



An
Bord
Pleanála

Inspector's Report

ABP-314477-22

Development	Permission for the proposed erection of 13 no. dwellings comprising of: 7 no. 2-storey - 4 bedroom units, 4 no. 2-storey - 3 bedroom units, 2 no. 1-storey - 2 bedroom units, together with all associated site works
Location	Ballymurn Upper, Killmallock, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20220245
Applicant(s)	Michael Cummins
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Michael Cummins
Observer(s)	None
Date of Site Inspection	2 nd of October 2023
Inspector	Angela Brereton

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Other Technical Reports	8
3.4. Prescribed Bodies	8
3.5. Third Party Observations	8
4.0 Planning History.....	9
5.0 Policy Context.....	9
5.1. National and Regional Policy	9
5.2. Wexford County Development Plan 2022 -2028	9
5.3. Natural Heritage Designations	16
5.4. EIA Screening	16
6.0 The Appeal	17
6.1. Grounds of Appeal	17
6.2. Planning Authority Response	21
6.3. Observations	22
7.0 Assessment.....	22
7.1. Introduction and Context	22
7.3. Principle and Planning Policy	23
7.4. Density issues	25
7.5. Design and Layout and Impact on the Character and Amenities of the area	

7.6. Access and Traffic..... 28

7.7. Drainage Infrastructure 31

7.8. Appropriate Assessment 34

8.0 Recommendation..... 34

9.0 Reasons and Considerations..... 34

Appendix 1 - Form 1: EIA Pre-Screening

Appendix 2 - Form 2: EIA Preliminary Examination

1.0 Site Location and Description

- 1.1. Ballymurn Village is in Co. Wexford and is around 11kms north of Wexford town and 10km southeast of Enniscorthy. The application site (stated area 1.09ha) is located at the edge of the settlement footprint of Ballymurn Village. It is a greenfield site, that forms part of a larger agricultural field area. There is a hedgerow along the road frontage (currently ungated gap to the site) and a block wall along the boundary with the housing estate to the northwest. The site is undulating and there is a gradual rise in levels from the road.
- 1.2. While the site appears edge of town there is a housing estate 'Tullach Gael' to the northwest and 'Woodview' is on the opposite side of the road. Ballymurn Cemetery is to the southeast. There is a 'Daybreak Shop' closer to the centre of Ballymurn to the northwest. There is also a church, a primary school, a community centre and a public house within the village.
- 1.3. Access is from the local road L2040-7 Ballymurn village and in the 60kph speed limit. There is no footpath along the site frontage.

2.0 Proposed Development

- 2.1. This is for the erection of 13no. dwellings on a site at Ballymurn, Co, Wexford, together with all associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 5th of August 2022, Wexford County Council, refused permission for the proposed development for the following reasons:

1. Inadequate information has been supplied in relation to the disposal of surface water and with regards to having the necessary agreement from Irish Water for connection to the public main water/wastewater supply, in the absence of this information the planning authority were unable to make a full assessment and therefore the proposed development is considered contrary to the proper planning and development of the area.

2. The proposed development fails to have regard to the standards set out in the 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (DEHLG 2007) which have been incorporated into Section 4.2.5 of the Wexford County Development Plan 2013-2019. The proposed development would, therefore, be contrary to the policies and objectives of the Wexford County Development Plan 2013-2019 and the proper planning and development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy and to the submissions made. Their Assessment included the following:

- While the principle of development within an existing village where water services are available is acceptable, they have reservations regarding the lack of information submitted in support of this application. However, on balance they consider that the applicant should be given the opportunity to address the lack of information rather than refuse the application.

Further Information request

This included to provide details of and in summary submit the following:

- A construction and environmental management plan for the development.
- Details of an oil inceptor trap of approved design on the surface water drainage network within the curtilage of the site.
- Details of a silt trap of approved design on the surface water drainage network.
- To submit revised plans regarding minimum pavement widths.
- Footpath to be provided adjacent to the public road along the full extent of the site and include the extension to the graveyard parking area.
- Details on design of footpaths, walkways and roads.
- Applicant to show how footpath along the road will not interfere with road drainage.

- To provide a full lighting design for the proposed development.
- To submit detailed proposals for electrical charging for dwelling and visitor car parking spaces.
- To provide swept path analysis for the site layout to show adequate turning area for service vehicles.
- Design information of proposed surface water treatment, both collection and disposal are not adequate.
- To provide permission if connecting to an existing surface water disposal network.
- To provide details on surface water attenuation.
- To provide full road construction details for all roads.
- To submit a revised landscaping plan which ensures landscaping does not interfere with sightlines.
- Details on tree planting and street lighting.
- They refer to sewerage infrastructure and request updated drawings showing this aspect of work or confirmation of agreement with Irish Water.
- To submit revised foul drainage layout and long sections clearly demonstrating a full gravity drainage design to serve the entire site.
- To provide hydraulic calculations for the foul drainage system.

Further Information response

O'Driscoll Lynn Architects response on behalf of the applicants includes the following have been submitted:

- A Construction & Environment Report by Capital Survey Ltd. Chartered Building Surveyors & Consulting Engineers.
- Manufacturer Specification for the oil interceptor and silt trap.
- Roadside gullies have been proposed along the front of the site and shall connect into the storm water sewer.

- Details to include a site layout plan showing a new road width of 6m with a 2m wide footpath. The applicant wishes to defer the construction of a footpath on the opposite side of the road until a later phase.
- An outdoor lighting report has been submitted.
- Details on parking including electric charging points.
- A drawing showing a swept path analysis has been submitted.
- The proposed surface storm attenuation system has been designed in accordance with SuDS Micro Drainage.
- A full storm water attenuation design has been completed and all the necessary documents are included in the FI request.
- The supplier of the SuDS systems has enclosed details of the system.
- A CDS was obtained from Irish Water prior to the application being prepared and submitted.
- The site has been designed to take account of the entire development. They refer to the topography of the site. They include hydraulic calculations for both the foul and storm sewers.
- Details regarding foul drainage have been submitted.
- Details regarding landscaping have been submitted.

Planner's Response

They noted the F.I submitted and their response included the following:

- Whilst environmental issues have been addressed to the satisfaction of the environment section, the Roads section have recommended a refusal as the applicant has not adequately addressed the issues raised in the FI request.
- They also considered that there was a lack of information submitted as regards surface water disposal and the possibility of non-completion of works required to provide a high-quality residential development and recommended refusal.

3.3. Other Technical Reports

Roads Section

They provided that the F.I received does not address their concerns. In this respect they refer to footpaths, visitor parking and public lighting. They also advise that the proposed surface water disposal is to an adjacent existing SW network: the capacity and condition of the network has not been investigated. It needs to be demonstrated that surface waters will not cause flooding downstream of the development.

Environment Section

They recommended the submission of a construction and environmental management plan, specifications and drawings of an oil interceptor trap of approved design on the surface water drainage network and of a silt trap. Subsequent to the F.I submission they recommended that permission be granted subject to conditions.

3.4. Prescribed Bodies

Irish Water

They requested that the applicant submit a revised foul drainage layout and long sections clearly demonstrating a full gravity drainage design to serve the entire site. Also, that they provide hydraulic calculations for the foul drainage system. They noted concerns about the capacity for Ballymurn WWTP.

3.5. Third Party Observations

These include concerns from residents of the adjoining estate Tulach Gael regarding the following:

- Impact of the proposed housing layout on privacy, overlooking and overshadowing.
- Impact on boundary wall, security/unauthorised access.
- Impact on existing water and sewerage facilities. The current capacity of the sewerage system in the area is at its maximum. Any further development will cause serious issues leading to health and safety concerns.

- Drainage and Flooding issues.
- Access and entrance issues. Creation of a new entrance.
- Lack of connectivity and footpaths in the area.
- Lack of playgrounds in the area.

4.0 Planning History

The Planner's Report states that there is no relevant planning history relative to the subject site.

5.0 Policy Context

5.1. National and Regional Policy

- Project Ireland 2040: National Planning Framework, 2018
- Regional Spatial and Economic Strategy for the Southern Region, 2019
- Design Manual for Urban Roads and Streets, 2019 ('DMURS')
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024
- Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007.

5.2. Wexford County Development Plan 2022 -2028

This plan came into effect on the 25th of July 2022. Relevant policies and objectives are referred to below.

Volume 1 – Written Statement

Table 1-1 sets out the *Spatial Planning Framework for Settlements >1,500 persons*. Ballymurn Upper has a lower population and is not included in these settlements.

Table 3-1 *Integration of the NPF and RSES into the Wexford CDP 2022-2028* and includes regard to compact growth and liveable sustainable settlements.

Core Strategy

Section 3.4 provides the Core Strategy Guiding Principles. This includes support for compact growth and liveable sustainable settlements.

Figure 3-1 - Core Strategy Map and Table 3-2 - County Wexford Settlement Hierarchy. Ballymurn is described as a Level 4 Large Village.

Section 3.6.5 refers noting that there are 25 settlements included at this level. Their Role and Function includes the following:

While these settlements vary in size and scale to each other, they share the common characteristics of providing important local level services. These villages have identifiable settlement structures and established populations and have the potential to support additional growth. The wastewater services in most of these villages require investment and it is considered that their inclusion at this level in the hierarchy will provide a plan-led approach to securing this investment.

Details are given of the Development Approach. Density of developments in these new settlements is considered on a case by case basis. This is discussed further in Section 4.7.2.1 Density in Residential Development in Chapter 4 Sustainable Housing.

Core Strategy and Settlement Strategy Objectives CS01 – CS26 refer. These include:

Objective CS21: To ensure growth and development in the Service Settlements, Strategic Settlements, Large Villages and Small villages across the county is proportionate to the scale, size and character of the settlement and well designed so as to contribute to the regeneration of these settlements. To implement, as resources allow, interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services and ensure good quality of life and well-being for the local communities.

Chapter 4 – Sustainable Housing

Section 4.4 refers to the Sustainable Housing Strategy.

Regard is had to the key principles of the NPF and the RSES.

Strategic Housing Objectives SH01-SH05 refer to the provisions of good quality sustainable and integrated residential development.

Objective SH02 seeks: *To ensure that all new residential developments provide a high quality living environment with attractive and efficient buildings which are located in a high quality public realm and are serviced and linked with pedestrian and cycle lanes to well-designed and located open spaces and nature and to the town or village centre and existing and planned services.*

Section 4.5 refers to Housing Requirements and to Housing for all and Housing needs.

Section 4.6 refers to Locations for Future Housing.

Objective SH06 seeks: *To prioritise the provision of new housing in existing settlements and at an appropriate scale and density relative to the location in accordance with the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region and the Core Strategy and the Settlement Strategy in the Plan.*

Section 4.7 refers to Future Housing Delivery and to the implementation of the County Housing Strategy.

Section 4.7.2 refers to Housing Land Management and this includes regard to Density of Residential Developments. Table 4-5 provides Indicative Density and Scale for Level 1 Key Towns and Level 2 Large Towns. This Table includes regard to Density in smaller towns and villages (between 400 – 5,000 pop).

In line with the Core Strategy the population of each Level 4 settlement is not to grow by more than 30% by 2040. Accordingly, the combined permitted residential development should not increase the population of a settlement by more than 20% of its 2016 population over the period of this plan.

Section 4.7.2.5 refers to the delivery of compact growth.

Section 4.7.5 refers to House Types and housing mix. Section 4.7.7 to Place-Making and High Quality Schemes. Future Housing Delivery Objectives SH09 – SH30 relate.

Objective SH15 refers to the density of residential development.

Design and Place-making in Towns and Villages

Chapter 5 and Place Based Design Objectives TV21 – TV24 refer.

Objective TV21 - *To ensure that all new development is designed to respect, enhance and respond to its natural, built, cultural and social context and add to character and sense of place.*

Regard is had to connectivity and permeability and to pedestrian and cyclist activity/facilities.

Section 5.10 refers to Compact Growth and Regeneration including infill, brownfield and greenfield development.

Greenfield Expansion: *In settlements which do not have local areas plans or settlement plans or defined boundaries under this Plan, the Council will only consider the sequential development of the village...*

Greenfield expansion outside the existing built up area will not be permitted. The Council will also protect the edge of all settlements from ribbon development in order to allow for their orderly development in the future.

Compact Growth Objectives TV33 – TV54 refer.

Objective TV34: *To require that all new development represents an efficient use of land and supports national policy objectives to achieve compact growth in towns and villages. The location of new development should be based on the sequential approach focussing on the development of lands within and closest to the town and village centre and should avoid 'leap-frogging' where development of new areas is removed from the existing contiguous village. Development of lands with no links to the town or village centre will be refused.*

Transportation Strategy

Section 8.4 refers to Sustainable Transport Strategy.

Section 8.4.5 to Design of Urban Roads and Streets (DMURS)

Objective TS01: *To implement the principles and objectives of the Design Manual for Urban Roads and Street (Department of Transport, Tourism and Sport, Department of the Environment Community and Local Government, 2013 and 2019) and the Spatial Planning and National Roads, Guidelines for Planning Authorities*

(Department of Environment, Community and Local Government, 2012) and the National Sustainable Mobility Policy 2022 and the other guidance listed in Section 8.3 Policy Context and any updated version of these documents.

Objective TS16: *To ensure that all urban roads and streets in our towns and villages, including residential streets and housing estates, are designed in accordance with the principles, approaches and standards set out in the 'Design Manual for Urban Roads and Streets' (2013/2019)*

Criteria include regard to safe and convenient infrastructure for walking and cycling, accessibility and traffic calming.

Section 8.5 has regard to Walking and Cycling and seeks to encourage permeability and linkages. Objectives TS22 – TS30 refer.

Objective TS24: *To implement the Core and Settlement strategies of this Plan to encourage population growth in towns and villages where people can more easily undertake journeys on foot or bicycle. Within towns and villages, residential and other developments will be encouraged at appropriate locations and at the appropriate density to facilitate walking and cycling. Local transport plans will inform decision making on land use zoning, walking and cycling networks and the provision of walking and cycling infrastructure in the four main towns and linkages to the towns from their hinterlands.*

Infrastructure

Section 9.4 provides the Infrastructure Strategy which is focused on the provision of high quality water, wastewater and waste management facilities and telecommunications infrastructure. Strategic Objectives IS01 – IS07 refer.

Table 9 -1 Irish Water Public Water Supplies and Capacities (Irish Water March 2022). This includes regard to Level 4 Large Villages (those with Irish Water Public Water Supplies). Ballymurn is referred to as having capacity available.

Section 9.6.3 refers to Wastewater. Table 9-3 provides an Overview of Public Wastewater Infrastructure in Level 1 – Level 4 Settlements. *Source Irish Water Wastewater Capacity Register 29th April 2020.* This provides that the capacity for Ballymurn is 650 and the headroom is 77.

Wastewater Objectives WW01 – WW13 refer.

Objective WW03: *In order to fulfil the objectives of the Core Strategy, Settlement Strategy and the Economic Development Strategy, the Council will work alongside and facilitate the delivery of Irish Water’s Water Services Strategic Plan and Capital Investment Plan, to ensure the provision of sufficient wastewater capacity to serve all lands zoned for development and in particular, to endeavour to secure the delivery of strategic wastewater treatment plant upgrades and any other smaller, localised wastewater treatment plant upgrades required during the lifetime of the plan.*

Section 9.7 refers to Waste Management Infrastructure.

Section 9.11 to Flood Risk and to Surface Water Management. This includes:

Objectives FRM01- FRM19 refer to Flood Risk Management.

Objectives SWM01 to SWM08 refer to Surface Water.

Objective SWW01: *To require the application of SuDS in accordance with the CIRIA SuDS Manual 2015 and any future update of this guidance, or other best practice guidance as may be specified or required by the Council. The application of SuDS should prioritise the use of appropriate nature-based solutions where possible. All proposals should include a commensurate drainage assessment used to design the surface water management system for the site, and this assessment should outline the drainage design considerations/strategy in line with the flood risk, surface water management and climate change requirements and objectives of the County Development Plan and the County Strategic Flood Risk Assessment in Volume 11.*

Heritage and Conservation

Section 13.2 refers to Natural Heritage and includes reference in Section 13.2.2 to Natura 2000 Sites. Specific Objective NH08 refers.

Reference is had to Biodiversity and Objective NH12 refers to Protection of Trees and Hedgerows.

Recreation and Open Space Strategy

Section 14.4 refers. Section 14.5.2 has regard to the Role of Open Space in Towns and Villages. Section 14.5.4 to the Delivery of Public Open Spaces. Objectives ROS08 – ROS20 refer.

Volume 2 – Development Management Manual

Common Principles for all Developments

Table 2-1 – Key Urban Design Criteria to be considered in Residential Schemes and Other Developments (as appropriate to the scheme).

Section 2.3 refers to Design Statements.

Section 2.3.1 refers to the ‘Application of DMURS’.

Section 2.5 to Sustainable Design.

Section 2.6 to Amenity and this includes regard to Daylight, Sunlight and Overshadowing, Overlooking, etc.: *All developments should be designed to protect the amenities of adjoining properties and properties in the vicinity.*

Residential Developments

Section 3.12 refers to Multi-Unit Residential (two or more units) Schemes in Towns and Villages and the provision of high quality developments, both in respect of the home itself and with regard to its setting and context.

This includes regard to Mix of Dwelling Types and Dwelling House Design.

Table 3-4 – Minimum Floor Area and Private Open Space for Dwellings.

Section 3.12.4 seeks to provide Public Open Space and Section 3.12.5 refers to Play Facilities.

Section 3.12.6 refers to Other Design Considerations for Multi-Units Schemes. This includes regard to materials and boundary treatments and the provision of safe access to serve the scheme. Regard is also had to comfort, privacy and security.

Transport and Mobility

Section 6.1.3 refers to Local Streets and Roads and includes that DMURS provides guidance on the detailed design of local streets and roads (Figure 6-3). Including that: *Junction size and design should emphasis pedestrian and cyclist needs and priority.*

Section 6.2 refers to ‘Assessment of Road Traffic Safety’.

Section 6.2.6 to Siting and Design of Access/Egress Points. B- Sightlines for Road Speed of less than 60kph. This includes regard to intensification of use of an existing access.

Table 6-7 provides the Car Parking Standards - 2 per house.

5.3. **Natural Heritage Designations**

The site is not proximate to a Natura 2000 site.

The Slaney River Valley SAC (site code: 000781) is c. 9.8kms to the west of the site

The Seas off Wexford SPA (site code: 004237) is approx. 10.4kms to the west of the site.

5.4. **EIA Screening**

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

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.

The subject development is for the construction of 13 houses, together with associated works, on a site with a stated area of 1.09ha. The development falls well below the threshold of 500 dwelling units noted above and also the applicable site area threshold of 10ha. The site is not in an area where the predominant land-use is retail or commercial, so the 2ha threshold is not applicable.

I have given consideration to the requirement for sub-threshold EIA. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development would not give rise to waste,

pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Wexford County Council, upon which its effects would be marginal.

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.

Reference is had to Appendix 1- Form 1 (EIA Pre-Screening) and Appendix 2 – Form 2 (EIA Preliminary Examination) attached to this Report.

6.0 The Appeal

6.1. Grounds of Appeal

A First Party Appeal has been submitted on behalf of the Applicant by Ian Doyle Planning Consultant. The Grounds of Appeal include the following:

Regard to the Proposed Development

- They note that the proposed development for 13 houses is for Phase 1 of a 3 Phase scheme. The later phases to be subject to future applications.
- The initial layout submitted included for the provision of a shared surface for cars, cyclists and pedestrians based on the home zone concept promoted by DMURS.
- A Confirmation of Feasibility letter from Irish Water for 23 houses was submitted as part of the application documentation in addition to engineering details and a Part V agreement in principle letter for Wexford County Council.
- They have regard to planning policy in the Wexford CDP 2013-2019 as extended and note that the principle of 12 houses on land zoned 'rural area under strong urban influence' is acceptable to the P.A.
- They refer to details provided on Design, Housing and Roads.

- Ballymurn is a serviced village with a capacity to accommodate additional development. Its Level 4 designation in terms of Core Strategy means it is targeted by the plan for additional growth.

Regard to Further Information response

- They refer to the surface water system serving the area and note that it is a public system under the charge of Wexford County Council.
- They consider the Council's request that an applicant be requested to carry out a comprehensive assessment of any stormwater drainage system to *demonstrate no future adverse effects on receiving waters* is incomprehensible in terms of cost in the context of a large urban area.
- The onus is not on the applicant to demonstrate whether there is capacity in the public stormwater system to accommodate proposed development.
- Both the initial planning application and the submission in response to the F.I request include this information and explicitly state that the proposed surface storm attenuation system has been designed in accordance with SuDS micro drainage.
- Revised details accompany this appeal which reduce the flow rates to less than the greenfield runoff rates. The board are requested to condition the application accordingly.
- They provide details of the revised surface water drainage system proposal and note that there is no potential for any flood impact at the point of discharge.
- Irish Water issued a Confirmation of Feasibility for the proposed development and they note the applicant's response to the F.I request.
- The response submitted on behalf of the applicant clearly states that the applicant is aware of the required upgrade works needed to facilitate the development and will pay for these works. Also, that all works outside the red line boundary of the site are the responsibility of IW and their contractors.
- The Board is requested to grant the development subject to a project work services agreement and a statement of design acceptance from Irish Water.

- The initial submission provided for a home zone and associated shared surface for cyclists, pedestrians and other road users. Such an approach is supported by DMURS. The Board are requested to consider the initial home zone proposal as being preferential to that of the revised proposal requested by the Council.
- They suggest that the Council's costs for 'taking in charge' and their obligations with regard to maintenance of same are not valid reasons for refusal and nor do they constitute a reasonable justification to request the proposed development be redesigned.
- The initial home zone design proposal should be considered on its merits in accordance with national policy.
- If the Board deem it necessary to provide a footpath on both sides of the access road and/or graveyard this can be conditioned. However, the applicant requests a phased delivery of footpaths due to the associated costs involved.
- They provide that car parking spaces are provided in full accordance with the requirements of table 6.7 of the Wexford CDP. There is no provision or policy requirement within the plan for the provision of visitor parking.
- Landscaping proposals were submitted with the initial application.
- There are no ecological features of interest with the subject site that require the support of comprehensive landscaping proposals. They do not form an integral part of the proposed development.

Non-compliance of works required to provide a high quality residential development

- They refer to the need for the proposed development in the context of the National Housing crises.
- To suggest that the potential integration points such as footpaths etc could potentially lead to *non-compliance of works* on the basis of the fact that they are proposed for future phases is nonsensical.
- There is no mention of the financial implications of any upgrade works required to facilitate the proposal.

- The costs involved in updating works to facilitate a permitted development are between the applicant and IW and are established and agreed post planning as part of the project Services Agreement and have nothing to do with the planning authority.

Reason for Refusal no.1

- The extent of information submitted with regards to surface water disposal was and is sufficient to enable the planning authority to make a reasoned and informed decision.
- The request by the planning authority to undertake an assessment of their surface water system is unprecedented, unrealistic and outside the scope of this planning application.
- No agreements are required with IW to facilitate a grant of permission at this stage. A Confirmation of Feasibility is sufficient for the planning authority to permit the proposed development.
- The F.I request by IW has been suitably addressed by the applicant who has stated that he is aware of the upgrade and willing to pay for same. This is sufficient for the PA to grant permission.

Reason for Refusal no.2

- The Council's second reason for refusal is extremely vague and fails to reference any aspect of the proposal that the planning authority has issue with.
- They consider that the second reason for refusal is not valid given that the quoted development plan was not the operational development plan at the time of making of the decision. They note that the Wexford CDP 2022-2028 had come into effect.
- They refer to Section 4.2.5 of the Wexford CDP 2013-2019 relative to the quality of proposed housing development.
- The initial proposal was in full accordance with the requirements and recommendations of the 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (DEHLG 2007).

- The Board are requested to consider the initial home zone design over that of the Council's post F.I design and to condition the provision of footpaths where they are deemed required.
- They request the Board to grant permission subject to conditions in this instance.

6.2. Planning Authority Response

Their response to the First Party grounds of appeal includes the following:

- The site forms part of a larger agricultural field that is adjacent to the Tullach Gael housing estate in Ballymurn, the public footpath is approx. 10 meters to the west of the site.
- They note the need for the assessment of the additional loading and that the applicant must demonstrate that the receiving waters have the capacity to receive additional surface water without causing flooding downstream.
- It has not been established that water and wastewater facilities are available to facilitate this development.
- The proposal relative to the provision of public footpaths to be deferred until the later Phases (2 and 3) of the development is not acceptable to the Planning Authority.
- They have serious concerns that the proposed deferment of the infrastructural works to later phases may result in an unfinished housing estate, lacking in linkages, i.e. public lighting, footpaths and cycle lanes.
- They conclude that while the principal of a suitably designed residential development is acceptable to the planning authority, this application is lacking in sufficient details such as surface water disposal, connection agreement with IW for provision of water and wastewater disposal and in particular the ability of the existing Ballymurn WWTP and sewer system to accommodate the proposal and later phases of the development.

- They note that the planning application was submitted on 25th of February 2022 and was therefore assessed under the development plan in force when the application was received.
- They ask the Board to uphold their decision to refuse permission.

6.3. **Observations**

None noted on file.

7.0 **Assessment**

7.1. **Introduction and Context**

7.1.1. I have read through the file documentation and the relevant provisions of both the Wexford County Development Plan 2013-2019 (as extended), which was in force when the subject application was lodged and the new Wexford County Development Plan 2022-2028, which came into effect on 25th of July 2022 and is now the pertinent plan. I have also carried out a site inspection.

7.2. Having had regard to the documentation submitted, including the Third Party Grounds of Appeal, and having visited the site, I would consider that the key planning issues relating to the assessment of the proposed development and this appeal case can be addressed under the following headings:

- Principle of the Development and Policy Considerations
- Density issues
- Design and Layout and Impact on the Character and Amenities of the Area
- Access and Traffic
- Drainage issues
- Appropriate Assessment

7.3. Principle and Planning Policy

- 7.3.1. The Wexford CDP 2022-2028 includes in Chapter 3 regard to the Core Strategy and it is noted that Table 3-2 provides the County Wexford Settlement Hierarchy. Ballymurn is included as a Level 4 Large Village. The Development Approach includes that these are large villages that have a moderate level of existing infrastructure, both physical and social, and are capable of accommodating additional population growth. The spatial planning approach is for the concentration of new residential growth within the existing footprint of the village.
- 7.3.2. This proposal provides for the construction of 13 houses to include new access from the public road and associated site works, on a greenfield site to the south of the existing housing estate of Tullach Gael. There is also another housing estate 'Woodview' on the opposite side of the local road. The land in the village of Ballymurn is not zoned, the site appears as agricultural land on the edge of and peripheral to the village of Ballymurn, the boundaries of which are not well defined.
- 7.3.3. Details submitted in the Architect's Design Statement provide that the proposed development forms a natural progressive expansion of the Ballymurn village centre, and note that the site is located adjacent to the existing Tullach Gael housing development. The First Party Appeal provides that the site is located in the settlement footprint of Ballymurn Village and is consistent with the definition of outer suburban greenfield (Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009)).
- 7.3.4. However, I would note that it appears that there is currently no defined boundary to the village of Ballymurn set out in the development plan. In this respect note is had of Objective CS22: *To vary the County Development Plan to include Settlement Plans for Level 3a settlements and prepare boundaries and objectives for Level 3b settlements and prepare settlement boundaries for Level 4 and 5 settlements. Potential sites for infill, regeneration and appropriate locations for housing will be identified for all Level 3a, 3b, 4 and 5 settlements.*
- 7.3.5. The sequential approach to development and infill development is encouraged. This is reiterated in Section 5.10 of the Wexford CDP which refers to 'Compact Growth and Regeneration'. In terms of 'Greenfield Expansion' this includes: *In settlements which do not have local areas plans or settlement plans or defined boundaries under*

this Plan, the Council will only consider the sequential development of the village.

Compact Growth Objective TV34 (quoted in the Policy Section above) refers. I would be concerned that this proposal does not follow the sequential approach to development in that it is peripheral to the village, and it has not been investigated as to whether there are, other sites closer the village centre that may have development potential.

- 7.3.6. Table 3-3 of the current Development Plan provides an Allocation of Population to the Settlement Hierarchy. The population of the Settlement of Ballymurn (Level 4 Large Villages) is given as (524). It is of note that the census of population for 2022 gives the population of Ballymurn as 607. Table 3-4 provides the Core Strategy Population Allocations, Housing Units and Housing Land 2021-2027 and includes regard to Level 4 Large Villages in general and is not specific to Ballymurn.
- 7.3.7. Note is had of the recent 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024. These Section 28 Guidelines replace the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009). They set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements.
- 7.3.8. Section 3 refers to Settlement, Density and Place and Section 3.3.5 (Table 3.7) refers to Rural Towns and Villages (<1,500). These settlements are not identified for significant population growth under the NPF and the Guidelines provide that they should grow at a limited pace that is appropriate to the service and employment function of the settlement, and the availability and capacity of infrastructure to support future development. That the density of development at such peripheral locations should respond in a positive way to the established context.
- 7.3.9. Therefore, it needs to be ascertained, that the proposal on this greenfield edge of village site, would result in a sustainable form of development that could be served by the existing infrastructure and would not be detrimental to the character and amenities of the village of Ballymurn. Regard is had to the documentation submitted, to the Council's reasons for refusal and to the issues raised in First Party Grounds of Appeal in this Assessment below.

7.4. Density issues

- 7.4.1. This application is for the construction of 13 houses, and as shown within the red line boundary on the Site Layout Plan submitted as Phase 1, of a 3 Phase scheme, to be served by a centrally located access and cul de sac road. Phases 2 and 3 are not part of the current application. The First Party provides that while the subject plan is for 13 dwellings, a masterplan for a total of 33 dwellings over 3 phases of development (two future additional applications) was included to demonstrate the overall development intention for the applicant's land holding (within the blue line boundary). In this respect regard is had to the Site Layout Plan submitted with the current application, and in response to the Council's F.I request which includes for the indicative Phases 2 and 3.
- 7.4.2. Section 4.7.2 of the Wexford CDP 2022-2028 includes regard to the Scale of Residential Development at the Edge of Small Town/Village between 400 and 5,000 in population, (Table 4-5 Indicative Density and Scale) where densities can be marked by variations, including that of less than 15-20 dwellings per hectare along or inside the edge of smaller towns. That this should not represent more than about 20% of the total new planned housing stock of the small town or village in question. It includes that in Level 4 Large Villages with a population of >400 people, the scheme size should be between 10-15 units.
- 7.4.3. Table 3.7 of the 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities', 2024, relates to 'Areas and Density Range for Rural Towns and Villages'. Objectives include that development in rural towns and villages is tailored to the scale, form and character of the settlement and the capacity of services and infrastructure (including public transport and water services infrastructure). Also, that lands zoned for housing at the edge of rural towns and villages at locations that can be integrated into the settlement and are connected to existing walking and cycling networks can offer alternative, including services sites, to the provision of single houses in the countryside.
- 7.4.4. The said Guidelines present a 2 Step approach to consideration of appropriate density. The first has regard to Proximity and Accessibility to Services and Public Transport. In this case the greenfield site is edge of town and is peripheral to the village of Ballymurn. While there is a limited bus service from Wexford the site is not

proximate to public transport services. I would note that these lands at the edge of the village are unzoned agricultural lands and the footpath does not extend to the site and there are no cycle lanes in place along this area of the public road.

7.4.5. The second step provides for Consideration and of Character, Amenity and the Natural Environment and an evaluation of the proposal in context of such. It is noted that the Guidelines provide that the companion Design Manual will address best practice approaches in relation to the preservation of local character (including historic character) and amenity in more detail.

7.4.6. The site area given on the application form is 1.09ha. Phase 1 (i.e. refers to the current application) as shown on the Site Layout Plan is 1.18ha. The no. of units proposed on this area is 13, this would equate to a gross density of 11 units per ha for this edge of town site. I would consider this density to be low, however it is noted that the site is peripheral to the village and is not on residentially zoned lands.

7.4.7. The site layout plan indicates Phases 2 and 3 of the proposed residential development (not part of the subject application). Phase 2 site area is shown as 0.85ha (at the end of the cul de sac) to provide 10 houses giving a density of 12, and Phase 3 at 0.65ha 10 houses giving a density of 15. In total the 3 phases are to provide for 33no. units, in a mix of detached and semi-detached units. It is put forward that while the density is low it reflects the character of other residential in the area in this peripheral edge of village location.

7.4.8. As shown on the site layout plan these phases, including phase 1, would be served by the centrally located access in a cul de sac arrangement. It is of note, that the current application is the one for consideration, and subsequent phases, will be subject to separate applications. However, they all appear to be part of an overall masterplan layout and as such this application is considered to be piecemeal. In this context the Council's concerns about the possible consequences for an unfinished estate area noted.

7.5. **Design and Layout and Impact on the Character and Amenities of the area**

7.5.1. An Architects Design Statement has been submitted with the current application. The project description includes that this application seeks permission to build 13 detached houses, forming the initial phase of a 33 unit scheme, to be completed in 3

stages over the coming years. They provide that the new houses have been designed in a horseshoe arrangement with all houses (with the exception of the roadside plots 1 – 3) directly facing the central communal open space. That the proposed house design is in keeping with the pattern of development in the area. That the layout and size of House type C has been designed specifically to cater for the Council's Housing Section's stated requirements.

7.5.2. Note is had to the mix of house types to be provided in the current application for the 13 houses. The proposed house types are as shown (colour coded) on the Site Layout Plan and drawings submitted and are to comprise the following:

- House Type A - 7no. 2 storey detached – 4 bedroom units - 183m²
- House Type B - 4no. 2 storey semi-detached – 3 bedroom units – 140m²
- House Type C - 2no. 1 storey detached – 2 bedroom units – 95m²
- Together with all associated site works

7.5.3. The proposed two storey detached houses are shown c. 8.6m to ridge height, the semi-detached c. 8.8m to ridge height and the single storey c.5.5m. It is proposed they have blue/black roof slates, render and brick. I would consider that the proposed design is acceptable provided quality external finishes are used and it is recommended if the Board decides to permit that this be conditioned.

7.5.4. The proposed floor areas comply with or exceed Table 3-4 of Volume 2 of the current Wexford CDP i.e.: 'Minimum Floor Area and Private Open Space for Dwellings' as do the rear garden areas. They would also comply with the minimum room sizes as specified in the spatial standards in Section 5.3.2 of the Quality Housing for Sustainable Communities – Best Practice Guidelines, 2007.

7.5.5. It is noted that an elevation showing the front elevation of the proposed houses to the Internal road has been included. This shows the stand-alone nature of the houses on spacious plots. The site layout plan shows the separation distances between the houses is c. 6 – 7m which will result in a spacious layout. I would be concerned that the rear elevations of the houses on plots nos. 1, 2 and 3 rather than the front elevations, will face the public road. That this will not be beneficial to the visual character of the area, on this approach to Ballymurn.

- 7.5.6. The site is more elevated than the housing development in Tullach Gael to the northwest. Concern has been noted in some of the submissions made to the application regarding overlooking and impact on privacy to the rear of houses in Tullach Gael. While the majority of houses proposed are two storeys, I would note that 2no. of the houses proposed are single storey. As shown on the site layout plan submitted, these houses are to have in excess of 22m separation distance from the rear of the proposed houses. There is a block wall along the site boundary with these houses. If the Board decides to permit, I would recommend that this be 2m in height and be capped and rendered.
- 7.5.7. The Site Layout Plan, shows that the open space would be centrally located, with a narrow strip included in the current proposal. Phase 1 (1988m²open space, 17%) is to adjoin, the greater area of Phase 3 open space and provide for a linear form of open space in the centre of the cul-de-sac road configuration to serve the overall development. Volume 1, Section 14.4. of the WCD 2022-2028 provides the Recreation and Open Space Strategy. Section 14.5.7 refers to Designing Public Open Spaces.
- 7.5.8. While the area of public open space exceeds the 15% referred to in Section 14.5.4 of the WCDP, I would be concerned about the distribution and functionality/usability of the public open space for future residents, in that it will result in a long narrow strip with internal estate roads on either side to facilitate the cul-de-sac development. It is noted that a play area has not been shown. An indicative Landscape Masterplan for Phases 1-3 has been submitted. However, if the Board decided to permit, I would recommend that a more detailed landscaping plan be conditioned.
- 7.5.9. As noted above, I would have some concerns about the proposed design and layout, including the design of houses on plot nos. 1, 2 and 3 which have their rear elevations facing the public road and to the linear format of the layout and the distribution of public open space. I would also note that linkages/permeability have not been proposed.

7.6. Access and Traffic

- 7.6.1. Access to the site is currently via an ungated entrance to the L2040-7, close to the boundary with the Tulach Gael housing estate to the north. It is proposed that the

access be moved further to the southeast along the frontage, so that it be in a relatively central location to serve the subject site (phase 1) to the north and the subsequent phases to be constructed as part of the indicative layout for the masterplan area to the south.

- 7.6.2. The site is within the 60km/h urban speed zone for Ballymurn. DMURS is mandatory when providing new or modifying existing urban roads and streets within the 60km/h urban speed limit zone. DMURS places a strong focus on the needs of pedestrians, cyclists and public transport and on improving the safety of streets and enhancing placemaking. Section 4.4 of these Guidelines sets out further detail in relation to the design guidance and standards set out in DMURS.
- 7.6.3. The Council's Roads Department notes that DMURS applies (Table 4.2 provides the reduced SSD Standards) so that 59m at a 2.4m setback is required and that this will be achieved in full when the ditch is removed. They note that there is a grass verge along the frontage of the site which has a grass drainage channel on front of the hedge and an open drain behind the hedge that is important existing roadside drainage. They provide that shared surface is not appropriate in this location and that the widths are inadequate. That permeable paving is not acceptable on the footpath or road area. That the proposed footpath behind the development wall is not acceptable. That the footpath should be adjacent to the public road across the full extent of the site and also extended to the graveyard parking area. That there is no lighting design provided for the site or public road.
- 7.6.4. The Council's F.I request included that further details be submitted on roads and footpaths, public lighting and that these be in accordance with Good Practice guidelines on Accessibility of Streetscapes and DMURS. They also requested that the applicant provide sweep analysis for the site layout to show adequate turning area for service vehicles, noting that this may require the removal of house no.1.
- 7.6.5. In response the applicant refers to revised site layout plan (dwg.no. 21-2380 – A1.1-B) showing a new road width of 6m with a 2m wide footpath. This revised drawing also shows the shared surface area omitted and a vehicle swept path analysis. The applicant provides that they wish to defer the construction of a footpath on the opposite side of the road and to defer the construction of a footpath extension to the

graveyard until a later phase where a larger number of houses will sustain the capital cost of putting in a path. An Outdoor Public Lighting Report has been submitted.

- 7.6.6. The Council's Roads Department provided that the F.I submission does not address the concerns raised by roads. That the footpath needs to be constructed on both sides of the access road and extend to the graveyard at this stage of the development, and that this should include public lighting. That it should not be deferred to a later date. They also noted that visitor parking is required but is not shown within the scheme.
- 7.6.7. In this respect I would note that dedicated areas for such have not been provided within the scheme, however the proposal would appear to comply with the parking standards as 2no. onsite parking spaces are to be provided per dwelling unit. Table 6-7 of the current WCDP provides the Car Parking Standards and does not refer to visitor parking for houses. However, parking on the public road would not be desirable and could result in traffic hazard and the layout would allow for very limited internal roadside parking within the scheme.
- 7.6.8. The First Party appeal notes that the initial submission to the planning authority provided for a home zone and associated shared surface for cyclists, pedestrians and other road users. That such an approach is supported by DMURS. That at the Council's request the applicant provided an alternative internal circulation proposal of a more traditional form involving segregated footpaths and road carriageway. They request the Board to consider the initial home zone proposal as being preferential to that of the revised proposal requested by the Council.
- 7.6.9. The Glossary in DMURS refers to 'Homezone' as: *A type of Shared Surface Street in a residential area which may also include items of street furniture that would normally be used within areas of open space.* 'Shared Surface Streets' are described as: *A street where pedestrians, cyclists and vehicles share the main carriageway and where pedestrians have priority of movement over other uses.* Section 4.3 of DMURS refers to the Pedestrian and Cyclist Environment and Section 4.3.4 to Pedestrianised and Shared Surfaces.
- 7.6.10. Having regard to these concepts as included in DMURS, I would not consider this description of 'homezone' to readily fit into the shared surface area shown on the site layout originally submitted. In addition, taking into account the number of vehicular

entrances proposed to access onto the internal road layout, the locational context of the open space and noting that the access to the proposed development site is within the 60km/h zone, I would not consider that this concept of a shared space, homezone type development would be appropriate to the proposed site layout in this peripheral edge of village location, lacking in pedestrian links and cycle lanes.

- 7.6.11. The Council's response to the grounds of appeal is concerned that the proposal by the applicant that the provision of footpaths on both sides of the road be deferred to later phase of the development is not acceptable as there is no guarantee that the next phase will ever come into fruition. I would note that the lack of footpaths/linkages and dedicated cycle lanes to and from the site cannot be overcome in the current application. Therefore, I would consider the proposal would not comply with Walking and Cycling Objective TS24 of the WCDP 2022-2028.

7.7. Drainage Infrastructure

- 7.7.1. The application form submitted with the application notes that it is proposed to provide new connections to the public mains and public sewer. The Design Statement submitted refers to the letter and subsequent email from Irish Water confirming water and wastewater facilities are available to service the proposed development. The letter from Irish Water (dated 27th of May 2021) provides that water treatment is feasible without infrastructure upgrade by Irish Water. They provide that the existing Ballymurn WWTP would have capacity for 23no. houses without an upgrade. That in order to cater for the full 34no. houses sought by the applicant that a major upgrade of the Ballymurn WWTP would be required. That IW currently has no plans to upgrade the Ballymurn WWTP. They also provide that if the applicant wished such upgrade works to be progressed, then IW would require them to provide a contribution of a relevant portion for the costs for the required upgrades. That the cost of upgrading the Ballymurn WWTP would be significant. They advise that the majority of these costs would be borne by the applicant/developer and that IW believes that it is not commercially feasible for their development to pay for this upgrade. Having regard to the Water Network they provide that this would be feasible without upgrade by IW. They include a map outlining the current Irish Water infrastructure and Wastewater Network adjacent to the site.

- 7.7.2. Therefore, from this IW assessment it would appear that there would be capacity to accommodate the proposed development of 13no. houses, in phase 1, but that there would not be wastewater capacity to accommodate the 33no. houses that would form the masterplan layout. If phases 2 and 3 could not be accommodated the proposed development of the masterplan area could not be completed, thus the proposal would be premature pending the upgrade of the Ballymurn WWTP.
- 7.7.3. The Council's Roads Department is concerned that not enough detail has been provided on surface water, that there is no permission to tie into the existing network and no details on the capacity of the existing mains or assimilative capacity of its outfall. That details submitted relative to attenuation are not adequate.
- 7.7.4. The Council's F.I request included that the design information of proposed surface water treatment, both collection and disposal and are not adequate. That local hydrology and catchment characteristic must be considered and to demonstrate no future adverse effects on receiving waters. Other issues included further details on the proposed attenuation tank located in the green area, and to maintenance and manhole locations and accessibility while not being intrusive on green playing areas. Also, that the applicant seek confirmation from Irish Water regarding wastewater connections. That they submit revised foul drainage layout and long-sections to clearly demonstrate a full gravity drainage design to serve the entire site.
- 7.7.5. The applicant includes reference to the response prepared by Capital Surveys Ltd. Chartered Building Surveyors and Consulting Engineers and to the additional information and drainage layouts and details on surface water drainage submitted. This includes drawings and sections of an oil interceptor trap of approved design on the surface water drainage network, and of the Storm tech Attenuation System. It is noted that an overall Drainage Report for the scheme has not been submitted.
- 7.7.6. In response to the F.I submission the Roads Department provide that the response to their concerns regarding surface water are inadequate and serious issues have not been addressed. The proposed surface water disposal is adjacent to the existing SW network; that capacity and the condition of this network has not been investigated. They advise that because there is a housing shortage, that it cannot be assumed that a connection will be given. That it needs to be demonstrated that the additional surface water will not cause flooding downstream of the development.

That the applicant needs to demonstrate that the receiving waters have the capacity to receive additional surface water. They recommended refusal. The Council's reason no.1 for refusal (as quoted above) referred to inadequate information supplied in relation to the disposal of surface water and having the necessary agreement from Irish Water for connection to the public main. That in the absence of this information they were unable to make a full assessment.

- 7.7.7. The First Party note that the surface water system serving the area is a public system under the charge of Wexford County Council. That the planning authority are restricted to consider the merits of the application before them, and that the applicants should not be requested to undertake a surface water drainage assessment relative to the larger area. The proposed surface water system has been designed in accordance with best practice utilising a collection and storage system with inceptors and a hydrobrake to limit output to the public system to that of greenfield (and less than greenfield) rates. That there is no 'lack of information' in this regard.
- 7.7.8. They propose to connect to the public water system via the adjoining housing estate 'Tullach Gael' to the north of the subject site which was taken in charge by the Council on the 9th of December 2013. They submit that not having an agreement in place with IW for works required to upgrade the IW network outside the site edged red is not a valid reason for refusal and is a matter between IW and the applicant only. That the applicant has stated that he is agreeable to paying for these works and that is sufficient for the planning authority to grant permission. They submit that having regard to surface water drainage that the information submitted with the application and in response to the F.I was sufficient for the Council to make an informed decision.
- 7.7.9. In their response to the grounds of appeal the planning authority provides that the applicants have not made an assessment of the capacity of the surface water disposal network, and that it has not been demonstrated that the receiving waters have the capacity to receive additional surface water without causing flooding downstream. They also note that the letter from Irish Water does not constitute a connection offer, rather sets out the requirement to upgrade the watermains. That the required works have not been included as part of the application. The planning authority note the comments of IW as regards the cost of the upgrade works to the

Ballymurn WWTP and that it is not economically feasible for the overall scheme as proposed. They have serious concerns that the proposed deferment of infrastructural works to a later phase and to the possibility of an unfinished housing estate.

- 7.7.10. Having regard to these issues I would have concerns that sufficient information has not been submitted to demonstrate that the surface water drainage system for the proposed development would be adequate and would not have a cumulative adverse impact on the area. As such it would not comply with Surface Water Management Objective SWW01 of the Wexford CDP 2022-2028. Nor that there is sufficient capacity in the Ballymurn WWTP to cater for the proposed development, which I do not consider can be planned for in isolation, to phases 2 and 3 of the masterplan area. Therefore, it has not been demonstrated that the proposal would not be contrary to Objective WW03 of the Wexford CDP 2022-2028 and be consistent with the proper planning and sustainable development of the area.

7.8. Appropriate Assessment

- 7.8.1. Having regard to the nature and scale of the proposed development, and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 Recommendation

I recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. This proposal for phase 1 of a potential 3 phase development as part of a larger masterplan area would provide for a low density piecemeal form of residential development on the edge of Ballymurn village, on an unzoned greenfield site, and is not reflective of the sequential approach to development as considered under compact development objective TV34 and would not provide linkages or permeability relative to Walking and Cycling Objective

TS24 of the Wexford County Development Plan 2022-2028. As such the proposal would not comply with Section 3.3.5 (Rural Towns and Villages (<1,500 population) and Table 3.7 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 which are Section 28 Guidelines. It would be contrary to the proper planning and sustainable development of the area.

2. The Board is not satisfied that sufficient information has been submitted relative to surface water drainage to demonstrate that there would be no potential for adverse impact from the proposed development on the subject site to the receiving waters and on the hydrology of the area. In addition, it appears from the documentation submitted, that there is not capacity in the Bullymurn, Wastewater Treatment Plant to cater for the proposed development and for subsequent phases of the masterplan area. In the absence of such site-specific information the proposal would be contrary to Surface Water Management Objective SMM01 and Wastewater Objective WW03 of the Wexford County Development Plan 2022-2028. As such it has not been shown that the proposed development would not be prejudicial to public health and to the proper planning and sustainable development of the area.

Professional Declaration

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.

Angela Brereton
Planning Inspector

31st of January 2024

**Appendix 1 - Form 1
EIA Pre-Screening
[EIAR not submitted]**

An Bord Pleanála Case Reference	ABP-314477- 22		
Proposed Development Summary	Residential development comprising 13 no. dwellings, together with all associated site works		
Development Address	Lands at Ballymurn Upper, Kilmallock, Co. 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	✓
		No	No further action required
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 10(b), Schedule 5 Part 2	EIA Mandatory EIAR required
No	✓	Below Threshold	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)
			Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes	✓	Class/Threshold 10(b)	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	✓	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2 - Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-314477-22	
Proposed Development Summary	Residential development comprising 13no. houses and all associated site works.	
Development Address	Lands at Ballymurn Upper, Kilmallock, Co. Wexford	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment?</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed development to include 13 units (stated area 1.09ha) is on a greenfield site at the edge of Ballymurn village co. Wexford.</p> <p>The proposed development is to connect to public services. As per the documentation submitted, including regard to Construction and Environmental Management it will not result in significant emissions or pollutants.</p>	<p>No</p> <p>No</p>
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>This proposal is for the construction of 13no. residential units and is well below the threshold of 500 units and below 10ha as per Class 10(b) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended).</p> <p>Please refer to the Planning History Section of this Report. No significant cumulative considerations</p>	<p>No</p> <p>No</p>
<p>Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly</p>	Residential Development on greenfield site adjacent to existing residential in the village of Ballymurn and includes regard to surface water drainage and the incorporation of SuDS.	No

<p>impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>		<p>No</p>
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____ Date: _____

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)