



An
Bord
Pleanála

Inspector's Report ABP 303574-19.

Development	House with wastewater treatment system, percolation area & all associated site works.
Location	St. Iberius, Kilscaran, Co. Wexford.
Planning Authority	Wexford Co. Council.
Planning Authority Reg. Ref.	20181509
Applicant	Gemma Doyle
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Gemma Doyle
Observers	Neasa Uí Raghnaigh & Others
Date of Site Inspection	9/5/19
Inspector	Siobhan Carroll

Contents

1.0 Site Location and Description.....	3
2.0 Proposed Development.....	3
3.0 Planning Authority Decision	3
3.1. Decision.....	3
3.2. Planning Authority Reports.....	4
3.3. Third Party Observations.....	5
4.0 Planning History.....	5
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Sustainable Rural Housing Development Guidelines.....	7
5.4. Natural Heritage Designations.....	7
6.0 The Appeal.....	8
6.1. Grounds of Appeal.....	8
6.2. Planning Authority Response	9
6.3. Observations	10
7.0 Assessment.....	11
8.0 Recommendation.....	20
9.0 Reasons and Considerations	20

1.0 Site Location and Description

- 1.1. The subject site is located in the townland of St. Iberius, which is located at the village of Broadway in Co. Wexford. It is situated to the west of the village of Lady's Island. The settlement comprises small clusters of housing within the village core. Broadway is served by Our Lady's National School which is situated in the village.
- 1.2. The appeal site is greenfield in character with existing hedgerow located along the site boundaries. There are two existing dwellings located to the west of the site including an attractive thatched cottage with associated outbuildings. The western boundary adjoins the rear gardens of six detached dwellings. To the east there is a two-storey dwelling with associated sheds. Agricultural lands are located to the south and east.
- 1.3. Lady's Island Lake a brackish lagoon is located c. 175m to the east. There is a watercourse at the southern boundary of the site if flows eastward to Lady's Island Lake.

2.0 Proposed Development

- 2.1. The proposed development comprises a single storey, 3 bedroom dwelling with a floor area of 196 sq. metres on a site is 0.995ha. The house design is contemporary the elevations feature large floor to ceiling glazing and vertical timber cladding. The overall height of house is 3.6 metres. It is proposed to connect the dwelling to the mains water supply with on-site waste water treatment.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for three reasons;

1. It is considered that the proposed development of this backland site would be contrary to Section 18.14 of the Wexford County Development Plan 2013-2019 as it would have serious negative impact on the amenities of the adjoining residential property and would set an undesirable precedent for similar type developments in the area. The proposed development would

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

2. Inadequate information has been submitted regarding the means of disposing wastewater from the site in order for the planning authority to fully assess the implications of the proposed development. Therefore, it is likely that the proposed development would give rise to a public health hazard.
3. Having regard to the precautionary principle and based on inadequate information submitted regarding the proposed waste water treatment system it is considered that the potential for significant effects is uncertain and it cannot be determined that the proposed development would not adversely affect the integrity of the European site in view of its conservation objectives. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- In relation to the siting of the dwelling it was considered that it would be preferable if it were situated further north closer to the public road, in keeping with the building line. The house is backland in nature and given the open nature of the site it would have an undue visual impact on the landscape. Insufficient information was submitted regarding the proposed effluent treatment system therefore, having regard to the precautionary principle the potential for significant effects on the Natura 2000 site remain uncertain. Permission was recommended for refusal on that basis.

3.2.2. Other Technical Reports

Environment Section – Further information recommended in relation to the submission of a subsoil (quaternary) supplementary map for the site.

Chief Fire Officer – It is advised that the dwelling house development shall comply with the guidance as outlined in the Technical Guidance Document B, Fire Safety Dwelling Houses Volume 2, 2017.

3.3. Third Party Observations

- 3.3.1. The Planning Authority received three observations/submissions in relation to the application. The main issues raised are similar to those set out in the observation to the appeal

4.0 Planning History

PA Reg. Ref. 20181122 - Outline permission was refused for a dwelling, waste water treatment system and percolation area. Permission was refused on the basis that it the development of the backland site would negatively impact the amenities of adjoining residential properties, that inadequate information was submitted for the Planning Authority to determine whether the proposed development would result in public health hazard and in the absence of adequate proposals for the on-site disposal of waste water treatment it could not be concluded that the proposed development would not have a significant effect on a Natura site.

PA Reg. Ref. 20180635 - Outline permission was refused for a dwelling, waste water treatment system and percolation area. Permission was refused firstly, on the basis that it the development of the backland site would negatively impact the amenities of adjoining residential properties. Secondly, permission was refused on the basis that in the absence of a NIS or AA Screening report and the nature of the development whereby the site includes a watercourse that provides a direct hydrological pathway to Lady's Island Lake SAC and SPA that it cannot be excluded on the basis of information submitted that the proposed development will not have a significant effect on the Natura 2000 site.

PA Reg. Ref. 20180634 - Outline permission was granted for a dwelling, waste water treatment system and percolation area on the north-eastern section of the subject site.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The operative Development Plan is the Wexford County Development Plan 2013 to 2019. The plan sets out its rural housing policy in Chapter 4 and St. Iberius is identified as an area under Strong Urban Influence. The following objectives are of relevance:
- 5.1.2. Objective RH01
- To facilitate the development of individual houses in the open countryside in 'Areas Under Strong Urban Influence' in accordance with the criteria laid down in Table No. 12 subject to compliance with normal planning and environmental criteria and the development management standards laid down in Chapter 18.
- 5.1.3. Objective RH02
- 5.1.4. To facilitate individual houses, other than those referred to in 'Areas Under Strong Urban Influence' in Table No. 12, in the existing settlements including those settlements defined in the settlement hierarchy as Strong Villages, Smaller Villages and Rural Settlements, subject to complying with normal planning and environmental criteria and the development management standards laid down in Chapter 18.
- 5.1.5. Permitted development under areas of strong urban influence include:
- 5.1.6. "Housing for 'local rural people' building permanent residences for their own use who have a definable 'housing need' building in their 'local rural area'".
- 5.1.7. Section 3.4.10 sets out guidance regarding rural settlements:
- 5.1.8. "These settlements are best described as rural areas where a collection of one-off rural dwellings and local community or social services, such as a church, school, public house or a shop are clustered around a focal point, such as a crossroads. The Settlement Strategy for these areas is to facilitate a small number of additional dwellings to consolidate the existing pattern of development. Appropriately designed cluster type developments will be considered at these locations subject to complying with other planning, traffic safety and environmental criteria. A cluster development is defined as small residential development comprising of between two and five

dwelling houses served by a communal vehicular entrance point and access road from the public road.

5.1.9. Local need or the requirement to enter an occupancy agreement will not apply to the occupiers of single dwellings or cluster developments within the boundary of these rural settlements.”

5.1.10. St. Iberius is also located in a coastal zone. It is stated in the plan:

“In coastal areas there has been a significant pressure for development and as a result some of these areas are reaching capacity in terms of their ability to accommodate further development. There is still demand for development in these areas and this demand needs to be managed in a way which does not take away from the special character of these areas or interfere with sensitive areas or coastal processes.”

5.2. Sustainable Rural Housing Development Guidelines

5.2.1. The guidelines require a distinction to be made between ‘Urban Generated’ and ‘Rural Generated’ housing need. A number of rural area typologies are identified including rural areas under strong urban influence which are defined as those with proximity to the immediate environs or close commuting catchment of large cities and towns. Examples are given of the types of circumstances for which ‘Rural Generated Housing Need’ might apply. These include ‘persons who are an intrinsic part of the rural community’ and ‘persons working full time or part time in rural areas’.

5.3. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

5.3.1. National Policy Objective 19 refers to the necessity to demonstrate a functional economic or social requirement for housing need in areas under urban influence, i.e. the commuter catchment of cities and large towns and centres of employment. This will also be subject to siting and design considerations.

5.4. Natural Heritage Designations

5.4.1. The nearest Natura 2000 sites are;

- Lady’s Island SPA (Site Code: 004009) located c. 100m east of the site.

- Lady's Island Lake SAC (Site Code: 000704) located c. 107 metres to the east of the site.
- Carnsore Point SAC (Site Code: 002269) located c. 2.9km east of the site.
- Tacumshin Lake SAC (Site Code: 000709) located c. 3.9km south-west of the site.
- Tacumshin Lake SPA (Site Code: 004092) located c. 3.9km south-west of the site.

5.5. Environmental Impact Assessment (EIA)

- 5.5.1. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been submitted by Circa Design on behalf of the applicant Gemma Doyle. The issues raised are as follows;

- It is submitted that the proposed development is in accordance with the provision of the Wexford County Development Plan 2013-2019.
- Section 18.14 of the Development Plan refers to infill and backland development. It is submitted that there is no clear definition in the Guidelines or the Development plan in relation to backland development. Therefore, it is up to the individual to determine if the site is backland in nature.
- It is stated that great consideration was taken at the design stage in relation to the scale and massing of the proposed dwelling and its siting. Consideration was also given to amenities and privacy of existing residential properties in the vicinity and the visual impact. The proximity of Lady's Island SAC and SPA was also taken into consideration.

- A separation distance of 49m is provided between the existing dwellings and the proposed dwelling. It is noted that the Planning Authority refused permission for a two-storey house on the site under Reg. Ref. 20181122.
- The overall height of the proposal subject of the appeal is 18.5m above sea level which is circa 4.96m lower than the existing surrounding dwellings. It is proposed to build the dwelling into the existing contours by 1.5m to reduce the visual impact.
- In relation to the proposed boundary treatment, further screening with indigenous planting along the western boundary is proposed to protect the privacy of the existing 5 no. linear dwellings to the west.
- The applicant cites a number of previous decisions of Wexford Co. Council and the Board where permission was granted for dwellings of similar scale and mass in the vicinity, PA Reg. Ref. 20052297 & ABP 26.214176, PA Reg. Ref. 20020340 and PA Reg. Ref. 29981293.
- In relation to refusal reasons no. 2 and no. 3 issued by the Planning Authority in determining the current application the applicant states that the report submitted in response to the further information request addresses the matters.
- The report of the Senior Executive Scientist is noted, in particular the section which states that the site is suitable for discharge to groundwater. The report states that an appropriate assessment has been received and concludes that the development will have no significant effects on the nearby SAC and SPA.
- It is stated that the report of the Senior Executive Scientist does not refer to inadequate information submitted or cite refusal reasons.
- It is requested that the decision of the Planning Authority be overturned and that the Board grant permission for the proposal.

6.2. Planning Authority Response

- None received

6.3. Observations

6.3.1. An observation to the appeal was submitted by Neasa Uí Raghnaigh & Others. The issues raised concern the following;

- Wexford Co. Council have on three previous occasions refused permission on the site. Permission was refused on the basis that it is backland development and would contravene Section 18.14 of the Development Plan. The current refusal issued by the Planning Authority also stated that the proposed development would have a serious negative impact on the amenities of the adjoining residential properties.
- Due to the proposed siting and footprint of the dwelling it would have an overbearing impact and would detract from the openness of the landscape.
- It is advised in the report of the Planning Officer that it would be more appropriate to locate the proposed dwelling further north closer to the public road. The Observers agree with this.
- The Planning Authority granted permission under Reg. Ref. 20180634 to the applicant's parents at this location. It is noted that there is a site adjoining it which could be developed with a dwelling following the existing roadside building line.
- The report of the Planning Authority stated that if the proposal were permitted it would set an undesirable precedent for further backland development.
- The applicants in their appeal refer to precedents granted by the Board and the Planning Authority for houses of similar scale on sites in the vicinity. However, it is highlighted that backland development has not been permitted in the environs of Broadway.
- The Observers refer to the boundary treatment along the western site boundary. There is native hedgerow along a section of the boundary at a height of 3m, however parts of the boundary hedgerow have been replaced where it was previously damaged. The sections which have been replaced are not yet mature and it is therefore submitted that the proposed dwelling would be visually dominant in the landscape.

- It is requested that the Board uphold the decision of the Planning Authority and refuse permission.

7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Rural Housing Policy
- Siting and Design
- Effluent treatment
- Appropriate Assessment

7.1. Rural Housing Policy

- 7.1.1. The subject site is located in the townland of St. Iberus which is in the environs of Broadway. The Planning Authority in their assessment of the proposal determined that the site lies within the environs of the rural settlement of Broadway and is therefore not subject to the Rural Housing policy criteria set out in Table 12. of the County Development Plan 2013-2019.
- 7.1.2. Broadway comprises a cluster of residential properties and Our Lady's Island National School. Broadway is identified as an area under 'Strong Urban Influence' and is also within a coastal area, and thus subject to additional housing demand and pressure.
- 7.1.3. The site is located between a row of five dwellings which address a local road to the north-west and a two-storey dwelling to the east. As set out in the settlement strategy in the County Development Plan it is the policy to facilitate additional dwellings in rural settlements to consolidate the existing pattern of development. It is detailed that small clusters of additional dwellings will be facilitated subject to normal criteria including design, traffic, environmental criteria etc. While the site is located between existing dwellings within the settlement, I note that there is no defined

settlement boundary for Broadway and the subject lands are unzoned and there is no piped sewer.

- 7.1.4. Accordingly, in this context, I consider that the development should be assessed in accordance with the criteria set out at a national and local level for such dwellings.
- 7.1.5. For the purposes of assessing what classes of persons should be facilitated in rural areas “local rural people” are considered to be those who fulfil the criteria set out in Table 12 of the Development plan. These are persons who were born or who have lived in an area for 5 years, persons who have lived there in the past or are returning emigrants, those who were born in a rural area but are now within a settlement or zoned land, persons who have links by virtue of being a long term rural landowner or the son or daughter or successor of such a person. The local rural area has a radius of 7km from where the person has lived or is living. It is advised in the plan that people who have a ‘housing need’ are considered to be people who have never owned a rural house.
- 7.1.6. The applicant Gemma Doyle is the daughter of the site owners Anne & Eugene Doyle. As detailed in the appeal submission, the applicant is from the local area. She attended the local National School and lived there until she emigrated to Australia in 2010. In 2016 she returned to Ireland. She and her family are currently living in rented accommodation in St. Iberius, Broadway. The applicant’s eldest child attends a local pre-school and is enrolled to attend the local National School in the next academic year.
- 7.1.7. On the basis of the information provided on file, the applicant Gemma Doyle has demonstrated that she has a housing need for the specific area, that she is the daughter of the landowners and I conclude therefore that the applicant has demonstrated that they fall into a category provided for in objective RH01 and table 12 of the Wexford Co. Development Plan 2013-2019. Therefore, I conclude that the applicant meets the qualification criteria to build a rural dwelling at this location in accordance with the provisions of the Development Plan and the provisions contained in the Rural Housing Guidelines.

7.2. Siting and Design

- 7.2.1. The first reason for refusal issued by the Planning Authority referred to the backland nature of the proposed development and that it would be contrary to Section 18.14 of the Wexford County Development Plan 2013-2019.
- 7.2.2. Section 18.14 of the Development Plan refers to infill and backland sites in towns and villages. It advises that each case should be assessed having regard to the site's context and ensuring that proposed development be designed to avoid an undue detrimental impact on neighbouring residential amenities through a significant loss of private amenity space, undue overlooking, undue overshadowing, an over dominant visual impact and/or disturbance from traffic.
- 7.2.3. The proposed development site has road frontage of 75m along the northern boundary. The site extends south for circa 190m. It is proposed site the dwelling back circa 110m from the roadside boundary. Therefore, it would be situated beyond the centre of the site which is relatively large and open. The two existing adjacent dwellings situated to the north-west and south-east of the site, with frontage onto the local road have building lines which lie close to the roadway. Therefore, the proposal does not adhere to the existing building line and pattern of development in the area. I note that under PA Reg. Ref. 20180634 outline permission was granted to the applicant's parents for a dwelling to the north-eastern section of the appeal site. The siting of that permitted dwelling was in line with the front building line of the existing dwelling to the north-west.
- 7.2.4. There is a row of five dwellings situated immediately to the west of the site. They have been developed along a local road. The subject dwelling would be sited in line with the centre dwelling within the row. The proposed dwelling has a floor area of 196sq m. The house design is contemporary the elevations feature large floor to ceiling glazing and vertical timber cladding. It is single storey with a ridge height of 3.6 metres. The level of the site falls gradually to the south. It is proposed to construct the dwelling on the 15.5m contour. While I note that the proposed floor levels of the dwellings to the west are higher, dwelling B as indicated on the site layout plan has a finished floor level of 16.77m. The proposed dwelling features a significant extent of floor to ceiling glazing to the rear (south-west) elevation which would overlook the rear of dwellings to the south-west including dwelling B.

- 7.2.5. The Planning Authority in their assessment of the proposal determined that the subject dwelling is backland in nature and given the open nature of the site it would have an undue visual impact on the landscape. They considered it preferable if the dwelling were situated further north closer to the public road and in keeping with the established building line.
- 7.2.6. Notwithstanding the proposal for a single storey dwelling, giving the relatively open nature of the site, the proposed siting of the dwelling circa 110m back from the roadside boundary and the site context relative to existing residential properties, I consider that the development would constitute inappropriate backland development which would be out of character with the pattern of development in the vicinity.
- 7.2.7. Furthermore, I consider that it unduly impact upon the visual amenities of the rural area have serious negative impact on the amenities of the adjoining residential property and would create a precedent for a similar character and pattern of development in the area.

7.3. Effluent treatment

- 7.3.1. It is proposed to install a secondary wastewater treatment system and polishing filter. It is proposed to locate the treatment plant circa 9.9m to the north and the soil polishing filter is located on the layout plan 16.2m to the north of the dwelling. Regarding water supply, it is proposed to connect to mains supply. Table 6.1 of the EPA Manual – Treatment Systems for Single Houses sets out the minimum separation distances, the minimum distance from a watercourse or stream to a percolation area is stated as 10m and the minimum distance from a road to a percolation area is stated as 4m. There is a watercourse 40m down gradient of the site. This watercourse runs into Lady's Island Lake.
- 7.3.2. The site suitability assessment indicates that a T value of 15.83 was recorded on site. A T value of greater than or equal to 3 and less than or equal to 50, means that the site is suitable for the development of a septic tank system or a secondary treatment system discharging to groundwater. P tests were also carried out and a P value of 13.89 was recorded. Table 6.3 of the EPA Manual advises that where the P value is greater than 3 and less than 75 then the site is suitable for a secondary treatment system with polishing filter at ground surface or overground.

- 7.3.3. It is proposed to construct a raised polishing filter of 60sq m from imported permeable soil. The proposed sand polishing filter has a thickness of 900mm beneath the invert of the distribution system. It is proposed to discharge the treated effluent to ground water. No water table or rock was encountered up to a depth of 1.9m below ground level during the site testing.
- 7.3.4. The Environmental Protection Agency Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses 2010 provides guidance on the provision of wastewater treatment and disposal systems for new single houses. Annex B of the publication refers to Groundwater Protection Response. It is stated that when choosing a site consideration should be had to any nearby groundwater sources and the vulnerability of the underlying groundwater. The Code of Practice sets out that the risk from onsite wastewater treatment systems is mainly influenced by its proximity to a groundwater source, the value of the groundwater resource and the depth of the water table.
- 7.3.5. The site is located within an area classified by GSI as having a poorly productive groundwater aquifer except for local zones, however the vulnerability rating of the aquifer is high. The groundwater protection response is R1. As per the EPA manual, in a R1 protection zone, on site effluent treatment would be acceptable subject to normal good practice.
- 7.3.6. The report of the Senior Executive Scientist in the Environmental Section in their report dated the 5th of December 2018 stated that the site is suitable for discharge to groundwater. The report stated that a supplementary subsoil map for the site was not submitted. They recommended that further information be sought regarding the submission of a subsoil (quaternary) supplementary map for the site.
- 7.3.7. In response a supplementary map of the subsoils was included with the appeal. The map indicates that site is located within an area where there is loamy drift, as per EPA soils guide. This classification correlates with the soil type detailed in the site characterisation form which is TmP (Till derived from metamorphic rocks) and the submitted Teagasc subsoil data map which indicates that the sub soil is AminDW – deep well drained mineral derived from mainly non-calcareous parent materials. Having regard to these details I would conclude that the soil on site is glacial till with a mix of outwash sands and gravels. The results of the T and P tests indicate that

there is a satisfactory mix of sands and gravels within the soil to ensure a suitable percolation rate to provide for on-site effluent treatment.

- 7.3.8. Having regard to the information submitted including the site characterisation report, reports of the Senior Executive Scientist and the proposal to install a secondary treatment system with polishing filter, I consider that site is suitable for the proposed on-site secondary effluent treatment system subject to the system being constructed and maintained in accordance with the details submitted.

7.4. **Appropriate Assessment**

- 7.4.1. The site is situated 100m from Lady's Island SPA (Site Code: 004009) and 107m from Lady's Island Lake SAC (Site Code: 000704).
- 7.4.2. In relation to determining the effects of a development on a European site are likely and whether or not the effects are significant this is done in light of the Conservation Objectives for the site. It should also be determined if there are cumulative effects with other projects. The Planning Authority in their assessment of the application determined that they could not be satisfied that the proposed development would not adversely affect the integrity of the European site in view of its conservation objectives. This was based on their determination that insufficient information was submitted regarding the proposed effluent treatment system therefore, having regard to the precautionary principle the potential for significant effects on the Natura 2000 site remained uncertain.
- 7.4.3. The current conservation objectives for Lady's Lake SPA (Site Code: 004009) is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:

Bird Code	Common Name	Scientific Name
A051	Gadwall	<i>Anas strepera</i>
A179	Black-headed Gull	<i>Chroicocephalus ridibundus</i>
A191	Sandwich Tern	<i>Sterna sandvicensis</i>
A192	Roseate Tern	<i>Sterna dougallii</i>
A193	Common Tern	<i>Sterna hirundo</i>
A194	Arctic Tern	<i>Sterna paradisaea</i>

- The second objective is to maintain or restore the favourable conservation condition of the wetland habitat at Lady's Island Lake SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

7.4.4. The current conservation objectives for Lady's Lake SAC (000704) are as follows:

- To restore the favourable conservation condition of Coastal lagoons* in Lady's Island Lake SAC, which is defined by a list of attributes and targets in relation to habitat area, habitat distribution, salinity regime, barrier connectivity between lagoon and sea, water quality, depth of macrophyte colonisation, typical plant species, typical animal species and negative indicator species.
- To maintain the favourable conservation condition of Reefs in Lady's Island Lake SAC, which is defined by a list of attributes and targets in relation to habitat area, distribution and community structure.
- To restore the favourable conservation condition of Perennial vegetation of stony banks in Lady's Island Lake SAC, which is defined by a list of attributes and targets in relation to habitat area, habitat distribution, physical structure functionality and sediment supply, physical structure disturbance, vegetation structure, vegetation composition of communities and typical species, vegetation composition of negative indicator species and vegetation composition of non-native species.

7.4.5. A report Screening for Appropriate Assessment was prepared by Deborah D'Arcy, Ecologist and was submitted with the application. It is set out in the report that major impact affecting the quality of lagoons in Ireland according to the status of EU Protected Habitats and Species in Ireland (NPWS, 2013) is water pollution in the form of excessive nutrients mostly from agricultural sources but also from domestic effluent from an increase in urbanisation, commercial and industrial activities. In relation to the conservation status of bird species listed as Special Conservation Interests for this SPA, all species are listed as excellent.

7.4.6. It is stated in the screening report that due to the small size of the development and limited potential for effects it is only the lagoon habitat which is hydrologically linked by a stream which is considered to be the zone of influence. It is concluded in the report that it is unlikely that the perennial vegetation or stony bank habitats and the

reef habitat would be affected by the proposed development given the separation distance and with no pathway for effects on those habitats.

- 7.4.7. It is highlighted that potential effects of the proposed development primarily relate to the potential effects on water quality of the lagoon habitats at Lady's Island Lake SAC. Potential effects arise from the proposed development during the construction phase from sedimentation or pollution of surface water as a result of construction activities also sedimentation of surface water course could potentially arise as a result of the transfer of soil to the main road or from site run-off during construction. There is also the risk of spread of invasive plant species.
- 7.4.8. It is submitted that standard best practice construction methodology will ensure no sedimentation will enter surface water courses. Best practice construction methodology also includes the use of silt fences to prevent run-off during heavy rainfall. In relation to invasive species it is highlighted in the report that no high impact invasive species were observed on site or adjacent to the site.
- 7.4.9. In relation to the operational phase potential effects could arise from pollution of surface water or groundwater from wastewater effluents. The proposed wastewater treatment system is situated circa 115m from the stream to the southern site boundary. A secondary wastewater treatment unit is proposed in addition a soil polishing filter is proposed to further treat wastewater prior to discharge. The presence of phosphorus within treated wastewater is noted and that the capacity of polishing filters to provide absorption can reduce over time. However, it is noted that the change of use of the land from agriculture will remove the risk of nutrient run-off from fertilisers including phosphorus and nitrates.
- 7.4.10. It is concluded in the report that no significant deterioration in water quality of the lagoon is anticipated as a result of the proposed development and that there would be no significant negative impact on the conservation objectives of the SAC.
- 7.4.11. Regarding Lady's Island Lake SPA, potential effects include the possibility of habitat loss disturbance to bird species, habitat modification and pollution. The appeal site is currently used as an arable field and does not provide suitable supplementary habitat for any of the Special Conservation Interest bird species of the SPA. Therefore, no loss of habitat would occur. The site is adjacent to an established

residential area and the woodlands to the east of the site shields the lagoon habitat, therefore no disturbance of Special Conservation Interest bird species is anticipated.

7.4.12. In relation to 'in combination' effects current threats and pressures on Lady's Island Lake include recreational activities i.e. walking, horse riding and use of water craft which would cause disturbance to bird species. The report notes that in the area there were 3 no. permissions granted for farm developments involving slurry storage and 7 no. dwellings in the past 5 years. This represents a low level of increased residential development in and around Lady's Island Lake. All new residential and farm developments are required to adhere to regulations which govern the treatment and disposal of waste. Therefore, it was concluded in the report that significant cumulative impact from increased nutrient input to Lady's Island Lake is not anticipated.

7.4.13. Accordingly, the possible impacts of the proposal on the conservation status of the designated sites include loss/reduction of habitat, disturbance of key species, habitat or species fragmentation, reduced species density and decrease in water quality and quantity. I am satisfied that the subject proposal would not have the potential for loss or fragmentation of protected habitats. Having regard to the Source-Pathway-Receptor model, there would be a direct pathway in terms of the watercourse at the southern boundary of the site which flows eastward to Lady's Island Lake, Natura 2000 sites. Potential impacts could arise during the construction phase specifically in terms of runoff from surface water occurring on the appeal site. I am satisfied that standard best practice construction methodology will ensure that no sedimentation will enter the surface water course. Potential impacts from the operational phase could arise from surface water or groundwater pollution from wastewater effluents, having regard to the suitability of the appeal site for on-site effluent treatment, the proposed secondary effluent treatment system and the distance between the appeal site and the Natura sites i.e. 100m and 107m respectively, I am satisfied that the subject proposal would not result in pollution or significant nutrient enrichment. Having regard to the small scale and nature of the proposed development and the separation distance between appeal site and the Natura sites at Lady's Island, the proposed development would not be likely to have a significant effect on the European sites.

7.4.14. I would therefore consider that it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 000704 and European Site No. 004009, or any other European sites, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 Recommendation

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

9.0 Reasons and Considerations

1. The proposed development due to its siting would constitute inappropriate backland development contrary to Section 18.14 of the Wexford County Development Plan 2013-2019 which would be out of character with the pattern of development in the vicinity, and would seriously injure the character and visual amenities of the area. Furthermore, the proposed development would have serious negative impact on the amenities of the adjoining residential property and would set an undesirable precedent for similar type developments in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Siobhan Carroll
Planning Inspector

21st of May 2019