



Development

The development will consist of (a) the construction of 85 no. dwelling units as follows: 14 no. 2-storey 2-bed terraced units (c.88m²), 53 no. 2-storey 3-bedroom terraced units (c.128m²), 4 no. 2-storey 4-bedroom detached units (c.154m²), 14 no. 2-storey 4-bedroom semi-detached units (c.154m²) (b) connections to existing public services and connection to existing foul water treatment plant (c) all associated landscaping, attenuation, boundary treatment and site development works (d) the provision of a new vehicular and pedestrian access to Ballymoney Road including works to carriageway and existing public footpath and provision of 146 no. on-street car parking spaces (e) the provision of new vehicular and pedestrian access linking the development to Hillview Drive, Seafield, Ballymoney.

Location

Ballymoney Lower, Courtown, and Seafield, Courtown, Co. Wexford.

Planning Authority Wexford County Council

Planning Authority Reg. Ref. 20201555

Applicant(s) David Cullen

Type of Application Permission

Planning Authority Decision Refusal

Type of Appeal First Party v. Decision

Appellant(s) David Cullen

Observer(s) The Seafield Residents Group

John Chamany

Cathal Black

Dermot P. McArdle

Sean Moran

Geraldine Russell

Peter Donohoe

Kieran O'Farrell

Date of Site Inspection 23rd July, 2021

Inspector Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the small rural village of Ballymoney, Co. Wexford, approximately 5.0km east of Gorey and 4.0km north of Courtown, where it occupies a position to the south of Ballymoney Crossroads between Ballymoney Road to the west and a golf course that forms part of the wider 'Seafield Hotel & Spa Resort' to the east. The village itself is characterised by a particularly dispersed settlement pattern with no discernible development boundary and includes a mix of residential and tourism uses, including several caravan parks and associated facilities, deriving from its coastal location. While several nodes of activity have developed in the vicinity of local services / amenities (such as the 'Tara Vale' and 'Orphan Girl' public houses on the northern and southern peripheries of the village), the presence of a small foodstore and a coffee shop / café at the crossroads leading to Ballymoney Beach would lend credence to this area forming the traditional centre of the village.
- 1.2. The appeal site has a stated site area of 4.0 hectares, is irregularly shaped, and comprises an expanse of 'greenfield' scrubland bounded by mature hedgerows & tree planting with the Ballymoney Lower stream passing along the northern site boundary. It adjoins the public footpath that extends along Ballymoney Road to the west and a small cluster of housing to the north. To the south (beyond a marl hole located within the southern confines of the site) is a graveyard while the lands to the east & southeast form part of the wider 'Seafield' complex that includes a hotel, spa and golf resort in addition to a variety of residential development. A conventional low-density housing scheme of two-storey detached properties known as 'Hillview Drive' (with access through the Seafield estate) adjoins the application site to the immediate south.

2.0 Proposed Development

- 2.1. The proposed development, as initially submitted to the Planning Authority, consists of the construction of 85 No. dwelling houses comprising 14 No. 2-storey two-bedroom terraced units, 53 No. 2-storey three-bedroom terraced units, 4 No. 2-storey four-bedroom detached units, and 14 No. 2-storey four-bedroom semi-detached units.

- 2.2. The overall design and layout of the scheme is typical of a suburban format of development with the dwelling houses having been provided with rear garden areas and grouped car parking. The individual dwellings are of a conventional design with external finishes including black concrete roof tiles, white / neutral render, plaster banding, and selected brick.
- 2.3. Associated site development works include the provision of a new vehicular and pedestrian access onto Ballymoney Road and the realignment of the existing carriageway and public footpath to provide for a new right-hand turning lane into the development. A second vehicular and pedestrian access will link the development to the neighbouring housing scheme of 'Hillview Drive' which forms part of the 'Seafield' estate / complex.
- 2.4. The proposal also includes for connections to existing services, including the foul water treatment plant serving 'Seafield', and all associated landscaping, attenuation, boundary treatment and site development works.
- 2.5. The grounds of appeal are accompanied by an amended proposal which includes for the provision of a crèche facility in place of the dwelling house originally proposed on Site No. 64 (the southernmost unit).

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 12th February, 2021 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 6 No. reasons:
 - The connection to a private wastewater treatment plant from the proposed residential development is not acceptable to the Planning Authority given the high probability of failure of the treatment system due to inadequate management in the long term. The wastewater treatment plant is unlikely to be taken in charge by Irish Water and as such is considered prejudicial to public health and therefore contrary to the proper planning and sustainable development of the area.
 - Inadequate information has been supplied in relation to having the necessary agreement from Irish Water for connection to the public main water supply, in

the absence of this information the Planning Authority was unable to make a full assessment, therefore the proposed development is considered to be contrary to the proper planning and sustainable development of the area.

- Inadequate information has been supplied in relation to the existing sewer network which it is proposed to connect the proposed development, no as-built drawings or design have been provided to confirm the hydraulic capacity and condition of these sewers. Therefore, the proposed development is considered to be contrary to the proper planning and sustainable development of the area.
- Having regard to the specific objectives set out in the Core Strategy of the Wexford County Development Plan 2013-2019 (as extended) and the Draft Wexford County Development Plan 2020-2026 which identifies Ballymoney as a 'small village', the proposed development of 85 dwelling units would materially conflict with the policies and objectives of the Plan and would be contrary to the proper planning and sustainable development of the area.
- The proposed development would result in the omission of a childcare facility from the overall housing scheme, where it is considered appropriate that a childcare facility be provided in accordance with the 'Planning Guidelines on Childcare Facilities' issued by the Department of the Environment and Local Government in June, 2001. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.
- Development of the kind proposed would be premature by reference to the prospective deficiency in the national and secondary educational facilities available in the Ballymoney area and the period within which the constraints involved may reasonably be expected to cease. The proposed development is therefore premature due to the lack of social infrastructural facilities and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

Refers to the identification of Ballymoney as a 'Smaller Village' in the county settlement strategy and its proposed designation as a 'Level 5 Small Village: Category 2' in the Draft Wexford County Development Plan, 2021-2027 (which states that development of an appropriate size will be considered provided no one development increases the population of the village by more than 20%). It subsequently states that while the overall design and layout of the proposal is largely compliant with the Urban Design Guidelines (although it is deficient in terms of public open space), it is of a suburban nature comparable to housing schemes in larger towns and would appear to have taken little cognisance of the rural context of Ballymoney or its seaside location. Moreover, it is considered that the development has the potential to overwhelm the character and community of the village due to its overall scale and design.

In relation to the proposal to connect to the existing wastewater treatment system serving the wider 'Seafield' complex, reference is made to on-going legal proceedings with respect to that treatment plant. It is also noted that a major pollution incident occurred in 2018 and that subsequent legal action culminated in the management company being found guilty of non-compliance with Sections 3 & 4 of the Water Pollution Acts, 1977-1990 (Section 12 & 23 notices were also served and the required works were not carried out). In addition, despite significant remediation works in the interim, recent test results have established that the secondary treated effluent is not achieving the design standard specified and that the quality of effluent from the system remains quite poor. Further commentary is provided as regards the existing treatment system while concerns are raised about the potential impact on the nearby Blue Flag beach and bathing waters.

In terms of social and community infrastructure, it is noted that no provision has been made for childcare facilities contrary to the requirements of the '*Childcare Facilities, Guidelines for Planning Authorities, 2001*' while there is no spare capacity in any of the local schools thereby rendering the development dependent on school services in a more distant catchment. In this respect, a lack of social infrastructure such as

schools is identified as a cause of difficulty with smaller village settlements being unable to absorb larger developments.

The report thus concludes by recommending that permission be refused for the reasons stated.

3.2.2. *Other Technical Reports:*

Access Officer: No comments.

A/Chief Fire Officer: Advises of the fire safety requirements and requires certification of compliance on completion of the development that the works have been carried out in accordance with the relevant guidance and standards and that the water supply to the hydrants is sufficient to meet firefighting requirements.

Housing: States that there is no Part V liability with respect to the proposed development as the lands are not zoned.

Environment: Refers to the proposal to connect to the existing wastewater treatment system serving the 'Seafield' complex and the states that court action is presently in progress with respect to that treatment plant. It subsequently recommends that permission be refused for the following reason:

- It is the opinion of Wexford County Council Environment Section that the planning application is premature pending the outcome of legal proceedings regarding the operation and management of the existing wastewater treatment system to which it seeks to discharge.

Water Services: States the following:

- A 'Confirmation of Feasibility' to connect to the public water supply has not been provided.
- It is unclear if the development will be commercially operated with the housing being proposed for use as both holiday homes and permanent residences. Accordingly, the development could be proposed to be taken in charge. The Water Services Dept. is not supportive of new connections to existing private wastewater treatment plants for non-commercial development.
- It is the preference of the Water Services Dept. that a foul sewerage connection to Courtown be pursued as an alternative. A recent enquiry to Irish

Water for the connection of 500 No. houses at Seafield to Courtown was deemed feasible with the works to be delivered by the developer.

3.3. Prescribed Bodies

3.3.1. None received.

(*N.B.* Although reference is made in the Planner's Report to the receipt of a submission from Irish Water, a copy of which was expressly sought by the Board in correspondence issued to the Planning Authority on 16th April, 2021, the document subsequently received in response to that request comprises a report prepared by the Water Services Section of the Local Authority and not Irish Water. It therefore appears that no submission was received from Irish Water).

3.4. Third Party Observations

3.4.1. A total of 63 No. submissions were received from interested parties and the principal grounds of objection / areas of concern contained therein can be summarised as follows:

- The inappropriate design, excessive scale, and suburban layout of the development relative to the rural village of Ballymoney.
- The proposal is contrary to the principles of the National Planning Framework.
- No consideration has been given to the Draft Wexford County Development Plan, 2021-2027 which does not envisage additional development of the scale proposed in Ballymoney.
- The overdevelopment of the area and the setting of an undesirable precedent for further such development.
- Concerns as regard the need for further housing in the village, particularly given the number of holiday homes and vacant properties in the area.
- The unzoned nature of the lands and the absence of any Development Plan or Local Area Plan to the effect that the proposal amounts to haphazard and uncoordinated development.
- The speculative nature of the development and its location outside of the established footprint of any village or settlement (and within a 'Coastal Protection Zone' and an 'Area Under Strong Urban Influence').

- The unfinished nature and ongoing problems with roads and services within the 'Seafield' complex and upon which the proposed development will rely.
- The need to assess the capacity of existing infrastructure (e.g. water supply, power supply etc.) to accommodate the additional demands consequent on the development.
- The lack of local services & amenities (e.g. shops, community facilities, healthcare, schools etc.) to support a development of the scale proposed.
- The adverse visual impact / visual obtrusiveness of the development on the rural character of the coastal landscape and its overbearing nature.
- The unsuitability / inadequacy and future management of the wastewater treatment arrangements in addition to ongoing difficulties with the existing system serving the Seafield complex.
- Detrimental impact on road safety by reason of increased traffic volumes / congestion and the inadequacy of the surrounding road network.
- The increase in surface water runoff and any culverting of local watercourses could result in / exacerbate localised flooding (with the added risk of sewage contamination arising from the flooding of septic tank systems etc. serving existing properties).
- Previous incidences of sewage pollution in local streams and at the nearby beaches.
- Detrimental impact on the residential amenity of neighbouring / surrounding properties by reason of overlooking / loss of privacy, increased traffic, noise & disturbance, construction works, and the loss of views / visual intrusion.
- Permission has already been refused on multiple occasions for housing development on the same lands for reasons including the inappropriate scale of the proposal and various infrastructural / servicing constraints (e.g. PA Ref. Nos. 20201210 & 20191508).
- The inadequacy of the car parking provision.
- Concerns as regards the proximity of the development to a neighbouring graveyard.

4.0 Planning History

4.1. On Site:

- 4.1.1. PA Ref. No. 20043475. Was granted on 22nd October, 2004 permitting David Cullen permission for alterations to the previously approved residential development Ref. No. 2000/3422 comprising a revised roadway and site layout and associated landscaping works for 7 No. five-bedroom and 5 No. four-bedroom detached two-storey houses of previously approved development of 89 No. houses.
- 4.1.2. PA Ref. No. 20043474. Application by David Cullen for permission to construct a development of 10 No. dwelling houses with associated works, including connection to an existing approved effluent treatment plant and an existing approved water supply. This application was declared withdrawn.
- 4.1.3. PA Ref. No. 20032668 / ABP Ref. No. PL26.204782. Was refused on appeal on 5th March, 2003 refusing David Cullen permission for the development of 64 No. dwelling houses, a building to accommodate village services, connections to an existing approved effluent treatment plant and an existing approved on-site water supply, and associated works.
- Having regard to the nature of the road network serving the site, and to the scale of existing and permitted development in the vicinity, it is considered that development of the kind proposed on the land would be premature by reason of the existing deficiency in the road network serving the area of the proposed development, which would render the network unsuitable to carry the increased road traffic likely to result from the development. Accordingly, the proposed development would give rise to traffic congestion and thereby endanger public safety by reason of obstruction of road users and be contrary to the proper planning and sustainable development of the area.
 - Having regard to the scale of existing and permitted development on the overall landholding from which the site is taken, and to the information submitted in relation to effluent treatment facilities, it is considered that the proposed development would be prejudicial to public health and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.1.4. PA Ref. No. 20003422. Was granted on 12th February, 2001 permitting David Cullen permission for the construction of 89 No. dwelling houses, connections to previously approved effluent treatment plant and water supply, and modifications to the layout of a previously approved golf course.

(There is an extensive planning history with respect to the subsequent amendment and revision of the housing scheme approved under this grant of permission).

4.2. **Other Relevant Files:**

4.2.1. PA Ref. No. 20201210 / ABP Ref. No. ABP-309203-21. Was refused on appeal on 1st September, 2021 refusing Imelda Scully permission for (a) the construction of 8 No. four-bedroom detached two-storey dwellings with ancillary domestic storage sheds, (b) connection to existing services to include connection to an existing foul water treatment plant, with associated pipework and engineering works, (c) the upgrade and improvement works of an 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 at Ballymoney Lower, Courtown, and Seafield, Courtown, Co. Wexford.

- Having regard to the documentation submitted with the planning application and the appeal, and the exclusion of suitable wastewater treatment system from the development site and the proposal to connect to and rely on a commercial establishment, the operation of which is the subject of enforcement proceedings, the Board is not satisfied that suitable wastewater treatment facilities will be available to and under the control of future owners / occupiers of the proposed dwellings at all times. In this regard, it is considered that the proposed development would be piecemeal and contrary to Objective WW05 of the Wexford County Development Plan, 2013-2019 and would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2.2. PA Ref. No. 20191508 / ABP Ref. No. ABP-306591-20. Was refused on appeal refusing 21st August, 2020 refusing Imelda Scully permission for (a) the construction of 8 No. four bedroom detached two-storey dwellings with ancillary domestic storage sheds, (b) connection to existing services to include connection to an existing foul

water treatment plant, with associated pipe-work and engineering works, (c) the upgrade and improvement works of an 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 and (f) ancillary works. All at Ballymoney Lower, Courtown and Seafield, Courtown, Co. Wexford.

5.0 Policy and Context

5.1. Wexford County Development Plan, 2013-2019 (as extended):

Chapter 3: Core Strategy:

Section 3.4: Settlement Strategy:

Section 3.4.9: Smaller Villages:

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 SS26: To encourage the provision of additional social and community facilities within the Smaller Villages to serve the population of the village and its surrounding rural hinterland.

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.

Objective SS28: To promote and facilitate the provision of serviced residential sites within Smaller Villages subject to complying with normal planning and environmental criteria and the development management standards contained in Chapter 18.

Section 3.7: Housing Strategy

Chapter 4: Housing:

Section 4.2: Sustainable Housing:

Objective HP02: To ensure that all new housing developments represent 'Sustainable Neighbourhoods' which are inclusive and responsive to the physical or cultural needs of those who use them, are well located relative to the social, community, commercial and administrative services which sustain them and are integrated with the community within which it will be located.

Objective HP04: To ensure that new housing development minimises the use of natural resources and impacts on natural assets. Locations selected for residential developments should maximise the potential for the use of sustainable modes of transport such as walking, cycling and the use of public transport to reduce dependence on fossil fuels. The design of the individual dwellings and associated services should minimise the use of natural energy and water.

Objective HP07: To require all developments over 10 houses to be accompanied by an Urban Design Statement showing how the matters detailed in Chapter 17 have been taken into account in the design of the development.

Objective HP08: To ensure the density of residential developments is appropriate to the location of the proposed development to ensure that land is efficiently used. In deciding on the appropriate density for a particular location the Council will have regard to the existing grain and density of the settlement, the proximity of the site to the town or village centre or public transport nodes, the availability of existing services, the Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual-A Best Practice Guide (DEHLG, 2009) and subject to normal planning and environmental criteria and the development management standards contained in Chapter 18.

Objective HP15: To require all applications for residential development of 10 houses or more to contain a mix of house types. The mix of house types shall be appropriate to the needs identified where

the scheme will be located. This will not apply where it can be demonstrated that there is a need for a particular type of unit and the proposed development meets this need.

Section 4.3: Sustainable Rural Housing

Chapter 9: Infrastructure:

Section 9.2: Water and Wastewater Infrastructure:

Section 9.2.5: Wastewater Infrastructure

Section 9.2.6: Strong Villages, Smaller Villages and Rural Settlements

Section 9.2.8: Wastewater Treatment Systems and Residential Development

Objective WW01: To ensure that all wastewater generated is collected, treated and discharged after treatment in a safe and sustainable manner, having regard to the standards and requirements set out in EU and national legislation and guidance 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, Urban Wastewater Water Directive and the Habitats Directive.

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 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.

Chapter 12: Flood Risk Management

Section 12.6: *Managing Flood Risk*

Chapter 13: *Coastal Zone Management:*

Section 13.4: *Managing the Coastal Zone:*

Section 13.6: *Development within Existing Settlements in the Coastal Zone*

Objective CZM16: To control the nature and pattern of development within existing settlements in the coastal zone. Development shall be prohibited where it poses a significant or potential threat to coastal habitats or features, and/or where the development is likely to result in adverse patterns of erosion or deposition elsewhere along the coast.

Objective CZM17: To ensure that development is in keeping with the scale and character of the coastal settlement, and that the design positively contributes to and enhances the coastal landscape setting.

Chapter 14: *Heritage:*

Section 14.4.2: *Landscape Character Assessment:*

Landscape Character Unit No. 4. Coastal:

The county's coastal landscape has a character that often overlaps with the Lowland landscape. The east coast is generally characterised by long, relatively straight coasts of sand and shingle backed up by low cliffs and sand dunes. The south coast has long beaches and dune systems.

The coastal landscape is punctuated by prominent features such as promontories, water bodies, slob lands and the Hook Peninsula which add interesting dimensions to the qualities of the landscape. It includes major urban areas such as Courtown, Wexford, Rosslare Strand and Rosslare Harbour.

The coastal landscape is sensitive to development in some locations. It has experienced great pressure from tourism and residential development.

Chapter 17: *Design*

Chapter 18: *Development Management Standards:*

Section 18.10: *Residential Development in Towns and Villages*

Section 18.14: *Infill and Backland Sites in Towns and Villages*

5.2. **National and Regional Policy:**

- 5.2.1. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' acknowledge the importance of smaller towns and villages and their contribution towards Ireland's identity and the distinctiveness and economy of its regions. It is accepted that many of these smaller towns and villages have experienced significant levels of development in recent years, particularly residential development, and that concerns have been expressed regarding the impacts of such rapid development and expansion on the character of these towns and villages through poor urban design and particularly the impact of large housing estates with a standardised urban design approach. In order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.
- 5.2.2. The '*Childcare Facilities, Guidelines for Planning Authorities, 2001*' provide a framework to guide both local authorities in preparing development plans and assessing applications for planning permission, and developers and childcare providers in formulating development proposals. They state that Planning Authorities should encourage the development of a broad range of childcare facilities, i.e. part-time, full day-care, after-school care, etc., including those based in residential areas, in employment areas and in areas close to where users of such facilities live. The Guidelines provide detailed guidance with regard to appropriate locations for the siting of childcare facilities such as in the vicinity of schools in addition to detailing the development control considerations of proposals for same.
- 5.2.3. Circular PL3/2016 issued by the Department of the Environment, Community and Local Government on 31st March, 2016 refers to an expected increase in demand for childcare spaces in the coming years attributable to increases in the State subsidisation of childcare coupled with forecast economic and population growth (noting the extension of the Early Childhood Care and Education scheme to a wider cohort of children with effect from September, 2016).

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The Ballymoney Strand Proposed Natural Heritage Area (Site Code: 000745), approximately 1.0km east of the site.
- The Courtown Dunes and Glen Proposed Natural Heritage Area (Site Code: 000757), approximately 1.7km south-southeast of the site.
- The Kilgorman River Marsh Proposed Natural Heritage Area (Site Code: 001834), approximately 4.6km northeast of the site.
- The Kilpatrick Sandhills Proposed Natural Heritage Area (Site Code: 001742), approximately 6.5km northeast of the site.
- The Kilpatrick Sandhills Special Area of Conservation (Site Code: 001742), approximately 6.5km northeast of the site.
- The Slaney River Valley Special Area of Conservation (Site Code: 000781), approximately 8.2km west of the site.

5.4. EIA Screening

5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application.

5.4.2. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.4.3. It is proposed to construct 85 No. dwellings in the small rural village area of Ballymoney, Ballymoney Lower, Courtown, and Seafield, Courtown, Co. Wexford. The number of dwellings proposed is well below the threshold of 500 dwelling units

noted above. The site has an overall area of 4.0 hectares, the location of which could be classed as a suburban area but not as a business district. The site area is therefore well below the applicable threshold of 10 ha. The site is greenfield but located between existing housing developments and a holiday complex and thus the subject proposal could be considered to comprise a form of infill development. The introduction of the residential development proposed will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as discussed later in this report).

5.4.4. The water supply for the proposed development will be obtained from an existing groundwater supply via a series of privately operated production boreholes on the adjacent lands which function as a single integrated wellfield (although connection to the public water supply would appear to be feasible). The proposal also involves connecting into an existing private communal wastewater treatment system outside the site and while there are concerns about the ongoing management of this facility which has implications for public health, the proposed development is not of a scale that would warrant a full environmental impact report in addition to the information that has already been provided. The issue relates to a strategic matter of managing waste facilities that is more appropriately addressed within the wider parameters of proper planning and sustainable development as discussed below.

5.4.5. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations, 2001 (as amended),
- The location of the site on lands within the existing village area, which are potentially serviceable by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations, 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,

- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

5.4.6. I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report for the proposed development was not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development will make a positive contribution to the viability and vitality of the village and is of a scale that will successfully assimilate into Ballymoney. It is located on the Seafield Estate and residents will have the opportunity to avail of the amenities and facilities located therein.
- The proposed development will connect to the existing wastewater treatment plant serving the ‘Seafield’ complex which has been confirmed by Wexford County Council as having been constructed in accordance with the requirements of the parent permission in 2008. That treatment system has been in operation for over 15 No. years and incorporates a zero-discharge wetland facility which is presently operating at c. 40% capacity thereby allowing for the sustainable expansion of the overall landholding.
- The Planning Authority has misunderstood or failed to give due regard to the ‘Groundwater Assessment’ submitted with the planning application which notes that, on completion of the proposed development, the existing wastewater treatment plant will only be operating at 58% capacity. This plant has been assessed and monitored in detail by Tobin Consulting Engineers

and has been found to be operating safely and in compliance with all relevant standards. In this respect, the Board is requested to note the following:

- The consulting engineers are satisfied that the irrigation of select areas of the landscaped area with treated liquid will not pose a measurable or significant risk to the public, surface water, groundwater, or flora and fauna.
 - The planned indirect discharge to the irrigation areas is feasible and compliant with the Groundwater Regulations, 2010.
 - In terms of contaminant loading, the main concerns are nitrate in the receiving groundwater beneath the site and orthophosphate (MRP) in the receiving coastal waters. It was predicted that the resulting nitrate concentration in the groundwater will be 8.85mg/l which is below the groundwater quality standard of 50mg/l specified in the Groundwater Regulations, 2010. The resulting MRP concentration in the groundwater was predicted to be 0.099mg/l, although there is no groundwater quality standard for phosphorous. There is also no MRP threshold value for coastal waters provided in the EPA Guidance on the Authorisation of Discharges to Groundwater (2011). On this basis, it is estimated that the impacts of nitrate and MRP on the receiving groundwater and coastal waters will be imperceptible (i.e. there will be negligible risk from the planned discharge to groundwater).
- The final effluent quality from the existing wastewater treatment plant achieves the design standards and the assertions to the contrary by the Planning Authority are unfounded. Significant maintenance occurred in 2020 and an ongoing servicing contract is in place to achieve a high standard in the secondary treatment plant. Continued monitoring will be undertaken to assess overall performance.
 - In response to the Planning Authority's claim that due to poor ground percolation it is quite likely that final effluent from the treatment system discharges to local streams, while the percolation rate in the soil is slow, the upper soil layer provides further treatment to the already tertiary treated wastewater. The discharge to ground (as detailed in the report of Tobin

Consulting Engineers) arises after primary, secondary and tertiary treatment followed by irrigation over an extensive area. The proposed loadings (flow and quality) are below those already approved by the grant of permission for the treatment plant and wetland system. In addition, soil moisture deficits (due to evapotranspiration and irrigation over a large area) will not result in runoff during the important summer and autumn periods or any surface water discharges during low flow periods (95%ile). A long-term maintenance agreement is also in place.

On the basis of the foregoing, any concerns regarding the quality and operation of the treatment plant are without factual basis given that it is performing to the relevant standards and has the capacity to accommodate the proposed development. Therefore, the proposal does not pose a risk to public health.

- In relation to historical breaches and ongoing legal proceedings with respect to the wastewater treatment plant, the facts of the case are as follows:

Historical Breaches:

Wexford County Council took District Court proceedings against the Seafield Management Company under Sections 3 & 4 of the Water Pollution Acts and the company pleaded guilty to both offences with the following explanation being accepted by the Court and Local Authority.

On 17th June, 2018 a series of power cuts affected the Ballymoney area which blew the main circuit breaker for wastewater treatment plant no. 2. The emergency back-up alarm connected to hotel reception did not operate because of the blown circuit breaker and maintenance staff were unaware of the problem. Effluent then backed up in the system and blew some of the underground connecting pipes between the treatment tanks.

A number of days later maintenance staff noticed the blown breaker and had it replaced before restarting the plant. The management company was made aware of the discharge to the stream by the Local Authority and immediately remediated the spillage under its supervision. A battery back-up alarm system was subsequently installed to mitigate the problem into the future.

It was accepted by the Court that the treatment system had operated without incident for 20 years and that there were mitigating factors somewhat outside the control of the management company. A fine of €700 was thus imposed on the company.

Ongoing Legal Proceedings:

In September, 2018 Wexford County Council issue a notice to Seafield Demesne Ltd. (as the operator of the wastewater treatment plant) which required various reports and works to be carried out. Following an exchange of correspondence over a lengthy period, SDM Ltd. offered to meet the Council on site in October, 2019 with a view to discussing the matters arising, however, while a meeting was arranged for 24th January, 2020 Wexford County Council issued legal proceedings on 19th December, 2019. Following the meeting on site, a way forward to resolve matters was agreed between the parties which included SDM Ltd. commissioning reports and recommended upgrading works. SDM Ltd. set about this work from February, 2020 to September, 2020 with comprehensive reports being lodged and regular site visits by the Council. This is where the matter remains, however, SDM Ltd. will continue to engage with the Council with a view to settling the outstanding legal proceedings by way of agreement.

The key issue is that the wastewater treatment plant has been the subject to active and regular inspection & monitoring by the Local Authority since October, 2019. The upgrading works carried out ensure that it is safe and has the capacity for the additional loadings consequent on the proposed development. Full details of the performance of the treatment plant are set out in the report prepared by Tobin Consulting Engineers.

- There is no requirement for a connection agreement with Irish Water as the proposed development will be supplied by the existing groundwater supply. There are 4 No. production boreholes on site which operate as a single integrated source and sampling at the groundwater wells has confirmed that the water quality remains good. The Groundwater Abstraction Report prepared by Tobin Consulting Engineers provides full details for the assessment of the proposed water supply arrangements.

- The Board is referred to the accompanying drawings prepared by Aidano Consulting which detail the 'as-built' sewer network and its capacity to accommodate the proposed development.
- The Planning Authority's policy approach in relation to Ballymoney is not sustainable and does not allow for appropriate growth to support the ongoing viability of the village. The proposal represents an opportunity to consolidate the village core and to link the wider village to the significant amenity value of the Seafield estate. Development with a new entrance onto Ballymoney Road will enhance the permeability and connectivity of Seafield through to the village and represents sustainable expansion to meet the demand for local housing.
- The provision of 85 No. residential units on lands at the Seafield Estate represents appropriate sustainable development and accords with the following key objectives of the Development Plan:

- *Objective SS01: 'To meet the housing needs of the county in an environmentally sustainable manner':*

There is an identified need for permanent residential accommodation in the Ballymoney area, particularly for employees of the Seafield Estate.

- *Objective SS13: 'To generally require the phasing of development on residential zoned lands. Phasing will be based on the sequential approach with the zoning extending outwards from the Town Centre. A strong emphasis will be placed on consolidating existing patterns of development, encouraging infill opportunities and a better use of land':*

Although the site is unzoned, it is in a built-up area proximate to Ballymoney and is bounded by existing housing development while being linked to the wider area by a network of footpaths. The site has also been derelict for many years and detracts from the visual amenity of the area. Its development will enhance permeability and connectivity to the wider Seafield Estate.

If the Board considers it appropriate, the applicant is willing to accept a condition to phase the development over 5 No. years.

Only 58 No. of the 89 No. houses originally permitted at Seafield have been constructed. Therefore, it is reasonable to suggest that there is spare capacity for 27 No. units with the result that only 58 No. of the proposed houses are a fresh consideration for the Board.

- *Objective HP02: 'To ensure that all new housing developments represent 'Sustainable Neighbourhoods' which are inclusive and responsive to the physical or cultural needs of those who use them, are well located relative to the social, community, commercial and administrative services which sustain them and are integrated with the community within which it will be located':*

The Social Infrastructure Assessment provided with the application demonstrates that the proposed development will be well supported by existing services and amenities.

The Seafield estate is served by high-speed broadband thereby enabling future residents to work from home (an important consideration in the context of COVID-19).

- *Objective HP04: 'To ensure that new housing development minimises the use of natural resources and impacts on natural assets. Locations selected for residential developments should maximise the potential for the use of sustainable modes of transport such as walking, cycling and the use of public transport to reduce dependence on fossil fuels. The design of the individual dwellings and associated services should minimise the use of natural energy and water':*

The proposal includes for a new access point onto Ballymoney Road which links to a footpath to the village core. It will also enhance permeability and connectivity to the wider Seafield estate.

- *Objective HP06: 'To ensure that all new housing developments provide a high quality living environment with attractive and efficient buildings which are located in a high quality public realm and which are serviced by well designed and located open spaces':*

The proposal is designed to deliver a high-quality scheme in excess of the required development standards.

- *Objective HP08: ‘To ensure the density of residential developments is appropriate to the location of the proposed development to ensure that land is efficiently used. In deciding on the appropriate density for a particular location the Council will have regard to the existing grain and density of the settlement, the proximity of the site to the town or village centre or public transport nodes, the availability of existing services, the Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual-A Best Practice Guide (DEHLG, 2009) and subject to normal planning and environmental criteria and the development management standards contained in Chapter 18’.*

The proposal makes efficient use of a derelict site and presents a scheme that matches the surrounding density evident in Seafield and the neighbouring ‘The Village’ development.

- The density restriction imposed by the Council on Ballymoney, which specifies a density of 12 No. houses per hectare with no one development having the potential to increase the population of the village by more than 20%, is unsustainable and does not accord with national planning policy which seeks to make efficient use of well located and serviced lands.

The proposed density of 27 No. units / hectare (which is extremely low in light of national guidance) aims to strike a balance between the Council’s objectives and the wider planning context. In this regard, the proposal is consistent with the National Planning Framework and the Regional Spatial and Economic Strategy.

- In a detailed submission on the Draft Wexford County Development Plan, 2021, the Office of the Planning Regulator made a number of recommendations. A key recommendation relevant to Ballymoney is set out as follows:

‘The planning authority is advised that the development plan should include a more proactive strategy for the regeneration of its service settlements (level 3), large and small villages (levels 4 and 5) and rural nodes (level 6).

Consideration should be given to the inclusion of objectives to support and facilitate rural regeneration such as identifying areas that will be promoted as

attractive to one-off housing in the open countryside (level 7); effective use of funding streams for village and public realm improvement (including the RRDF, LEADER etc.), working with community groups, and utilising available statutory powers such as derelict site and compulsory purchase powers. The inclusion of clear targets and provision for monitoring and reviews of the strategy should also be considered’.

The OPR is directing the Council to take a more positive approach to the development of small villages such as Ballymoney to ensure that they retain a level of vitality and viability over the Plan cycle. Therefore, the Planning Authority’s concerns regarding a conflict with Development Plan policy should be dismissed. The subject lands are entirely suitable for development being both serviced and well located in the village.

- The Social Infrastructure Assessment has identified 12 No. childcare facilities within 10km of the site. Section 18.9.3 of the Development Plan states that childcare facilities will be required to be provided in new residential developments in accordance with ‘*Childcare Facilities: Guidelines for Planning Authorities, 2001*’ and ‘*We Like This Place: Guidelines for Best Practice in the Design of Childcare Facilities, 2005*’. The indicative standard is one childcare facility accommodating 20 children for approximately 75 dwellings, however, this may be modified in any particular case where there are significant reasons for doing so and the criteria that may be taken into account in any such an assessment includes the existing geographical distribution of childcare facilities and the emerging demographic profile of the area.

(*N.B.* The Board is advised that the grounds of appeal have inadvertently referenced the provisions set out in Section 18.9.2: ‘*Play Areas*’ of the Plan. This error has been corrected accordingly).

An assessment of the childcare requirements for the proposed development has therefore considered the following:

- The size and composition of the development;
- The policy surrounding childcare; and
- The relevant Census data (2016) for the Electoral Division.

The 2016 census only identified 58 No. families at pre-school stage in the electoral division of Courtown (wherein the subject site is located). Having regard to the breakdown of proposed house types, it is submitted only 50% (43 No.) of the units will require childcare and, therefore, it can be concluded that a childcare facility is not required in this instance.

Furthermore, from a review of the electoral division data and demographic profile, it is evident that only 8.9% of families have children of preschool age. On this basis, of the 85 No. units proposed, only 8 No. dwellings may have children aged between 0 – 4 years.

Notwithstanding this empirical assessment, the applicant is willing to provide a crèche facility on site as shown on the amended plans provided with the grounds of appeal. Accordingly, the Board is invited to attach a condition as regards the provision of a crèche if necessary.

- The refusal of permission on the basis of a ‘prospective deficiency’ in school capacity is unfounded and not supported by any evidence base. In contrast, the Social Infrastructure Assessment has established that there are 9 No. primary and 2 No. post-primary schools within 10km of the site (while a further secondary school has been approved for Gorey bringing the total to 3 No. post-primary). The area is well served by educational facilities and the modest increase in population consequent on the proposed development will not materially impact on school capacity in the locality.
- The Seafield estate is a significant asset to Ballymoney and the wider area through its provision of local employment and tourism offering. It is critically important that the correct balance of residential, commercial and tourism uses are achieved on the estate to maintain its future viability.

6.2. Planning Authority Response

- The proposed development site is on unzoned lands in a rural village where it is a policy of the Development Plan to restrict developments so no one scheme increases the population of the village by more than 20%. The proposal as submitted is therefore contrary to the Development Plan.

- Notwithstanding any legal agreement outlining that the development has the right to connect to and avail of the Seafield Estate wastewater treatment plant, following discussions with the Environment Section, it is the Planning Authority's understanding that there are legal proceedings ongoing with respect to that plant.

There was a major pollution incident in 2018 in relation to the existing wastewater treatment plant and the management company was subsequently found guilty of non-compliance with Sections 3 & 4 of the Water Pollution Acts, 1977-1990. Section 12 & 23 notices were also served and works in relation to these notices carried out.

Significant remediation work has been carried out to the wastewater treatment plants, however, recent test results have shown that the secondary treated effluent is not achieving the specified design standard while the quality of the treated effluent remains quite poor.

The Board is referred to the analysis undertaken by the Environment Section which has noted serious concerns about the potential impacts on the nearby Blue Flag beach and bathing waters (and resultant public health impacts) when taking the existing and proposed developments into account with the associated direct & indirect discharges to ground and surface waters.

- The county settlement strategy, which gives spatial expression to the population distribution and settlement hierarchy, defines the role of settlements and aims to provide strategic direction for the management of further growth. Ballymoney is defined as a 'smaller village' in the current Development Plan and as a 'Level 5 Small Village: Category 2' in the Draft Development Plan, 2021-2027 where developments of an appropriate size will be considered provided no one scheme increases the population of the village by more than 20%.

In order to overcome the aforementioned provision, the applicant has submitted that Ballymoney should be assessed in the context of the wider area as opposed to the village itself. Such an approach is not acceptable to the Planning Authority as any rural village could thus qualify for significant growth contrary to the objectives of the National Planning Framework.

- The suggestion that the majority of the proposed housing will be purchased by employees of the Seafield complex is unsubstantiated, particularly as the golf resort is now closed. Furthermore, if the proposed dwellings were to be sold on the open market, it is likely that they would be attractive to commuters from the Greater Dublin Area or persons seeking a holiday / second home.
- The design and layout of the proposal does not take sufficient cognisance of the seaside / coastal location of the site or the rural character of Ballymoney. The scale and design of the scheme has the potential to overwhelm the character and community of the village.
- No provision was made for childcare facilities in the original application contrary to the '*Childcare Facilities: Guidelines for Planning Authorities, 2001*'.
- The Infrastructure Assessment Report proposes that Ballymoney should be assessed in the context of the wider area and lists all the schools within a 10km radius, however, no details of any spare capacity at these schools have been provided.

The Planning Authority has concerns that the proposed development would be reliant on schools in more distant catchments and thus would encourage private car use contrary to the 'Smarter Travel' guidelines.

It is a lack of social infrastructure such as schools etc. which affects the ability of some settlements to absorb large developments and why Ballymoney is defined as a 'smaller' village in the Development Plan and as a 'Level 5 Smaller Village: Category 2' in the Draft Plan.

The first party appeal has interpreted the National Planning Framework as supporting residential development in poorly serviced rural villages rather than encouraging growth in the towns identified in the core strategy

6.3. Observations

- 6.3.1. A total of 8 No. observations have been received from interested parties in respect of the subject appeal and, therefore, in the interests of conciseness, and in order to avoid unnecessary repetition, I propose to summarise the key issues raised under the following headings:

6.3.2. *The Principle of the Development:*

- The proposed development amounts to the haphazard and uncoordinated overdevelopment of unzoned and unserviced rural / 'greenfield' lands.
- The urban-generated and speculative nature of the proposal in an 'Area under Strong Urban Influence' and a 'Coastal Protection Zone'.
- The scale of the proposal materially contravenes the core strategy of the Wexford County Development Plan, 2013-2019, the Draft Wexford County Development Plan, 2021-2027, and the objectives of the National Planning Framework.
- Given the lack of a defined village boundary, difficulties arise in ascertaining the extent of Ballymoney with a view to ensuring that the proposal does not increase its population by more than 20% as required by the Development Plan.
- The broader lack of services / amenities in the village to support a development of the scale proposed.
- The need to demonstrate that the proposed development can be accommodated by existing social infrastructure, including schools.
- The Draft Wexford County Development Plan, 2021-2027 references an oversubscription for post-primary school places in Gorey Town.
- The Board has previously refused large-scale residential development on the subject lands due to public health and traffic safety concerns which remain applicable in this instance.
- Suggestions that the proposal will satisfy a local housing need are disingenuous given the levels of vacancy in the area and as the proposed dwellings will most likely serve as second / holiday homes.

6.3.3. *Overall Design and Layout:*

- The inappropriateness of the overall scale and design of the development given the site location in scenic rural area / coastal landscape.

- The proposed density is significantly less than the 35 No. units / hectare required by the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'.
- The need for suitable childcare provision.

6.3.4. Wastewater Treatment and Disposal / Public Health Considerations:

- The public health and environmental risks arising from the ongoing operational and safety breaches at the existing wastewater treatment plant.
- The pollution risk posed by contaminated ground and surface waters to the nearby Blue Flag beach and bathing waters.
- The principle of connecting to a private wastewater treatment system which serves an established commercial property.
- The prematurity of the proposal pending the resolution of ongoing legal proceedings regarding the operation and management of the existing wastewater treatment system.
- The failure to provide any justification for not connecting to the municipal wastewater treatment plant at Courtown as suggested by the Local Authority.

6.3.5. Water Supply Arrangements:

- The ongoing difficulties with respect to the maintenance and operation of the wastewater treatment plant and the associated risks to groundwater (noting that the proposal seeks to obtain its water supply from existing wells / boreholes serving the Seafield complex).

6.3.6. Traffic Implications:

- The inadequacy of the surrounding road network to accommodate the increased traffic volumes consequent on the proposed development.
- The potential for increased traffic congestion, particularly during the holiday season.

6.3.7. Other Issues:

- The unfinished nature of existing housing developments in the Seafield estate.

- Previous instances of non-compliance with the Multi-Unit Developments Act, 2011.
- The inadequacy of the submitted drawings to allow for an accurate determination of the development boundary and its impact on neighbouring properties.
- Concerns as regards the capacity of the local electricity supply.
- No provision has been made for improved access to Ballymoney Blue Flag Beach.
- No details have been provided of the cycle path shown on one of the submitted drawings.
- Any increase in surface water runoff could adversely affect the efficacy of adjacent septic tank systems resulting in groundwater pollution.
- Increased surface water runoff and the culverting of local watercourses could exacerbate localised flooding.

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Overall design and layout
- Wastewater treatment and disposal
- Impact on residential amenity
- Social and community infrastructure
- Other issues
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

- 7.2.1. The settlement strategy set out in the current Wexford County Development Plan, 2013-2019 designates Ballymoney as a '*Smaller Village*' and acknowledges the important role played by such settlements in providing local retailing, services and social & recreational facilities to their respective communities and wider rural hinterlands. It states that these villages offer opportunities to attract new people seeking to live in a rural environment and provide an alternative to urban-generated rural housing which, in turn, will lead to opportunities for the provision of additional services. This '*Smaller Village*' designation is further divided into two sub-categories i.e. a) Villages > 400 and < 1,500 population; and b) Villages < 400 population, the purpose of which is to ensure that the development approach is appropriate to the character and scale of each village type. In this respect, it is of relevance to note that while there are different approaches specified for the future development of each of the two village designations (e.g. within the smaller villages of < 400 population, any new residential development should comprise no more than 12 No. dwelling units), a common provision is that no one development should have the potential to increase the population of the village by more than 20% of its population.
- 7.2.2. Regrettably, the current County Development Plan does not identify a settlement boundary for the village of Ballymoney nor is the resident population listed and, therefore, a degree of difficulty arises in categorising this '*Smaller Village*'. Indeed, neither the applicant nor the Planning Authority has expressly referenced the population of the village itself with a view to applying the relevant provisions, although the Planning Authority has drawn attention to the proposed identification of Ballymoney as a '*Level 5: Small Village: Category 2*' in the Core Strategy of the Draft Wexford County Development Plan, 2021-2027 (within these lower tier settlements, it is envisaged that future growth should be incremental, small in scale, and appropriate to the size, scale and character of the village, with a guiding principle that, in general, the combined level of permitted residential development should not increase the population of the settlement by more than 25 people / 10 No. houses over the lifetime of the Plan).
- 7.2.3. Notwithstanding the omission of any clear conclusion as to the actual population of the '*smaller village*' of Ballymoney, it is apparent that the decision of the Planning Authority to refuse permission has been informed by concerns that the overall scale,

form and design of the proposed development would be inappropriate to the village itself. Reference is made to the inadequate consideration given to the rural nature and seaside / coastal location of the village and the potential for the scale and design of the proposal to give rise to such a rapid expansion of the settlement as to overwhelm the character and community of Ballymoney. Further concerns arise as regards the ability of the village to absorb the development in light of the limited social and community infrastructure (e.g. schools and childcare provision) available.

- 7.2.4. In seeking to justify the scale of development, the particulars submitted with the planning application and appeal have sought to emphasise the relationship between Ballymoney Village and the wider 'Seafield' complex which includes a hotel, spa and (since closed) golf resort in addition to a variety of residential development. Reference is made to previously unrealised development proposals for the Seafield estate and the policy framework set out in a now expired master plan / local area plan. It has been further suggested that the blanket application of the 'small village' criteria to the estate would be inappropriate as it would fail to consider the previously established planning context for the wider site. Accordingly, it has been submitted that while Ballymoney has been designated as a 'Smaller Village' in the Development Plan, the assessment of the subject proposal should be informed by the population of the wider Seafield environs and not by just that of the village. In this respect, it has been claimed that the relevant environs encompass an area expanding to the north, west and south of the village (please refer to the mapping provided with the grounds of appeal), the population of which can be derived from the 2016 Census 'Small Area Statistics'. The case has thus been put forward that as the overall population of the 'Seafield' environs is 1,784 No. persons, and as the proposed development would result in an additional population of 213 No. persons (based on 85 No. dwelling houses with a county average household size of 2.5 No. persons), the percentage increase to the population of the 'Seafield' environs consequent on the development would equate to 12% which is considered to be reasonable and proportionate. More specifically, as the proposal will not increase the population of the village by more than 20%, and as the Seafield environs is asserted to have a wider range than the immediate settlement of Ballymoney, it would accord with the provisions of the Development Plan as regards 'Smaller Villages'.

- 7.2.5. More broadly speaking, the applicant has also submitted that the policy approach of the current Development Plan does not allow for an appropriate level of growth in Ballymoney to support its ongoing viability. In this regard, it has been suggested that the proposal will make a positive contribution to the future development and consolidation of the village while simultaneously supporting the viability of the Seafield estate through a better balance of residential, commercial and tourism uses. Further benefits accruing from the development are stated to include the provision of housing to meet local demand (including that emanating from staff employed by the Seafield estate) and improved linkages between the village and the amenities offered by Seafield. The applicant has also asserted that the proposal is consistent with the wider policy objectives of the National Planning Framework and the Regional Spatial & Economic Strategy for the Southern Region.
- 7.2.6. In response to the grounds of appeal, the Planning Authority has rejected the suggestion that the proposed development should be assessed in the context of the wider environs of the north Wexford area (and not just Ballymoney village) as such an approach would effectively allow any rural village to qualify for significant growth contrary to the objectives of the core strategy and the National Planning Framework.
- 7.2.7. In my opinion, the defining characteristics of Ballymoney are that of a small rural village with only limited local service provision which benefits from seasonal trade attributable to its seaside / coastal location as well as its proximity to the larger settlements of Gorey and Courtown in addition to the comparative ease of access to / from the M11 Motorway. It has a particularly dispersed settlement pattern with no discernible village boundary and its wider environs include a mix of residential and tourism uses, including several caravan parks, gated housing / holiday home developments, and associated facilities. The broader pattern of development has occurred in a somewhat piecemeal and uncoordinated manner giving rise to instances of disjointed schemes of housing and mobile home / holiday parks separated by expanses of undeveloped / agricultural lands. While several nodes of activity have developed in the vicinity of local services / amenities (such as the 'Tara Vale' and 'Orphan Girl' public houses on the northern and southern peripheries of the area), I am inclined to suggest that the presence of a small foodstore and a coffee shop / café at the crossroads leading to Ballymoney Beach would lend credence to this area forming the more traditional centre of the village.

- 7.2.8. Within the National Planning Framework there is a requirement for a proportionate and tailored approach to residential development in all types of rural settlement. This means that it is necessary to tailor the scale, design and layout of housing to ensure that a suburban or high density urban approach is not applied to a rural setting and that development responds to the character, scale and density of the settlement in question. This approach is reiterated in the Regional Spatial & Economic Strategy for the Southern Region which sets out a settlement typology that includes 'Towns and villages of above 1,500' and 'Rural villages less than 1,500' to be identified and considered at the policy level of a Development Plan / Local Area Plan. The RSES requires local authorities to categorise settlements and their appropriate growth rates in development plans to reflect roles, environmental and infrastructural possibilities and limits. Moreover, in preparing core strategies, local authorities are required (RPO 3) to determine a hierarchy of settlement and appropriate growth rates in accordance with the guiding principles (including environmental protection) and typology of settlement as set out in the RSES. Key considerations include the population scale, the extent of local services and amenities available, the rate and pace of past development and the extent to which there are outstanding requirements for infrastructure and amenities, and the appropriate density and scale of development relative to the settlement and its location.
- 7.2.9. Within the settlement hierarchy and core strategy of the current Wexford County Development Plan, 2013-2019, Ballymoney is identified as a 'smaller village', however, in the absence of a defined settlement boundary or population figures it is unclear which of the sub-categories applies (i.e. 'Villages > 400 and < 1,500 population' or 'Villages < 400 population'), although its proposed designation as a 'Level 5: Small Village: Category 2' in the Draft Wexford County Development Plan, 2021-2027 would suggest that it is a lower tier settlement. Notwithstanding this distinction in the Development Plan, it is of relevance to note that the Section 3.7 of the RSES refers to settlements with a population of less than 1,500 as 'rural areas' (although this is not to say that such settlements do not amount to villages) i.e. at the lowest end of the settlement tier.
- 7.2.10. While the applicant has advocated for any calculation of the overall population of Ballymoney to include the wider environs, which are suggested as encompassing a considerable expanse of lands to the north, west and south of Ballymoney

Crossroads (which I would suggest amounts to the traditional core of the settlement as its development predates much of the wider surrounds), I am unconvinced of the merits of any such case. The 'Small Areas' identified by the applicant extend a considerable distance from the village proper and include lands more proximate to the larger towns of Gorey and Courtown. For example, the 'Small Areas' listed by the applicant include lands which incorporate a northern suburb of Courtown (at a distance of c. 3.6km from Ballymoney Crossroads) in addition to an area beyond the M11 Motorway which is clearly more likely to be within the sphere of influence of Gorey town. In this respect, I would agree with the Planning Authority that the use of census data as proposed by the applicant would be an inappropriate means by which to justify the scale of development proposed. It effectively amounts to the 'bumping up' of the village population despite the fact that a significant proportion of that population could not reasonably be construed as being resident in Ballymoney. Such an approach would seriously undermine the core strategy and cannot be considered as informing the proper planning or sustainable development of the area. I would also have concerns that the population figures themselves, when taken in conjunction with the level of housing stock, would seem to suggest an average household size of only c. 1.5 persons (possibly indicative of a prevalence of second homes) while the number of vacant units raises questions as regards housing demand.

7.2.11. Having conducted a site inspection, and following a review of the available information, it is my opinion that the village of Ballymoney is a lower order rural settlement with only limited services and supporting infrastructure. In this regard, it is a 'smaller village' as per the core strategy that can only accommodate limited levels of growth in keeping with the RSES and the NPF. This would seem to find support given the absence of any settlement boundary, land use zoning, or specific framework / plan for the development of the village. While it is regrettable that further details of the permanent resident population of the village proper have not been made available, I am satisfied that it cannot be held to include the expansive 'environs' suggested by the applicant and is likely to be considerably less than the upper 'smaller village' limit of 1,500 and possibly below 400 persons.

7.2.12. At this point I would draw the Board's attention to the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' which

acknowledge the importance of smaller towns and villages and their contribution towards Ireland's identity and the distinctiveness and economy of its regions. However, while it is accepted that many smaller towns and villages have experienced significant levels of development in recent years, particularly residential development, concerns are expressed as regards the impact of such rapid development and expansion on the character of such towns and villages through poor urban design and particularly the impact of large housing estates with a standardised urban design approach. It is therefore stated that the development of small villages must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past. Such an approach is reiterated in the National Planning Framework which emphasises the need for a proportionate and tailored approach to development in rural settlements.

7.2.13. The Guidelines recommend that a plan-led approach be taken to development in smaller towns and villages and that any extensive proposals for new development should not be considered in the absence of an adopted local area plan or a supplementary local development framework such as a village design statement. A key message is that the scale of any new residential development should be in proportion to the pattern and grain of development in the village and that any local area plan or supplementary local development framework should make recommendations regarding the appropriate scale of overall development and any individual new housing schemes and to match the scale and grain of existing development within an overall development boundary. For example, in villages that have experienced a rapid expansion, an LAP might recommend the phased development of lands over time subject to a proviso that no one proposal should increase the housing stock by 10-15% over the lifetime of the plan. For villages of less than 400 population the typical pattern and grain of existing development would suggest that any individual housing scheme should not exceed 10-12 No. units due to the absence of sufficiently developed local infrastructure such as schools or community facilities to cater for development.

7.2.14. In view of the foregoing, I would reiterate that Ballymoney is a lower order rural settlement and that the development framework set out in the County Development Plan includes a provision that no one development should have the potential to increase the population of the village by more than 20%. Although it is not possible

on the basis of the information available to definitively categorise the village by reference to its population, in my opinion, any future growth should be incremental, small in scale and appropriate to the size, scale and character of the village. In this regard, I am unconvinced that the construction of 85 No. dwelling houses would be appropriate in this instance given that Ballymoney can only accommodate a limited level of growth in line with the core strategy, the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009', the RSES, and the NPF, and as there is a need for sufficient physical and social infrastructure to be in place in order to cater for larger scale development. It is my opinion that the submitted proposal amounts to an excessive scale of development which would be out of keeping with the inherently rural and coastal character of the village and would not be supported by the limited service provision available in the locality. While the applicant has sought to rely on the contents of the 'Social Infrastructure Assessment' provided with the planning application, the emphasis placed on the availability of services and amenities (including schools, childcare, healthcare, post offices, banking etc.) beyond the environs of the village and within the neighbouring towns of Gorey and Courtown would undermine the sustainability of the proposal and instead lend credence to the development of those urban centres as envisioned by the core strategy of the Development Plan.

7.2.15. The village of Ballymoney is not a suitable location for the scale of development proposed. It is a lower tier rural settlement with limited local service provision which experiences seasonal fluctuations in trade and population attributable to its coastal location and the proximity of Gorey and Courtown as well as the M11 Motorway. It does not have a defined village boundary, nor does it benefit from any land use zoning or a specific development framework. Moreover, the core strategy and wider policy documents such as the National Planning Framework do not provide for the expansive development of such lower order settlements. Accordingly, I would recommend that permission be refused for the scale of development proposed.

7.2.16. With respect to the site location itself, given the proximity of the traditional village centre at Ballymoney Crossroads (with its local foodstore, coffee shop and beach access via Sea Road), the available footpath connections, and its siting contiguous to existing development (noting the infill nature of the lands between the crossroads

and the wider Seafield estate) thereby contributing to the consolidation of the built-up area, I am satisfied that an appropriate scale of residential development on the subject lands would be acceptable in principle.

7.3. Overall Design and Layout:

- 7.3.1. The proposed development involves the construction of 85 No. two-storey, dwelling houses set around a series of cul-de-sacs (with the exception of those units positioned along the new road link between Ballymoney Road and the neighbouring housing scheme of 'Hillview Drive') with the overall design and layout of the scheme being particularly conventional in appearance and typical of a suburban format of development with each unit having been provided with rear garden areas and availing of grouped car parking. In terms of house design / type / size and building typology, whilst there is some variation in the individual house types (noting the inclusion of detached, semi-detached and terraced units), each unit shares a common design theme and utilises the same palette of external finishes including black concrete roof tiles, white / neutral render, and selected brickwork.
- 7.3.2. In assessing the wider design merits of the proposal, it should be noted that the primary objective of the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*' (together with the accompanying '*Urban Design Manual: A Best Practice Guide*') is to produce high quality, and crucially, sustainable developments. In this respect I would have reiterate my earlier concerns as regards the excessive scale of the proposal given the designation of Ballymoney as a lower order settlement in the core strategy and its broader rural character and coastal location. Preferably, the expansion of smaller villages such as Ballymoney should proceed on the basis of a number of well-integrated sites within and around the village centre in order to respect the urban form and grain of the settlement rather than focusing on rapid growth driven by a single large site. The village has already been subjected to considerable expanses of conventional housing / holiday home developments which have contributed to a particularly dispersed and disjointed settlement pattern and I inclined to suggest that the subject proposal will result in a further loss of village character.
- 7.3.3. The generic format of the development and its lack of distinctiveness / sense of place also serves to replicate the broader suburban character of other housing

schemes in the area and is perhaps more typical of larger urban settlements such as Gorey and Wexford Town. While I would acknowledge that the proposed development is not incomparable to recent housing construction in Ballymoney and will serve to consolidate the village given its central location and proximity to the crossroads, in my opinion, there is nevertheless the potential to create a greater degree of distinctiveness and sense of place within the scheme through an amended site layout, improved useable public open space, variations in density, and the inclusion of a greater variety of unit types in accordance with the principles of the Guidelines.

- 7.3.4. On balance, I would concur with the assessment by the case planner that the development as proposed is of such an excessive scale and overtly suburban design as to overwhelm the distinctly rural character of this lower order coastal village contrary to the provisions of Development Plan, including Objective CZM17 which aims to ensure that development is in keeping with the scale and character of coastal settlements and that any design positively contributes to and enhances the coastal landscape setting.

7.4. Wastewater Treatment and Disposal:

- 7.4.1. The proposed development includes for connection to the existing private wastewater treatment system serving the wider 'Seafield' estate / complex as set out in the '*Discharge to Ground from Housing Development in Seafield, Co Wexford: Groundwater Assessment*' prepared by Tobin Consulting Engineers and submitted with the planning application. However, this aspect of the proposal was not acceptable to the Planning Authority '*given the high probability of failure of the treatment system due to inadequate management in the long term*' and as the existing wastewater treatment plant was considered unlikely to be taken in charge by Irish Water.
- 7.4.2. By way of summation, the 'Seafield' estate, which includes a hotel, spa & (former) golf resort, in addition to various residential development (comprising a combination of holiday accommodation and other housing), is served by an existing wastewater treatment plant which discharges to an Integrated Constructed Wetland (ICW) located on lands outside of the subject site yet within the applicant's wider landholding. In this regard, it should be noted that although the treatment system is

situated on the applicant's lands, it is operated and managed by a separate commercial entity (Seafield Demesne Management Ltd.) which has consented to the proposed development connection. The wastewater treatment system itself comprises 2 No. packaged treatment plants (with 'Treatment Plant No. 1' receiving wastewater flows from the hotel complex, apartments & spa while 'Treatment Plant No. 2' serves the housing element) with wastewater draining to an initial settlement tank before passing through a biological aeration tank and onwards to a final clarification tank. The treated effluent then flows over a cylindrical weir to a pump sump for delivery to the wetlands with the waters flowing sequentially by gravity through the ICW to allow for further treatment and oxygenation before being collected within a lower water storage pond that serves as a reservoir supplying the irrigation system for the wider landscaped areas of the Seafield estate.

- 7.4.3. It has been asserted in both the 'Groundwater Assessment' and the grounds of appeal that the existing wastewater treatment system has more than adequate capacity to accommodate the additional loadings consequent on the proposed development given that it is presently operating at only 43% of its design capacity and will be at 58% capacity following construction and occupation of the proposed housing. The design parameters of the system and the characteristics of the receiving environment are set out in the details provided while reference is also made to various upgrading / maintenance works, including desludging and the replacement of air blowers, headers, pumps & pipework, having been carried out in the summer of 2020 in response to an underperformance of the treatment plant attributable to a number of factors (such as an underutilisation of the wastewater system) which resulted in most treatment occurring in the wetland and irrigation areas. It has been further submitted that the growth of plant species in the wetlands is well established and that the system is operating effectively based on the quality and clarity of the treated waters in the lower irrigation pond which are deemed to be of a high standard and generally suitable for irrigation purposes due to the very low levels of nutrients documented. Moreover, the consulting engineers have concluded that the irrigation of select landscaped areas with the treated waters will not pose any measurable or significant risk to public health or ground & surface waters and will accord with the Groundwater Regulations, 2010.

- 7.4.4. From a review of the available information, it is apparent that the Planning Authority has significant concerns with respect to the future operation and management of the existing wastewater treatment system which are informed in part by historical pollution incidents and ongoing enforcement / legal proceedings. In this regard, I would draw the Board's attention to the report of the case planner which references a major pollution incident at the treatment system that occurred in 2018 following which the management company was found guilty of non-compliance with Sections 3 & 4 of the Water Pollution Acts 1977-1990. It is also stated that, notwithstanding the various upgrading works, recent test results have shown that the secondary treated effluent is not achieving the design standards specified and that the quality of effluent from the plants remains quite poor. In addition, the report of the Environment Section considers the proposed development to be premature pending the outcome of current legal proceedings regarding the operation and management of the existing wastewater treatment system.
- 7.4.5. At this point, I would advise the Board that parallels may be drawn between the subject proposal and the development refused permission on nearby lands under ABP Ref. No. ABP-309203-21 (although the two applications can be distinguished by the fact that the subject development is located within the same landholding as the 'Seafield' wastewater treatment system) as the decision to refuse permission centres on the principle of allowing additional loadings to a private wastewater treatment system which lies outside the application site, the ongoing and future operation of which is a cause for concern. This has implications for water quality and public health. The ongoing management of the treatment system is the underlying cause of concern particularly as it is unlikely to be taken charge by a public body such as Irish Water.
- 7.4.6. Having reviewed the planning history, including the Board's previous determination of ABP Ref. Nos. ABP-306591-20 & ABP-309203-21 on neighbouring lands, it would appear that while the design capacity of the existing wastewater treatment system can cater for the additional loadings consequent on the proposed development (noting that the technical reports compiled by the Planning Authority do not expressly raise any concerns in this regard), there are outstanding enforcement issues regarding the operation of the treatment plant and the quality of the treated wastewaters for discharge / irrigation (with recent test results seemingly showing that

the secondary treated effluent is not achieving the standards specified while the quality of effluent from the plants remains quite poor).

- 7.4.7. Similar to the reporting inspector's assessment of ABP Ref. No. ABP-309203-21, the resolution of enforcement issues remains a matter of dispute with the report of the Environment Section referring to ongoing court action as regards the operation and management of the wastewater treatment system. There would also seem to be some disagreement between the Planning Authority and the applicant as to whether the existing system requires a wastewater discharge licence pursuant to Section 4 of the Local Government (Water Pollution) Acts, 1977-1990. Although the applicant has submitted that a discharge licence will not be required on the basis that no final effluent is discharged to ground or surface water, the Environment Section has noted that the applicant's 'Groundwater Assessment' identifies a pathway for discharge to groundwater followed by the sea. In this regard, concerns arise that treated waters do in fact discharge to local stream(s) before entering the sea given the poor percolation characteristics of the underlying ground conditions. The Environment Section has also suggested that a new or revised licence may be required for the treatment plant in light of the increased loadings and that any such licence should be in place prior to any planning decision (the report of the case planner goes on to state that the opinion of the Environmental Protection Agency has been sought as to the claim of no discharge, although no response would appear to have been received). It has also been surmised that the extensive upgrading and repair works carried out to the treatment system in 2020 are indicative of inadequate historical maintenance of the plant which serves to underline concerns as regards connecting additional domestic effluent loading to a privately operated commercial wastewater treatment plant.
- 7.4.8. In light of the foregoing, I would concur with the assessment of ABP Ref. No. ABP-309203-21 that any proposal to increase the loading on the existing treatment system, the satisfactory operation of which is in dispute, would be unacceptable and that this would amount to a reasonable basis on which to refuse permission.
- 7.4.9. In addition to the ongoing enforcement proceedings and operational issues, a key concern is that the applicant is not responsible for the treatment plant and thus the proposed housing will be reliant on a limited company (i.e. Seafield Demesne Management Ltd.) - a commercial entity – that could potentially cease to trade or

exist - for the provision and future management & operation of essential sanitary services. In this regard, it is of relevance to note that the 'Seafield' wastewater treatment system primarily serves a seasonal holiday and recreational facility encompassing a hotel, spa & (former) golf resort in addition to various residential-type development (including holiday homes and possibly some more typical domestic dwellings). In the event the management company were to cease trading, I can appreciate the difficulties that could arise for homeowners within the development (if permitted) and how the planning authority would be faced with unsatisfactory arrangements e.g. it seems unlikely that Irish Water would be in a position to take the treatment plant in charge. Therefore, I would concur with the conclusions drawn by the reporting inspector in respect of ABP Ref. No. ABP-309203-21 that it would not be practical to allow dwelling houses intended for permanent occupancy to depend on a seasonal commercial entity for its continued sanitary waste management and treatment. The arrangement is further weakened by the exclusion of the system from the development site.

7.4.10. While I would acknowledge that Objective WW05 of the Development Plan provides for consideration of communal wastewater treatment plants in a village location such as may be applicable in this case, this is only in instances where it can be demonstrated that the proposed wastewater treatment system will meet all the relevant environmental criteria of the EPA and the Planning Authority and subject to compliance 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 is also required.

7.4.11. The 'Seafield' wastewater treatment system presently serves a single, privately operated commercial enterprise that extends to include a variety of holiday home / residential development. With the addition of multiple private residences as part of the proposed development it will effectively serve a conglomerate of hybrid communities. While the applicant's 'Groundwater Assessment' has asserted that the existing system has the potential for sufficient capacity and treatment, there appear to be issues with monitoring and adherence to the required standards as evidenced by the enforcement proceedings. In the absence of support from the planning

authority for such a system I am not of the opinion that there is sufficient basis to permit the proposed wastewater treatment arrangement.

- 7.4.12. Accordingly, I would reiterate the parallels to be drawn with ABP Ref. No. ABP-309203-21 and conclude that the absence of a standalone on-site wastewater treatment plant to serve the proposed development would be unacceptable from a public health perspective.

7.5. Impact on Residential Amenity:

- 7.5.1. Having reviewed the available information, and in light of the site context, including its relationship with neighbouring properties, in my opinion, the overall design, layout, positioning and orientation of the proposed dwelling houses, will not give rise to any significant detrimental impact on the amenity of neighbouring property such as by way of overlooking or overshadowing / loss of daylight / sunlight.
- 7.5.2. With regard to the potential impact of the construction of the proposed development on the residential amenities of surrounding property, while I would acknowledge that the subject site is proximate to and potentially accessed via existing housing and that construction works, including the movement of vehicles etc., could give rise to the disturbance / inconvenience of local residents, given the scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition through the submission of a Construction and Environmental Management Plan for written agreement with the Local Authority prior to the commencement of development.

7.6. Social and Community Infrastructure:

- 7.6.1. The delivery of adequate social and community infrastructure in tandem with newly developing areas is fundamental to the principles of proper planning and sustainable development and in this regard the decision to refuse permission has made specific reference to the absence of any childcare provision as part of the proposed development and a prospective deficiency in the national and secondary educational services available to the Ballymoney area.

7.6.2. *The Provision of Childcare Facilities:*

The '*Childcare Facilities, Guidelines for Planning Authorities, 2001*' promote the provision of childcare facilities within new and existing residential areas subject to certain criteria, including the overall suitability of the selected site for the type and size of facility proposed, the availability of an area for outdoor play and details of the management of same, convenience to public transport nodes, the adequacy of the proposed parking arrangements, local traffic conditions, the number of such facilities in the area, and the intended hours of operation. More specifically, unless there are significant reasons to the contrary, they recommend the benchmark provision of one childcare facility providing for a minimum 20 No. childcare places per 75 No. dwellings within new housing areas, although the threshold for provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas. More recent national planning guidance has elaborated further on the issue of providing childcare services in tandem with emerging development. In this regard, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' also acknowledge the recommendation to provide one childcare facility for every 75 dwelling units in the case of larger housing schemes, however, they reiterate that the threshold for any such provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas (with the additional requirement that any such analysis be undertaken in consultation with city / county childcare committees).

7.6.3. The case has been put forward in the Social Infrastructure Assessment provided with the application and in the grounds of appeal that the provision of a childcare facility as part of the proposed development is not warranted having regard to the composition of the proposal, the demographic profile of the surrounding area, and the existing levels of childcare provision in the locality, although the grounds of appeal have been accompanied by amended proposals which provide for the substitution of the dwelling house originally proposed on Site No. 64 with a new crèche facility.

7.6.4. In reference to the breakdown of the two, three & four-bedroom units proposed, it has been submitted that only 50% of the proposed housing (i.e. 43 No. units) will have the potential to generate a requirement for childcare and thus the proposal

does not merit the provision of a childcare facility. Furthermore, on the basis of the demographic profile of the area whereby only 8.9% of families have children of pre-school age, it has been estimated that only 8 No. of the proposed dwellings will have children aged up to 4 years.

7.6.5. With regard to the foregoing, it is unclear how the applicant has come to the conclusion that 50% of the proposed development will not give rise to a demand for childcare. Given that the overwhelming majority (71 No. dwellings) of the proposed housing comprises three / four-bedroom units while the remainder are two-bedroom, I would suggest that there is a clear prevalence of family-sized / orientated units proposed. It is also my opinion that a percentage of the two-bedroom units should not be outrightly dismissed as unsuited to family accommodation. While one-bedroom or studio type units are not generally considered to contribute to a requirement for childcare provision and, subject to location, this may also be applied in part or whole, to units with two or more bedrooms, I am unconvinced that the applicant has demonstrated a clear rationale for the conclusion that only half of the subject development has the potential to generate a requirement for childcare. I would also have reservations as regards the veracity of the claim that less than 10% of the proposed development will have children of pre-school age and would suggest that further explanation of this analysis would be warranted.

7.6.6. In relation to the analysis of existing childcare provision in the surrounding area and the relative demand for any new crèche facility, it has been submitted that there are 12 No. childcare facilities within 10km of the site (with a further crèche facility having been granted planning permission), however, it is questionable whether this is an acceptable travel distance given the reliance on the private car and the limited childcare provision in Ballymoney itself. In any event, and notwithstanding the extent of the study area, very little detail has been provided of the capacity of the services identified and, more particularly, whether there is any spare capacity available to accommodate the demands of the proposed development (noting that the facilities in question are generally located in the urban centres of Gorey and Courtown and thus are likely to cater for the demand emanating from within those catchments). Any future development of the surrounding area will also generate an increased demand for childcare facilities while Departmental Circular Letter PL3/2016 further envisages

an increase in demand for childcare spaces as a result of the expansion of the Early Childhood Care Education (ECCE) Scheme

7.6.7. On the basis of the available information, I am unconvinced that the applicant has made a demonstrable case that the provision of an appropriate childcare facility as part of the proposed development in keeping with the recommendations of the *'Childcare Facilities, Guidelines for Planning Authorities, 2001'* would not be warranted in this instance.

7.6.8. With respect to the amended proposal provided with the grounds of appeal that seeks to substitute the dwelling house originally proposed on Site No. 64 with a new crèche facility, I would have reservations as regards the siting of this unit at the end of a cul-de-sac within the overall development. In the event the Board is amenable to the proposed crèche provision, consideration should be given to the need for the publication of revised notices in advance of any decision to grant permission.

7.6.9. *The Availability of School Services:*

In its decision to refuse permission the Planning Authority has stated that the proposed development is premature by reference to a prospective deficiency in national and secondary educational facilities in the wider area and the period within which the constraints involved may reasonably be expected to cease. The rationale for this position derives from the applicant's own Social Infrastructure Report which in identifying those primary and post-primary schools within a 10km catchment of the development site and their respective enrolment figures subsequently fails to detail their capacity to cater for the proposed development.

7.6.10. While I would acknowledge that new residential communities can generate a demand for a significant number of new school places and that it is vital to the process of supporting sustainable communities that the planning system facilitates the timely provision of new school buildings, the scale of the subject proposal falls considerably below the recommended threshold of 200+ dwelling units set out in Section 4.4(a) of the *'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009'* whereby planning applications of such a scale should be accompanied by a report identifying the demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand. Furthermore, given the designation of Ballymoney

as a 'smaller village' and its reliance on the services and amenities offered by Gorey town, I am cognisant that the Gorey Town and Environs Local Area Plan, 2017-2023 states there has been '*significant investment in educational infrastructure in the plan area during the last 10 years*' which has resulted in '*the development of an 'Education Hub' at Creagh where three primary schools and a post primary school have been developed*' while sufficient land has been zoned to provide for additional educational facilities should the need arise during the Plan period. It is also a longer-term objective of the Plan to provide an additional primary school in the area via funding from the Department of Education and Skills' Capital Programme. In addition, the applicant has contended that the reference to a 'prospective deficiency' in school capacity is not supported by any evidence base and that the modest increase in population attributable to the proposed development will not have a material impact on school capacity (while noting that a new post-primary school has been approved for Gorey).

7.6.11. Having considered the foregoing, it is my opinion that the particular circumstances of the subject application, including the scale and location of the proposed development and its proximity to Gorey town, would not a refusal of permission on the basis of a perceived deficiency in educational services in the absence of clear evidence to the contrary.

7.7. Other Issues:

7.7.1. *The Proposed Water Supply Arrangements:*

The decision to refuse permission on the basis that inadequate information has been supplied as regards the agreement of Irish Water for connection to the public watermain would seem to derive from the report of the Water Services section which noted that a 'Confirmation of Feasibility' to connect to the public water supply had not been provided.

7.7.2. Given that the water supply for the proposed development is shown as being obtained from an existing groundwater supply via a series of privately operated production boreholes within the adjacent 'Seafield' estate which function as a single integrated wellfield (although connection to the public water supply would appear to be feasible), there would seem to be no basis to refuse permission for reasons relating to the public water supply.

7.7.3. *Traffic Implications:*

While I would acknowledge that the proposed development will undoubtedly give rise to increased traffic volumes in the village, it is my opinion that the surrounding road network has sufficient capacity to accommodate the additional traffic volumes consequent on the proposal without detriment to public safety. In this respect, I would advise the Board that considerable road improvement / upgrading works, including the construction of a public footpath along the eastern side of Ballymoney Road between the Camphill Community Village & Ballymoney Crossroads and onwards in part along Sea Road, the installation of streetlighting from the 'Orphan Girl' Public House to the crossroads and beyond, and the provision of clearly defined road markings (such as double-yellow lines in places to deter obstruction of the carriageway), would appear to have been carried out in the surrounding area since the refusal of ABP Ref. No. PL26.204782 in 2003.

7.7.4. Inevitably, the seaside / coastal location of the village will attract visitors and day-trippers, particularly during the peak summer months, which will in turn give rise to increased volumes of traffic congestion and haphazard car parking, however, I would suggest that any such historical complaints cannot be attributed to the subject proposal and would not warrant a refusal of permission.

7.7.5. *Flooding Implications:*

Concerns have been raised in observations to the appeal as regards the flooding implications of the proposed development and, more specifically, the potential for increased surface water runoff and the culverting of local watercourses to exacerbate localised flooding (which could adversely affect the efficacy of existing septic tank systems on neighbouring lands thereby resulting in groundwater pollution).

7.7.6. Having reviewed the site-specific flood risk assessment submitted in support of the proposal, I am generally satisfied that it provides for a reasonably robust analysis of the flooding implications of the proposed development. In terms of flood risk identification, the FRA initially notes that while multiple sources, including historic OSi mapping, the National Flood Hazard Mapping, and the most up-to-date flood mapping prepared by the Office of Public Works as part of its CFRAM programme, do not record any flood events within or bounding the development site, an area of

indicative fluvial flooding was previously recorded close to the north-eastern site boundary as part of the OPW's Preliminary Flood Risk assessment (this is included in the Strategic Flood Risk Assessment appended to the current Wexford County Development Plan, 2013-2019). In this regard, I am also cognisant that the flood zone mapping for the village of Ballymoney included in the Strategic Flood Risk Assessment (Page No. 88) of the Draft Wexford County Development Plan, 2021 – 2027 also identifies an area of fluvial flooding proximate to the north-eastern extent of the development site. The FRA subsequently states that the primary risk to the site can be attributed to an extreme fluvial flood event in the Ballymoney Lower Stream that bisects the northern extent of the site while a secondary flood risk may arise from any surcharging of the urban drainage / water supply infrastructure or due to a blockage of the culvert and / or footbridge along the stream.

- 7.7.7. In the absence of any suitable historical flow data, hydrometric gauging station readings, or other anecdotal information from which an estimation of design flood flows could be extrapolated or correlated, the FRA has set out the methodology by which it has estimated the 100-year (1%AEP) and 1,000-year (0.1%) AEP peak flood flows along this section of the Ballymoney Lower Stream. The results of these calculations have then been adjusted to account for climate change and used to inform hydraulic modelling for that section of the stream which passes through the site as well as neighbouring lands upstream and downstream of the development. The hydraulic model indicates that some limited out-of-bank fluvial flooding may occur along the stream within the confines of the site (as shown on Drg. No. IE2119-002-B included at Appendix A of the FRA) and Flood Zones A' and 'B' (i.e. within the 1.0% & 0.1% AEP flood extents) have been identified accordingly pursuant to the *'Planning System and Flood Risk Management, Guidelines for Planning Authorities'* although the vast majority of the site lies within Flood Zone 'C' (i.e. where the probability is less than 0.1% or 1 in 1,000 for river flooding).
- 7.7.8. With respect to the secondary risk posed by pluvial flooding associated with any surcharging of urban drainage network in the general vicinity of the site, given the prevailing topography it is not anticipated that any such flood events or the overland flow paths arising would result in any significant inundation of the development site. In relation to any surcharging caused by blockage of the arch bridge or the footbridge to the west and east of the site respectively, it is noted that while flood

waters will initially back up along the Ballymoney Stream through the site due to the blockage of 'Footbridge 1', these will subsequently overtop the culvert and spill out into the former golf course lands whereupon they will re-join the watercourse further downstream. Although it has been accepted that this will result in some 'minor' inundation of the central boundary of the site based on the existing topography, the FRA does not consider this to be significant. Overall, the secondary pluvial flood risk is considered to be low.

- 7.7.9. Having established that part of the proposed development site alongside the Ballymoney Lower Stream lies within the 1.0% & 0.1% AEP fluvial flood extents (as adjusted for climate change) and that some pluvial flooding of the site could arise from blockage at the footbridge, it is proposed to raise that part of the site above the 0.1% +CC AEP flood level to ensure that the proposed housing is not located in a flood risk area (for the purposes of clarity, this will involve raising the ground levels in the vicinity of Proposed House Nos. 8-15 & 78-79). It is also proposed to replace the existing footbridge with a new box culvert (which will facilitate a new road crossing). The FRA proceeds to detail how the hydraulic model was then rerun to include for the aforementioned works with the results indicating that the raising of the ground levels would not adversely impact on the existing flood extents in or around the proposed development (while there would be an increase in water levels upstream of the new box culvert, the waters will remain within the channel and will not overtop the stream bank).
- 7.7.10. On the basis that the proposal provides for the raising of ground levels within part of the site in order to accommodate the construction of 'highly vulnerable' residential development on lands within the 1%AEP & 0.1%AEP flood extents (i.e. Flood Zones 'A' & 'B' as defined by the Guidelines where there is a high / moderate probability of flooding and where development should be avoided in the first instance), the FRA has sought to demonstrate that that element of the scheme satisfies the 'Justification Test' for development management as set out in the *'Planning System and Flood Risk Management, Guidelines for Planning Authorities'*. In this regard, it has been submitted that although the subject site is unzoned, it is suitable for development by reference to its location in the 'Small Village' of Ballymoney and the relevant policy provisions of the Development Plan. Moreover, notwithstanding the proposal to raise ground levels within Flood Zones 'A' & 'B' to at least 300mm above the 0.1%AEP +

CC flood level (and to install a new box culvert), it has been asserted that these works will not increase the flood risk elsewhere through the displacement of floodwaters given that the hydraulic modelling has shown there to be sufficient residual capacity within the channel to avoid any overtopping of the river bank. Further reference is made to the proposed surface water drainage & attenuation proposals which will limit runoff to 'greenfield' rates and the regular inspection and maintenance of the open watercourse and the upgraded culvert in the future.

- 7.7.11. While I would acknowledge the conclusions of the FRA and the 'Justification Test', I would refer the Board to the core principles of the *'Planning System and Flood Risk Management, Guidelines for Planning Authorities'* in that a risk-based sequential approach should be employed as regards the management of flood risk. In this respect, development in areas at risk of flooding should be avoided in the first instance and, where this is not possible, consideration should then be given to substituting a land use that is less vulnerable to flooding. Only when both avoidance and substitution cannot take place should consideration be given to mitigation and management of risks. In effect, development in areas at risk of flooding is the 'exception'.
- 7.7.12. Given that the proposed development concerns the construction of housing on 'greenfield' lands, it is questionable whether there is any firm rationale for not avoiding works within the 1%AEP & 0.1%AEP floodplains in the first instance. Rather than designing the scheme around the known floodplain, the subject proposal has instead opted to raise ground levels within Flood Zones 'A' & 'B' so as to accommodate housing. In my opinion, this approach is problematic and does not sufficiently consider the precautionary approach to flood-risk management, particularly as there are alternative development lands within the limits of Ballymoney which are not at risk of flooding
- 7.7.13. Therefore, on balance, it is my opinion that the submitted proposal does not adhere to the broader principles of the risk-based sequential approach advocated by the *'Planning System and Flood Risk Management, Guidelines for Planning Authorities'*.

7.8. Appropriate Assessment:

7.8.1. Compliance with Article 6(3) of the Habitats Directive:

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under Part XAB, Section 177U of the Planning and Development Act, 2000 (as amended) are considered fully in this section.

7.8.2. Background on the Application:

The applicant has submitted a screening report for Appropriate Assessment as part of the planning application (please refer to the '*Appropriate Assessment Screening Report for Proposed Housing Development at Lands at Seafield Estate, Ballymoney, Gorey, Co. Wexford*' dated December, 2020 and prepared by Enviroguide Consulting).

7.8.3. This Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. It has concluded upon examination, analysis and evaluation of the relevant information, and in applying the precautionary principle, on the basis of objective information, that the possibility may be excluded that the proposed development will have a significant effect on any of the Natura 2000 sites within the identified zone of influence as listed below:

- The Kilpatrick Sandhills Special Area of Conservation (Site Code: 001742)
- The Slaney River Valley Special Area of Conservation (Site Code: 000781)
- The Cahore Polders and Dunes Special Area of Conservation (Site Code: 000700)
- The Cahore Marshes Special Protection Area (Site Code: 004143)

7.8.4. It is further stated that the findings of the screening exercise, based on best available scientific evidence, remove all reasonable scientific doubt that the proposed development will have any significant impacts on the Natura 2000 sites detailed above and, therefore, there will be no likely significant negative impacts caused to any Natura 2000 sites as a result of the proposed development.

7.8.5. Having reviewed the documents and submissions provided, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

7.8.6. **Screening for Appropriate Assessment - Test of likely significant effects:**

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

7.8.7. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

7.8.8. **Brief Description of the Development:**

The proposed development consists of the construction of 85 No. dwelling houses (comprising 14 No. 2-storey two-bedroom terraced units, 53 No. 2-storey three-bedroom terraced units, 4 No. 2-storey four-bedroom detached units, and 14 No. 2-storey four-bedroom semi-detached units), new access roadways, parking, landscaping, connection to existing services, and associated site works. The proposed surface water drainage arrangement includes for an off-line attenuation tank / swale which will operate in combination with a flow control device to regulate the discharge of runoff to a small stream that flows through the site. The proposal also includes for connections to the existing wastewater treatment system and private water supply (obtained via a series of privately operated production boreholes which function as a single integrated wellfield) serving the adjacent 'Seafield' estate.

7.8.9. The application has been accompanied by various supporting documentation, including an Ecological Impact Assessment, Bat Survey Report, Arborist's Report Site-Specific Flood Risk Assessment, Groundwater Assessment & Abstraction Reports, and a Construction Management Plan.

7.8.10. The development site is described in Page Nos. 5 - 6 of the '*Appropriate Assessment Screening Report*' while Section 4.3 of the Ecological Impact Assessment provides an in-depth evaluation of the various habitat types present

within the development boundary. In this regard, I would concur that the existing site predominantly comprises recolonising bare ground, wet grassland, dry meadows, scrubland, and assorted hedgerows & tree lines.

7.8.11. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related - uncontrolled surface water / silt / construction related pollution
- Habitat loss / fragmentation
- Habitat disturbance / species disturbance (construction and / or operational)
- Operational use

7.8.12. **European Sites:**

The development site is not located in or immediately adjacent to a European site. The closest European site is the Kilpatrick Sandhills Special Area of Conservation (Site Code: 001742), approximately 6.5km northeast of the proposed development.

7.8.13. A summary of European Sites that occur within the possible zone of influence of the development is presented in the table below. Having regard to the scale of the proposed development; the separation distances involved; and the absence of identified pathways; I do not consider that any other European fall within the possible zone of influence.

| European Site | Qualifying interest / Special conservation Interest | Distance from the proposed development | Connections (source-pathway-receptor) | Considered Further in Screening |
|-----------------------------------|--|--|---------------------------------------|---------------------------------|
| Kilpatrick Sandhills SAC (001742) | Annual vegetation of drift lines [1210] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] | c. 6.5km northeast | None. | No. |

| | | | | |
|---|---|---------------|-------|-----|
| | <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150]</p> | | | |
| <p>Slaney River Valley SAC (000781)</p> | <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twait Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> | c. 8.2km west | None. | No. |

| | | | | |
|---------------------------------------|---|-----------------|-------|-----|
| | Lutra lutra (Otter) [1355] Phoca vitulina (Harbour Seal) [1365] | | | |
| Cahore Polders and Dunes SAC (000700) | Annual vegetation of drift lines [1210] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] | c. 13.2km south | None. | No. |
| Cahore Marshes SPA (004143) | Wigeon (Anas penelope) [A050] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Wetland and Waterbirds [A999] | c. 13.2km south | None. | No. |

Identification of Likely Effects:

Specific conservation objectives have been included for each of the SACs to maintain or restore the various qualifying interests by reference to a list of specified attributes and targets. With respect to the Cahore Marshes SPA, the conservation objectives more generally seek 'To *maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA*' and 'To *maintain or restore the favourable conservation condition of the wetland habitat at Cahore Marshes SPA as a resource for the regularly-occurring migratory waterbirds that utilise it*'.

Construction related pollution: In light of the separation distances involved, and as there is no hydrological link between the development site and any Natura 2000 site

(due to the differing river catchments), it can be determined that any potentially negative impact on downstream water quality (including the stream which passes along the northern site boundary) through the release of suspended solids or the discharge of hydrocarbons / other contaminants during the construction works will not have significant adverse effect on the conservation objectives of any European Site.

Similarly, the intervening distances and the site location in an established village context are such as to exclude the possibility of any significant effects on Natura 2000 sites arising during the construction phase through the emission of noise, dust and / or vibrations or other disturbance from human activity.

Habitat loss / fragmentation: Given the separation distances between the project and the Natura 2000 sites, it is not considered that there is any pathway for the direct loss or fragmentation of habitats listed as qualifying interests.

Habitat disturbance / species disturbance: Given the separation distances between the project and the Natura 2000 sites, and the lack of suitable habitat in the vicinity of the development site for protected species, it is not considered that there is any pathway for the disturbance of habitats or species listed as qualifying interests or any other semi-natural habitats that may act as ecological corridors for important species associated with them.

With respect to the operational phase, while the proposed development will result in increased levels of traffic, lighting and human activity on site, given the separation distances involved, the impact of these activities is not considered to be so significant as to affect the conservation objectives of the Natura 2000 sites.

There will be no significant change to the quality or quantity of surface water leaving the site due to the proposed implementation of SUDS measures (an off-line attenuation tank or swale which will operate in combination with a flow control device to regulate the discharge of runoff) and the installation of a downstream defender or similar approved petrol / oil interceptor prior to the outfall to the (Ballymoney Lower) stream that flows through the site.

Wastewater from the proposed development will be disposed of to the existing private wastewater treatment system serving the wider 'Seafield' estate / complex which has sufficient capacity to accommodate the additional loadings generated.

It is not envisaged that the proposed development will give rise to any in-combination / cumulative effects.

Mitigation Measures:

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination:

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European Sites in view of the sites' conservation objectives, and Appropriate Assessment (including the submission of a Natura Impact Statement) is not, therefore, required.

This determination is based on the following:

- The limited scale and duration of the proposed works; and
- The distance of the proposed development from the European Sites and the lack of any ecological or hydrological connections.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

9.0 Reasons and Considerations

1. Having regard to the designation of Ballymoney as a 'Smaller Village' in the core strategy of the current Wexford County Development Plan, 2013-2019, to the scale of development proposed, and to the provisions of the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009', it is considered that the proposed development would constitute an excessive level of development which would be out of character with the existing pattern of development and would compromise and detract from the rural character of the coastal village of Ballymoney. The proposed

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

2. It is considered that the proposed development, by reason of its excessive scale, form and suburban layout, would detract from the distinct rural character of the village of Ballymoney, would result in an inappropriate form of extension to this small village, and would conflict with the policies and objectives of the current Development Plan for the area. The proposed development would, therefore, seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.
3. Having regard to the documentation submitted with the planning application and the appeal, the exclusion of a suitable wastewater treatment system from the development site, and the proposal to connect to and rely on a commercial establishment, the operation of which is the subject of enforcement proceedings, the Board is not satisfied that suitable wastewater treatment facilities will be available to and under the control of future owners / occupiers of the proposed dwellings at all times. In this regard, it is considered that the proposed development would be piecemeal and contrary to Objective WW05 of the Wexford County Development Plan, 2013-2019 and would be prejudicial to public health. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. The proposed development does not comply with national policy on Childcare Facilities, as set out in the Guidelines for Planning Authorities issued by the Department of the Environment & Local Government in June, 2001, and would be detrimental to the amenities of future residents and, thereby, would be contrary to the proper planning and sustainable development of the area.

Robert Speer
Planning Inspector

10th November, 2021