional roads play an important role in the roads network of County Wexford providing links between towns and villages, serving rural area in between and providing access to national routes.*

*In order to safeguard the strategic function of the regional roads in the county, to reduce the risks to public safety and to maximise returns on investment, the council will minimise new access points and/or significant intensification to existing accesses to regional roads”.*

**5.2. Natural Heritage Designations**

5.2.1 The nearest Natura 2000 site is the River Barrow and River Nore SAC located c. 1km to the south of the proposed site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- The development is located within the 'South Beach' development which has a mix of holiday and full time residents. It is within 300 metres of an existing mobile home park. The site of the proposed shop is located at the centre of the population of the village. There is presently no shop in Duncannon. Pre planning meetings indicated that the principle of the development at this location was acceptable.
- The retail unit will be served by 7 parking spaces and 2 pull in spaces at the front which is sufficient and will not result in haphazard parking. Illegal parking is a matter for the Gardaí.
- Notes that a similar development was granted in Kilmore Quay under planning authority reference 20130758 for a retail unit located 400m from the village centre. A further permission to extend this unit was granted in 2016. The Board should have regard to this precedent.
- State that the existing vacant retail unit in the town centre would be better suited to a craft use. The modern purpose built convenience store proposed would serve the whole population of the village. The provision of the unit would negate the need for residents to travel to Ramsgrange to avail of a retail facility.
- A later application could be made to the Council for a pedestrian crossing from the playground to the shop. Notes that the applicant would be willing to discuss a favourable rate to provide a footpath from the development to link up to the existing footpath at the start of the one way system in the village. As part of the application, a footpath is provided from the 'South Beech' houses to the shop.
- Consider that the set down area to the front of the shop is more than adequate to cater for delivery/waste vehicles which are likely to be only once or twice a day.
- Irish Water have confirmed that there is capacity in their system and that a connection can be facilitated subject to agreement and remedial works being carried out. The sewage system has been taken in charge. If there are



historical problems or remedial measures required, than it is the Council's duty to carry out whatever works are required. Willing to carry out works around the treatment plant to clear the surface water outlet.

- The applicant owns the site and documentation to confirm same submitted.
- The Wexford County Development Pan requires 10% open space. Even with the development, open space constitutes 18%. Passive surveillance of the open space is maintained.
- Details of surface water disposal and SUDS submitted.

## 6.2. **Planning Authority Response**

- No response.

## 6.3. **Observations**

### **Residents of South Beach, Duncannon, Co. Wexford**

- The subject sites consists of what is clearly and identifiably open space associated with an established housing development. Note that notwithstanding the fact that the estate was taken in charge, the applicant has retained ownership of the open space areas. The residents however, have been maintaining the open space areas at their own expense. Consider the applicant is in breach of condition 9 of Planning Reg. 20053255 which required a management scheme for private open spaces.
- Previous decisions to grant permission for the development were made under the assumption that the subject sites would be utilised as formal open space. The development will diminish the quality of open space currently enjoyed by residents of South Beach to an unacceptable degree.
- Note that no assessment of the potential retail impact of the proposed shop on Duncannon Village and no sequential assessment took place as part of the development proposal. Notes that the vacant unit in the village centre has now been sold and it is anticipated it will re-open shortly.

- The development would result in a multiplicity of entrances along a heavily trafficked regional road and it has not been demonstrated that the proposed development and associated entrance could be achieved in a safe manner. The development is thus contrary to Section 8.6.2 of the County Development Plan.
- The location, quality and usability of the parking spaces is questionable and has the potential to lead to haphazard parking along the regional road. There is no turning area and the pull in spaces have the potential to block the access/exit to the car park. Modern retail formats require large easily negotiated parking areas. The development is not consistent with best practice. The applicant's reference to a development in Kilmore Quay is not a relevant precedent.
- Considers that there is inadequate information provided regarding the extent and frequency of delivery vehicles. These have the potential to impact on the free flow of traffic along the regional road.
- The applicants offer to construct a footpath from the development to Duncannon Village would require third party lands and possible CPO's and could not be achieved within a reasonable timeframe.
- An additional connection to the pumping station to facilitate the development cannot be achieved until the issue of ownership/responsibility is resolved.

**Garvan and Miriam Cagney, 2 South Beach, New Ross, Duncannon, Co.**

**Wexford**

- The development, located on public open space, undermines the development as approved. The loss of public open space is unacceptable.
- The development will have an unacceptable visual impact and impact negatively on the views of the residents.
- The commercial development will result in a traffic hazard and is particularly unacceptable adjacent to a children's playground. The lack of footpaths, street lighting and increased activity will exacerbate existing congestion and illegal parking along the road. The retail unit should be located in the village centre.
- Concerns regarding ownership of open space and its ongoing maintenance.

## 7.0 **Assessment**

7.1. The main issues in this appeal are those raised in the grounds of appeal and observations and it is considered that no other substantive issues arise. Appropriate Assessment and EIA Screening also needs to be addressed. The issues can be dealt with under the following headings:

- Legal and Procedural.
- Retail Impact.
- Impact on Open Space.
- Foul Drainage.
- Traffic and Access.
- Appropriate Assessment.
- EIA Screening.

### 7.2. **Legal and Procedural**

7.2.1 Concerns were raised by the Observers and the Planning Authority regarding the applicant's legal interest in the subject lands due to the fact that the proposed sites form part of the public open space serving the existing 'South Beach' housing development. It is detailed in the documentation that the estate was taken in charge by the County Council in 2013, however, the areas of public open space remain in the ownership of the Applicant. The residents of the estate maintain the open space areas.

7.2.2 As part of their appeal submission, the Applicant has submitted Land Registry details regarding their ownership. In this context, I am satisfied that the Applicant has sufficient legal interest to make the application.

### 7.3 **Retail Impact**

7.3.1 The proposed development includes a new convenience store with a floor area of c. 140 sq. metres fronting the R737. It is detailed by the Applicant that it will serve the retail needs of the wider community. Existing commercial and retail development is clustered around Duncannon Village Centre and includes public houses, takeaway,

restaurant, craft shop, gallery, cafe and surfing centre. There is one vacant unit which it is understood was previously a convenience store. Documentation has been submitted by the observers indicating that this unit has recently been sold.

7.3.2 The site of the proposed convenience store is functionally and physically isolated from Duncannon centre, located approximately 0.8km from the village core. It is also noted that the site of the proposed store is not connected by public footpath to the village centre, further exacerbating its separation and peripheral location. I note that the applicant in their appeal response has stated that they are happy to provide a public footpath at a reasonable cost to the Council. However, the provision of same has not been included in the application and is likely to involve lands outside the control of the applicant.

7.3.3 Guidance regarding retail development is set out in the Retail Planning Guidelines for Planning Authorities. The Guidelines advocate the sequential approach noting that the preferred location for new retail development is in town centres. Regarding edge of centre retailing, it is detailed that careful consideration should be given to the function and character of the site and the ease of movement between the site and the town centre in terms of physical linkages. It specifically states that a site is not considered to be well connected where there is no existing or proposed pedestrian route which provides a safe and convenient connection between the new edge of centre site and the original town centre.

7.3.4 Encouraging sustainable travel is also a key objective and it is stated:

*“careful location of retail developments and attention to detail in terms of how they are connected by footpaths and cycle facilities to surrounding areas can substantially boost trips on foot or bicycle for smaller purchases and make a substantial difference in encouraging smarter travel in line with the Smarter Travel strategy.”*

7.3.5 Having regard to the foregoing, I consider the subject site a highly unsuitable location for a convenience store. Whilst I note the village is currently poorly served by convenience facilities, the location of the site, separated from the core area without any appropriate footpath or cycle connections is in my view highly unsustainable and clearly contrary to the advice set out in the Retail Planning Guidelines. The development would have an adverse impact on the vitality and

viability of Duncannon Village Centre and promote predominantly car based journeys.

#### **7.4 Impact on Open Space**

7.4.1 The proposed development is located within the existing open space areas serving the 'South Beach' development. I note the concerns of the observers, that the estate was developed and planned with the current layout and that the residents have a reasonable expectation that the open space serving the development would be preserved as an amenity to serve the occupants. It is argued by the Applicant, that even with the development, open space will constitute over 18% of the site area, which is more than the required 10% set out in the current County Development Plan.

7.4.2 Whilst I note that open space provision within the development is generous, I have significant concerns regarding the proposed development and its impact on the amenities of the estate. To the north of the estate, it is proposed to provide 2 infill dwellings served from two internal cul de sacs within the estate. The development will effectively sever open space area E (as denoted on the site layout plan). This area will be enclosed by the side boundary wall of one of the new dwellings, the turning circle of the cul de sac and the side boundary of dwelling no 45. It will essentially become a piecemeal and incidental area of open space with no passive surveillance or amenity function. I also note that the Board previously refused permission for housing in this area of public open space under Appeal Reference PL26.206082 on the basis that it would have a material adverse impact on the quality of the open space provision within the estate.

7.4.3 The location of the convenience store is also problematic and again, in my opinion, will have a significant adverse impact on the principal open space area within the development – referred to as Area A on the site layout plan. No details of the boundary treatment are provided and I am not satisfied that there would be an appropriate interface between the open space area and the proposed parking area, back of house and bin storage areas. Whilst a new footpath connection from the estate through the open space to connect to the convenience store is proposed, this will bring pedestrians through the car parking area of the store with no adequate internal footpath connections.

## **7.5 Foul Drainage**

7.5.1 It is noted that concerns were raised by Irish Water regarding the adequacy of the existing privately owned pumping station serving the development. It is evident that there were legacy issues associated with this development. It is detailed in the report from Irish Water that there has been historical issues with the station failing and occasional flooding which is an indication of storm water misconnection to the wastewater infrastructure or infiltration to the sewer system. It notes that these problems are an indication of poor level control system, poor pump performance and control issues. It also notes that there are issues with access to the pump sump and kiosk. It is stated by the Applicant that the sewage treatment system has been taken in charge by the Local Authority and they are now responsible for its upkeep and maintenance.

7.5.2 I note however, that the report from Irish Water recommends that a survey would need to be carried out on the pump station to ensure it complies with the requirements of Irish Water and that remedial action may be required to bring it line line. A CCTV survey is also required of the existing wastewater network to determine if there is any storm or surface water ingress and that remedial action may be required to rectify any defects.

7.5.3 The proposed development will increase loading onto what appears to be a potentially poorly functioning pumping station which has known historical issues of flooding and inadequate performance. I am not satisfied based on the information submitted with the application or the appeal that adequate water treatment facilities can be provided to serve the development, and thus I consider the development to be potentially prejudicial to public health.

## **7.6 Traffic and Access**

7.6.1 Significant concerns have been raised by the Planning Authority and the observers regarding the development from a traffic, parking and access perspective. The proposed retail unit is to be accessed directly from the R737 from a new access point created directly to the west of the existing entrance. There is also an existing access point located directly opposite the site serving the tennis court and children's playground. I would have concerns regarding the turning movements associated with the multiplicity of entrance points in a 50kph zone. In this context, I consider the

development contrary to Section 8.6.2 of the Wexford County Development Plan which states that the council will minimise new access points and/or significant intensification to existing accesses to regional roads.

7.6.2 I also note that there is a paucity of information regarding how the development will be served by HGV vehicles for delivery and servicing purposes. There is no turning area provided. It is detailed by the applicant that two lay by spaces are to be provided to the front of the store for such purposes. However, no vehicle swept path analysis is provided to demonstrate whether such vehicles can safely access the site. Whilst the development will be served by a limited parking area accommodating 9 no. spaces, having regard to the fact that the site is so poorly served by public footpaths, it is likely to attract significant car borne traffic. This is likely to give rise to ad-hoc parking along the regional road causing significant traffic congestion and disruption. The proximity of the shop to the playground and the lack of adequate pedestrian crossing points is also noted and considered unsatisfactory.

7.6.3 In conclusion, I consider the traffic and access arrangements associated with the proposed retail unit are likely to give rise to a significant traffic hazard and would be contrary to the proper planning and sustainable development of the area.

## **7.7 Appropriate Assessment**

7.7.1 The River Barrow and River Nore SAC is located c. 0.1 kilometre to the south of the site. This site consists of the freshwater stretches of the Barrow and Nore River catchments as far upstream as the Slieve Bloom Mountains, and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. The Qualifying Interests of the site are set out below:

[1130] Estuaries

[1140] Tidal Mudflats and Sandflats

[1170] Reefs

[1310] Salicornia Mud

[1330] Atlantic Salt Meadows

[1410] Mediterranean Salt Meadows

[3260] Floating River Vegetation

[4030] Dry Heath

[6430] Hydrophilous Tall Herb Communities

[7220] Petrifying Springs\*

[91A0] Old Oak Woodlands

[91E0] Alluvial Forests\*

[1016] Desmoulin's Whorl Snail (*Vertigo moulinsiana*)

[1029] Freshwater Pearl Mussel (*Margaritifera margaritifera*)

[1092] White-clawed Crayfish (*Austropotamobius pallipes*)

[1095] Sea Lamprey (*Petromyzon marinus*)

[1096] Brook Lamprey (*Lampetra planeri*)

[1099] River Lamprey (*Lampetra fluviatilis*)

[1103] Twaite Shad (*Alosa fallax*)

[1106] Atlantic Salmon (*Salmo salar*)

[1355] Otter (*Lutra lutra*)

[1421] Killarney Fern (*Trichomanes speciosum*)

[1990] Nore Freshwater Pearl Mussel (*Margaritifera durrovensis*)

7.7.2 The conservation objectives for the SAC are as follows:

- To maintain the favourable conservation condition of Desmoulin's whorl snail, White-clawed crayfish in the River Barrow and River Nore SAC.
- To maintain the favourable conservation condition of Estuaries, of the Mudflats and sandflats not covered by seawater at low tide, *Salicornia* and other annuals colonizing mud and sand, Killarney Fern, Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation, European dry heaths, Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels, Petrifying springs with tufa formation (*Cratoneurion*) in the River Barrow and River Nore SAC.



- To restore the favourable conservation condition of Sea lamprey, Brook lamprey, River lamprey, Twaité shad, Salmon, Otter and Nore freshwater pearl mussel in the River Barrow and River Nore SAC.
- To restore the favourable conservation condition of Atlantic salt meadows, Mediterranean salt meadows, Old oak woodland with Ilex and Blechnum, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*) in the River Barrow and River Nore SAC.

7.7.3 It is detailed on the stormwater attenuation layout for the development that stormwater attenuation is to the existing stream located to the west of the site with eventual discharge to sea. As detailed above, Irish Water have raised significant concerns regarding the efficacy of the existing pumping station serving the development noting that it receives very high flows in wet conditions and that the plant has historically flooded. Having regard to the source pathway receptor concept, there is a potential link between the subject site and the SAC and there is potential for the development to have a significant effect on the European site in view of the site's conservation objectives due to potential contamination of the surface water.

7.7.4 Based on my examination of the information on file, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distances and functional relationship between the proposed works and the European site, its conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would conclude that a Stage 2 Appropriate Assessment is required.

7.7.5 On the basis of the information provided with the application and appeal and in the absence of Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the European Site no. 002162, or any other European site, in view of the site's Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

7.7.6 Whilst the Board could request further information regarding a Natura Impact Statement, having regard to the substantive reasons for refusal set out below, I would not recommend that section 132 be invoked in this instance.

## **7.8 EIA Screening**

7.8.1 Having regard to nature of the development comprising a small commercial unit and 2 residential dwellings and the absence of any significant environmental sensitivity in the vicinity, 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.

## **8.0 Recommendation**

8.1. It is recommended that permission be refused permission for the reasons set out below.

## **9.0 Reasons and Considerations**

1. The proposed retail development, by reason of its location outside, and remote from, the village centre of Duncannon with no adequate pedestrian or cycling connections would have an adverse impact on the vitality and viability of the existing village centre and would be contrary to objectives ED33 and ED38 of the current Wexford County Development Plan 2013-2019. In addition, it is considered that the development would not comply with the principle of the sequential test nor the objectives to promote sustainable travel patterns as set out in the Retail Planning Guidelines for Planning Authorities, published by the Department of the Environment and Local Government in January, 2012. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Given the lack of adequate pedestrian and cyclist facilities serving the development, it is considered that the on site parking provided is likely to be inadequate to cater for the parking demand generated by the development. The development is also likely to generate significant additional traffic turning movements and there is a lack of adequate loading/unloading and turning areas for heavy goods vehicles. The proposed development would, therefore, give rise to traffic congestion and haphazard parking on the public road and would endanger public safety by reason of traffic hazard.

3. Having regard to the loss of areas of public open space and the position of the proposed dwellings and retail unit and their relationship with the existing areas of open space within the development, it is considered that the proposed development would seriously injure the residential and visual amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.
4. Having regard to potential issues with the adequacy, function and operation of the existing pumping station serving the development, the Board is not satisfied on the basis of the information on file, that that there are adequate arrangements on site for the treatment and disposal of wastewater. The proposed development would, therefore, be prejudicial to public health.

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**Erika Casey**  
**Senior Planning Inspector**

**13th December 2018**