



An
Bord
Pleanála

Inspector's Addendum Report

ABP-314359-22

Development

Permission for development which will consist of works within a total site area of approx. 1 hectare (Ha) including: (i) Re-profiling works across approx. 0.8 Ha of agricultural land for the purpose of improving the land. The existing ground level will be raised using approx. 11,900m³ of clean sand and gravel. (ii) Ancillary works (across approx. 0.2 Ha) to existing commercial entrance to facilitate sightlines.

Location

Ballina (E.D. Castle Ellis), Castle Ellis, Co. Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20220701

Applicant(s)

Patrick Cash

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)	Patrick Cash
Observer(s)	None
Date of Site Inspection	2 nd May 2023
Inspector	Emer Doyle

1.0 Addendum Report Background

- 1.1. This addendum report should be read in conjunction with the Inspector's Report dated 17th May 2024. My original report recommended permission subject to conditions. The Board decided to refer this case back to the Inspectorate Division for the following reason:

The Board noted that Section 5.3.2 of the Inspector's Report identified the application as falling within Class 11, Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended. The Board also noted that the applicant provided Schedule 7a information in the Environmental Screening Report and a Screening Determination is therefore required.

On the 7th day of June 2024, the Board requested the Inspectorate Division to provide a Screening Determination for the proposed development and to provide an Addendum Report outlining any revisions/ corrections to the original Inspector's Report including Appendix 1 as may be considered appropriate.

This report contains an EIA Screening Determination including revisions to Appendix 1.

1.2. Environmental Impact Assessment

- 1.2.1. An Environmental Impact Assessment Screening Report was submitted with the application and includes the information required under Schedule 7 and 7A of the Planning and Development Regulations, 2001, as amended. I have had regard to same. I note that the Planning Authority have not carried out a Screening Determination in this case.
- 1.2.2. The development subject of this application falls within the class of development described in Class 11, Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended. EIA is mandatory for developments comprising of installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.

- 1.2.3. The volume of material for use in the proposed works is 11,900m³ (approximately 17,850 tonnes). This falls significantly short of the 25,000 tonne per annum threshold.
- 1.2.4. The materials proposed for use in the re-profiling works comprises of clean sand and gravel from a greenfield site. The material was excavated from lands opposite the site when a family member of the applicant was building a house.
- 1.2.5. The proposed development is not significant in terms of size and design entailing a site of 0.8 hectares in a rural location in County Wexford. The works will allow for lands that are currently difficult to use for the grazing of horses to be used for this purpose.
- 1.2.6. The works will not result in any significant loss of natural resources or local biodiversity.
- 1.2.7. There will be no impacts on local bedrock geology, and no excavations of the existing surface are proposed.
- 1.2.8. A Flood Risk Assessment was submitted with the application which identified that the site is not at risk of groundwater flooding and there is no noted history of flooding events within or in the vicinity of the site.
- 1.2.9. The nearest watercourse is a stream, located c. 360m to the west of the site and the flow direction is away from the application area.
- 1.2.10. The site is not within or adjacent to any European Site. An AA Screening Report was submitted with the application which concluded that no European Site is likely to be affected by the proposed development.
- 1.2.11. The site is not within an area designated as being of visual sensitivity or of high amenity value. There are no recorded archaeological or cultural heritage features within the site.
- 1.2.12. Noise and vehicular movements would not be significant. In this regard I note that a significant amount of the material is stored c. 150m from the site and access to the site would be by way of an internal roadway between the material location and the site.

- 1.2.13. There are no risks to human health or risks of major accidents. Section 3.8 of the Environmental Impact Assessment Screening Report submitted by the applicant identifies some positive impacts on human health.
- 1.2.14. A search of Wexford County Council's online planning database did not identify any existing and/or proposed projects that might give rise to cumulative effects.
- 1.2.15. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. This conclusion is consistent with the information provided in the applicant's EIA Screening Report.

1.3. **Determination**

I consider that there is no real likelihood of significant effects on the environment and an EIAR is not required.

1.4. **Main Reasons and Considerations**

Having regard to the criteria in Schedule 7, the information provided in accordance with Schedule 7A of the Planning and Development Regulations 2000, as amended, and the following:

- (a) The nature and scale of the proposed development, which is significantly below the threshold in respect of Class 11 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- (b) The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- (c) The guidance set out in 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of Environment, Heritage and Local Government 2003.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not therefore required.

2.0 Recommendation

I refer to my previous report dated the 17th of May 2024. My recommendation remains unchanged and I therefore recommend that permission is granted in accordance with the conditions set out in the Inspector's Report dated the 17th of May 2024.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Emer Doyle
Planning Inspector

13th June 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	314359-22		
Proposed Development Summary	Infilling of land using inert soil		
Development Address	Ballinra, Wexford.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class 11 Part 2 Schedule 5	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
Yes		Class 11 sub threshold	11,900m ³ (approximately 17,850 tonnes in total. This falls significantly short of the 25,000
			Conclusion

			tonne per annum threshold.	
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4. Has Schedule 7A information been submitted?		
Yes		Screening Determination Required

Inspector: Emer Doyle Date: 13th June 2024