



An  
Bord  
Pleanála

## Inspector's Report ABP.318388-23

<b>Development</b>	Retention of change of use from a barn to a dwelling house and of works carried out to date and provision of wastewater treatment system
<b>Location</b>	Pollrane, Kilmore, Co. Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	2023/1010
<b>Applicant(s)</b>	Nicola Marshall
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Grant permission s.t. conditions
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Tom O'Brien
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	2 <sup>nd</sup> March 2024
<b>Inspector</b>	Mary Kennelly

## **1.0 Site Location and Description**

- 1.1.1. The site is located in the townland of Pollrane, Kilmore, approx. 5km to the north-east of Kilmore Quay and is approx. 12km to the south of Wexford town. It is a rural area which is predominantly in agricultural use but there are a number of single houses and farmhouses scattered around the countryside in the vicinity. The site is accessed by means of a network of local roads leading south-westwards from the R739, Tomhaggard to Kilmore Quay road. It is situated approx. 600m to the south of Boleys Crossroads and is accessed by means of a private lane serving a farmyard and two existing dwellings.
- 1.1.2. The appeal site, which comprises a barn with associated lands, is located on the northern side of the lane, at the western end of the access track. The lane is approx. 104m in length and terminates at the entrance to the farmyard, which is just beyond the barn. It serves two existing dwellings as well as the farmyard with a large agricultural shed and the small barn. There is an existing dwelling house (referred to as family home) and a further dwelling house (a traditional thatched cottage, which is a Protected Structure) located to the south of the access lane. The thatched cottage (Barry House) is the appellant's property. The lane is unsurfaced and rutted and has mature hedgerows on either side.
- 1.1.3. The appeal site has a stated area of 0.20ha. It comprises a small barn of natural stone with a concrete yard in front and a grassed area (part of a larger agricultural field) to the eastern side. Alterations have been carried out to the barn with a patio door, windows and a door added as well as a new slate roof with velux roof lights.

## **2.0 Proposed Development**

- 2.1.1. It is proposed to change the use of the barn to a 2-bedroomed dwelling house, to extend it internally by providing a first floor with a staircase and to retain external alterations to the structure which have been carried out. It is also proposed to provide a new wastewater treatment system which would be located within the existing field to east, which will form part of the site. The existing mature hedgerow and trees along the boundary with the access lane would be retained and the northern, southern and eastern boundaries of the site would be planted with new hedgerows of holly and hawthorn in double rows.

2.1.2. The alterations include the following –

- Replace natural slate roof with new natural slate roof
- Replace door opening and window opening with patio door and install new door and two windows in existing opes (SE elevation)
- Replace existing window opes with new windows (NE & SW elevations)
- Install one rooflight on the south-eastern roof slope and 3 no. rooflights on the northwestern roof slope.
- Provide black upvc rainwater goods.

2.1.3. The floor area of the existing barn is stated as 40.75m<sup>2</sup> and the floor area of the proposed house is given as 77.5m<sup>2</sup>. The eaves height and ridge height remain unchanged at 3.802m and 6.106m, respectively.

2.1.4. The site layout plan shows a proposed wastewater treatment plant and percolation area located to the east of the proposed house. It is proposed to install a tertiary treatment system which will comprise a secondary treatment plant with a final soil polishing filter comprising a tertiary treatment system with an infiltration treatment area. Water supply is to be provided from the public mains. The application was accompanied by a Site Suitability Assessment Report and a letter from Uisce Eireann (29/08/23) stating that connection to the water mains is feasible.

2.1.5. The cover letter from the applicant's agent referred to the local need requirements set out in the County Development Plan and the applicant's ability to comply with same. It was stated that the applicant has grown up on the adjacent site and has lived in the vicinity of the site for more than 7 years. It is further stated that local need criteria do not apply to conversion and refurbishment of a non-residential structure for use as a residential dwelling.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

The planning authority decided to grant permission subject to 9 no. conditions, the most relevant of which may be summarised as follows:

Condition 3: Development contribution roads €542.50.

Condition 4: Development contribution community €310.00

Condition 5: No surface water from roofs, paved areas to discharge to public road.

Condition 7: Installation of WWTP in accordance with manufacturer's instructions.

Condition 8: Prior to occupation, submit certificate of installation of WWTP.

Condition 9: Landscaping – specific requirements regarding planting of hedgerows.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The Planner's Report (13/10/23) noted the location of the site in a rural area and the presence of a thatched cottage (protected structure) to immediate south of the site, which it was considered may have been originally associated with the farm holding. Third party objections were noted and taken into consideration.

No concerns were raised in respect of the wastewater discharge proposals, access arrangements, impact on the protected structure or residential amenity. The Area Planner was satisfied that the local need criteria were not applicable as the proposal relates to the conversion of an existing barn which represents the refurbishment and reuse of existing building stock as an alternative to building a house in the open countryside. As such, it was considered to come within the scope of the criteria set out in Table 4.8 'Refurbishment and conversion of non-residential structures to residential use' in the Wexford CDP 2022-2028.

It was considered that EIA was not required given the nature, scale and location of the project. Appropriate Assessment Screening was carried out and it was concluded that there is no likely potential for significant effects to Natura 2000 sites. Permission was recommended subject to conditions.

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

**Environment** – The Senior Executive Scientist considered that the proposal to provide a proprietary treatment system and final polishing filter comprising a tertiary system with infiltration was acceptable. It was noted that the soil percolation tests

had resulted in a surface percolation value of 47 and a subsurface value of 67 (at a depth of 0.7-1.1m below ground level). No objection subject to conditions.

**Roads** – It was noted that the existing barn is situated down a well-established private lane, which provides access to a family farm. As such, it was considered that the development does not constitute a major intensification of the entrance. It was noted, however, that the sightlines at the existing junction with the public road are poor and should therefore be maintained and maximized as much as possible. Permission was recommended subject to conditions.

### **3.3. Prescribed Bodies**

**Irish Water** – No objection. It was noted that the applicant proposes to connect to public mains.

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

Objections were received from the neighbouring property (thatched cottage) to the south. The concerns raised are similar to those raised in the third-party grounds of appeal. In brief, they related to the following matters:

- Concern regarding location of WWTS to their private well.
- Intensification of use of existing lane which is in poor condition.
- Impact on residential amenity, overlooking/proximity to dwelling to South.
- No proposal for biodiversity.

## **4.0 Planning History**

**PA 2016/0671** – planning permission granted for erection of a cattle shed (795m<sup>2</sup>) with slatted tank, straw bed and handling facilities and relocation of existing cattle shed (149m<sup>2</sup>) to be used as a straw shed.

## 5.0 Policy Context

### 5.1. National Planning Framework

**National Policy Objective 14** seeks to protect and promote the sense of place and culture and the quality, character and distinctiveness of the Irish rural landscape that make Ireland's rural areas authentic and attractive as places to live, work and visit.

**National Policy Objective 15** seeks to support the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities

**National Policy Objective 16** seeks to target the reversal of rural decline in the core of small towns and villages through sustainable targeted measures that address vacant premises and deliver sustainable reuse and regeneration outcomes.

**National Policy Objective 17** seeks to enhance, integrate and protect the special physical, social, economic and cultural value of built heritage assets through appropriate and sensitive use now and for future generations.

### 5.2. Sustainable Rural Housing Guidelines for Planning Authorities

These guidelines differentiate between Urban Generated Housing and Rural Generated Housing and directs urban generated housing to towns and cities and lands zoned for such development. Urban generated housing has been identified as development which is haphazard and piecemeal and gives rise to much greater public infrastructure costs.

### 5.3. Development Plan

#### **Wexford County Development Plan 2022-2028**

- 5.3.1. **Section 4.9** of the CDP relates to **Housing in the Open Countryside**. Rural Area types are shown on Map 1. The site is located in the **Strong Urban Influence Area**. These areas are described as exhibiting characteristics such as proximity to the immediate environs of or close commuting catchment of large cities and towns.

There will be evidence of rapidly rising population and of considerable pressure for housing development due to proximity to the urban areas or to major transport corridors.

- 5.3.2. In order to be considered for a single dwelling in the open countryside (4.9.1) an applicant must either have a demonstrable social functional need or economic functional need to reside in a particular rural area (except for structurally weak rural areas). The applicant must comply with the criteria as set out in Table 4.6. The criteria relate to each of the Rural Area Types.

**Objectives SH39 to SH46** inclusively, set out the policy for rural housing generally and requires compliance with the Sustainable Rural Housing Guidelines, and to ensure that all permitted rural dwellings are for use as the primary permanent residence of the applicant.

- 5.3.3. **Section 4.9.2** relates to **Refurbishment and Replacement of Rural Dwellings and Non-Residential Rural Structures**. It is stated that the reuse of the county's existing housing stock is a sustainable use of existing resources, and its reuse will be encouraged by the planning authority. The refurbishment and conversion of non-residential structures to residential use will also be considered by the planning authority. **Table 4.8** sets out the guiding principles and criteria for the **Refurbishment and conversion of non-residential structures to residential use**.

**Objective SH49** – to consider the refurbishment and conversion of a non-residential structure to residential use subject to compliance with the relevant criteria set out in Table 4-8, compliance with normal planning and environmental criteria and the proper planning and sustainable development of the area.

- 5.3.4. The 'guiding principle' (Table 4.8) includes the assessment of proposals for the refurbishment and conversion of stone-built barns to residential use as a sustainable reuse of existing building stock and as an alternative to the construction of a single house elsewhere in the open countryside.
- 5.3.5. The criteria (Table 4.8) are as follows:
- (i) The original structure must be 'substantially intact'.
  - (ii) The building must be of local, visual, architectural or historical interest.

- (iii) The building must be capable of undergoing refurbishment and conversion and its original appearance must be retained. In this regard, the planning application must be accompanied by a structural survey carried out by a suitably qualified engineer.
- (iv) The works must be carried out in a sensitive manner and retain architecturally important features and make use of traditional and complementary materials.
- (v) The applicant will not be required to comply with the local need criteria relating to the rural area in which the structure is located, and the occupancy and permanent residence conditions shall not apply.
- (vi) Any proposed extension of the structure must be appropriate in scale and remain subservient to the structure.

#### **5.4. Natural Heritage Designations**

5.4.1. The site is located within 15km of nine European sites, as follows

- Tacumshin Lake SPA (Site Code 004092) - c.2km to east
- Tacumshin Lake SAC (Site Code 000709) - c.2km to east
- Saltee Islands SPA (Site Code 004002) - c.2km to south
- Saltee Islands SAC (Site Code 000707) - c.2km to south
- Seas Off Wexford SPA (004237) c.2km to the south
- Lady's Island Lake SPA (Site code 004009) - c.9km to the south-east
- Ladies Island Lake SAC (Site code 000704) - c.9km to the south-east
- Ballyteigue Burrow SPA (Site Code 004020) - c.6km to southwest
- Ballyteigue Burrow SAC (Site Code 000697) - c.6km to southwest

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. The third-party appeal was submitted by Tom O'Brien and Marie Christine O'Brien, Barry House. The main points raised may be summarised as follows:



### **1. Barn forms part of curtilage of Protected Structure**

- The stone building, which was originally divided into two parts, forms part of the curtilage of their house (Barry House), which is a Protected Structure and thought to be 300 years old (thatched cottage). The house had fallen into a state of considerable disrepair but has since been refurbished by the appellants and by the previous owners.

### **2. Residential amenity**

- The proposed development would result in a loss of privacy to the appellants due to its proximity and to the alterations comprising a front window, a velux and two double glass doors, which would be looking straight into their garden and house. It would also devalue their house.
- There is no reference in the submissions to the possibility of the dwelling being rented out. It is pointed out that if it were to be rented out on Air B&B, this would contravene the Wexford CDP.

### **3. Inadequate drainage**

- The site is elevated, and the proposed wastewater treatment unit is uphill from their private well which is of concern.

### **4. Traffic and Transport**

- The access lane is unsurfaced and remains in a dangerous state. The applicants had promised to resurface it following the grant of planning permission for their cattle shed. However, as soon as the shed was built, they rented half of it to an intensive beef producer.
- The use of the lane has been intensified since the beef producer has started using it with huge tractors and trailers.

### **5. Disregard for the environment and heritage**

- The applicants removed a huge swathe of hedgerow when they started demolishing their old barn. This was during the nesting season and the NPWS was alerted by them. The Ranger visited and engaged with them. However, this did not stop the applicants. It is also alleged that a huge historic site,

possibly a stone circle, may have been damaged when the cattle shed was being constructed.

## **6.2. Planning Authority Response**

The P.A. has not responded to the grounds of appeal.

## **6.3. First party response to the Grounds of Appeal**

6.3.1. A response was submitted from the first party on 23<sup>rd</sup> November 2023. Additional information is also provided in terms of a letter from a licensed archaeologist and built heritage consultant (dated 18<sup>th</sup> August 2021), which will be discussed in the assessment section of this report.

6.3.2. The response is mainly in the form of a rebuttal but makes the following relevant points -

- The site is located outside of the curtilage of the Protected Structure, as set out in attached letter from consultant (18/08/21).
- There will be no loss of privacy due to the separation distance of 45 metres.
- It is stated that the proposed WWTS is downhill from the appellants' site and is fully compliant with the EPA 2021 Code of Practice in terms of the required distance from a private well. It is further stated that the appellants' house has historically been on public mains water supply and that it is believed that a private domestic well was installed in recent years without the benefit of planning permission.
- As the proposal relates to the conversion and restoration of an existing building, there is no requirement to demonstrate local housing need. Notwithstanding this, the applicant currently lives and has lived within 7km of the site for more than 7 years and has a strong social need to reside in the local area.

## **7.0 Assessment**

7.1.1. It is considered that the main issues arising from the appeal are as follows: -

- Rural settlement policy
- Impact on Protected Structure
- Residential amenity
- Adequacy of drainage proposals
- Traffic and Transport
- Environmental impact assessment
- Appropriate assessment

### **7.2. Rural settlement policy**

- 7.2.1. National guidance as set out in the NPF and in the Sustainable Rural Housing Guidelines emphasise the need to distinguish between areas that are under urban influence or pressure and other rural areas and in addition, to differentiate between urban and rural generated housing need. The site is located in a rural area which is approx. 12km from Wexford town and is one which is under strong pressure for urban generated housing, as shown on Map 1 of the current CDP. The Rural Settlement Policy (4.9.1) requires an applicant to either have a demonstrable social functional need or economic functional need to reside in a particular rural area (except for structurally weak rural areas). The applicant must also comply with the criteria as set out in Table 4.6. In terms of areas under Strong Urban Influence, these include building a permanent home for their own use and being able to demonstrate that they have lived within 7km of the site for more than 7 years.
- 7.2.2. The applicant has stated that she has a strong social functional need to live at this location as her parents are living in the house adjacent to the farmyard, that she has grown up on the farm and that she is living within 7km of the area and has been for more than 7 years. I note that the applicant for the current proposal was also the applicant for the cow shed (2016/0671) and that on the day of my inspection, she was working in the cowshed on the farm. Thus, it is considered that local need has been demonstrated in this instance.

- 7.2.3. Notwithstanding this, the proposed development relates to the conversion and restoration of a stone barn, and as such, there is no requirement under the CDP Rural Settlement policies to demonstrate a local housing need or to comply with occupancy. The rural housing policy appears to favour this form of development as an alternative to the construction of a single house elsewhere in the countryside. The criteria in Table 4.8 require, inter alia, that the original structure be substantially intact, that it is of local, historical interest and that it can be refurbished and converted such that its original appearance is retained. Furthermore, the works must be carried out in a sensitive manner and retain architecturally important features and make use of traditional and complementary materials.
- 7.2.4. The proposed conversion and restoration generally appear to retain the original stone barn structure as all of the works are contained within the structure. The internal works involve timber stud walls and partitions and a timber floor and staircase. The building envelope has not been altered and the eaves height and ridge height remain the same. The original stonework appears to be largely intact and/or repaired and the slate roof has been replaced. The external alterations that have been carried out to date are generally quite minimalist with small window openings and small velux roof lights. The only exceptions are the larger window opening on the southwestern elevation, which is slightly larger than the original, and the patio door which is substantially wider than the original door opening.
- 7.2.5. It is considered, therefore, that the works to be retained and the proposed conversion and restoration works to the stone barn are generally in compliance with the criteria in Table 4.8. As such, it is considered that the proposal is in accordance with Objective SH49, subject to compliance with normal planning criteria and the proper planning and sustainable development of the area.

### **7.3. Impact on Protected Structure**

- 7.3.1. The site is located within a farmyard complex which includes a cluster of buildings which include a Protected Structure, 'Barry House' (WCC0512, NIAH Ref 15705216 - Thatched farmhouse owned by appellants). The NIAH record states that it dates from 1700-1840 and is described as a detached five-bay single storey lobby entry farmhouse with half-dormer attic on a T-shaped plan centred on a single-bay single-storey flat-roofed projecting porch. It has lime-washed rendered walls with timber

sashed windows and is set in landscaped grounds. Although Barry House is no longer in the ownership of the family farm holding from which it originated, there are other stone buildings within the complex, of which the appeal site forms one. The applicant claims that the stone barn does not form part of the curtilage of the Protected farmhouse (Barry House).

7.3.2. A letter from an archaeological and built heritage consultant has been submitted to support this view. The main points made in the letter may be summarised as follows:

- It is noted that Protected Structures are not confined to the building itself and includes its curtilage. In this case, the 18<sup>th</sup>-19<sup>th</sup> century building is set within and south-east of a concrete block boundary wall, which separates the lands associated with the cottage from the neighbouring farmyard immediately to the north. Both the farmhouse and the neighbouring farmyard are accessed by means of the same gravel track from the public road.
- It is submitted that this boundary wall, although partially constructed of concrete block, comprises repair work to an earlier random rubble stone wall, now whitewashed over. It is considered that this wall forms the northern curtilage of the Protected Structure.
- An examination of the 1<sup>st</sup> edition of the 6 inch OS Map (1837-1841) indicates that this wall initially consisted of the south face of a farm unit (no longer extant), which itself forms the southern extent of the neighbouring farmyard. It was concluded that the stone barn lies outside the curtilage of the protected structure.

7.3.3. Thus, the first party claims that the boundary wall separates the protected farmhouse from the farmyard to the north. It is noted, however, that the NIAH Appraisal, which identifies the protected farmhouse as an important component of the vernacular heritage of south County Wexford, states that 'adjacent outbuildings (extant 1840) continue to contribute positively to the group and setting values of a self-contained ensemble having historic connections with the Barry family.'

7.3.4. Based on the information on the file and the NIAH appraisal of the Protected Structure, it is considered that it is not entirely clear whether the farmyard and integral stone outbuildings formed part of the original landholding associated with the Protected Structure known as Barry House. It is possible that there were two

farmyards side by side. However, the remnants of the stone wall, (which may have formed part of a stone structure that is no longer extant), could still have formed part of a larger farmyard complex associated with the farmhouse. Thus, it is conceivable that the stone barn, the subject of this appeal, may form part of the historic curtilage of the Protected Structure. It is therefore important to ensure that the proposed development does not adversely affect the setting of the Protected Structure.

7.3.5. Chapter 13 of the Wexford CDP 2022-2028 contains the following relevant policies –

**Objective BH06** - To protect the curtilage of Protected Structures or proposed Protected Structures from any works which would cause loss of, or damage to, the special character of the structure and loss of or damage to, any structures of heritage value within the curtilage or attendant grounds of the structure.

**Objective BH07** - To ensure development within the curtilage of a Protected Structure is compatible with its character. This does not preclude putting forward innovative contemporary designs that respect the context of the Protected Structure

**Objective BH09** - To protect, maintain and enhance the established character and setting of vernacular buildings which are worthy of protection or have architectural heritage value, farmyards and settlements where they make a positive contribution to the built heritage and encourage the re-use and sensitive refurbishment of vernacular buildings using appropriate design and materials and having regard to best practice conservation guidelines.

7.3.6. The proposed development seeks to retain some alterations to the external façade of the stone barn and to convert the use of the barn to a residential use. It is considered that the nature and extent of the works carried out to the structure thus far, and as proposed, are minor in scale and significance. There are no changes proposed to the building envelope and the external appearance is generally maintained apart from some minor alterations to accommodate windows and doors. I do not consider that the works would detract from the character of the stone building and, together with the change of use to residential, are likely to secure its future use and longevity.

7.3.7. Given the minor nature of the works and the considerable investment involved in the restoration and conversion of the barn, it is considered that the proposed development would not result in any significant adverse impacts on the special

character or setting of the Protected Structure. As the stone barn makes a positive contribution to the farmyard setting, the re-use and sensitive restoration of this vernacular building is to be welcomed as it would ensure that the structure will be retained and maintained in good condition into the future. It is considered, therefore, that the proposed development is in accordance with the architectural heritage policies and objectives of the Wexford Development Plan.

#### **7.4. Residential amenity**

- 7.4.1. The appellants have expressed concern that the proposed dwelling would be too close to their dwelling, would overlook it and would result in a loss of privacy to their house and garden. The submitted drawings show that the proposed residential unit would be located c.45.608m from the appellants' dwelling. As noted in the previous section, there is a boundary wall along the northern boundary of Barry House which provides some additional level of screening. There is also shrubbery in the front garden of the PS and in the area adjacent to the boundary wall. In addition, the proposed house would be located within the farmyard, which is also defined by a stone boundary wall to the east of the stone barn. The first-floor windows are confined to the side and rear elevations and the velux on the SE elevation is very small and high up the roof slope. The patio door is at ground floor level. It is considered that the combination of the large separation distance, the limited number and size of windows and the intervening vegetation and boundary walls will minimise the extent of any overlooking and loss of privacy to the appellants.
- 7.4.2. In terms of residential amenity for both the future occupiers and the existing neighbouring properties, it is considered, however, that inadequate attention has been paid to boundary treatment and landscaping of the appeal site. The residential unit is immediately adjacent to an active farmyard with a large slatted-shed and is accessed by means of a track which is shared with tractors and large agricultural machinery. There do not appear to be any existing or proposed physical barriers separating the proposed dwelling from the farmyard activities on the southern and western sides.
- 7.4.3. I note that the proposed new hedgerows are to be planted around the green area to the east of the proposed dwelling but would terminate at the existing concrete apron. There is no reason why the hedgerows could not extend around the rear of and side

of the dwelling. It is considered that the front of the property, which currently consists of a large concrete apron, should be screened from the access lane/driveway and be provided with some landscaping to soften the appearance of the building and in the interests of the amenities of the future occupiers. In addition, the western side boundary should be physically defined and secured with a screen wall to separate the residential use from the farmyard activities to the west. This could provide for an additional private side and rear amenity area for the dwelling. It is further considered that a revised landscaping plan for the appeal site should be required to be submitted as part of any planning permission.

- 7.4.4. In conclusion, given the siting and layout of the proposed development, together with the existing and proposed landscape screening, and subject to a requirement to provide additional boundary treatment and landscape screening as discussed above, it is considered that the proposed dwelling would not give rise to any significant level of overlooking or loss of privacy. The proposal would not, therefore, result in any significant injury to the residential amenities of neighbouring properties. Should the Board be minded to grant permission, therefore, appropriately worded conditions requiring additional landscaping and boundary treatment should be attached to any such permission.

## **7.5. Adequacy of drainage proposals**

- 7.5.1. Drainage issues have been raised in respect of the site of the proposed percolation area for the new dwelling and in particular, the difference in ground levels between the percolation area and the appellants' site and domestic well. The appellants are concerned that there is a risk of foul water entering their domestic well, which it is stated is c.50m downslope of the proposed percolation area. It should be noted, however, that no information has been provided regarding the location of this well and that the farmyard complex is served by public water mains.
- 7.5.2. The application was accompanied by a Site Suitability Assessment including a Site Characterisation Form, which was carried out by the applicant's engineer. The topsoil is described as a deep well-drained mineral soil (sandstone and shale till) and the subsoil (Till derived from Cambrian sandstones and shales) has a low permeability. The aquifer is described as a poor aquifer of bedrock which is generally unproductive except for local zones. The Groundwater body is Bridgetown



(IE\_SE\_G\_022), with a good status. The vulnerability rating is low giving a Ground water Protection Response of R1, and the Regional Groundwater Flow direction is south. The closest watercourse is 360m to the east. Barry House is stated as being 54.5m from the test location. Potential targets were identified as groundwater and any existing wells in the area.

- 7.5.3. The water table was established at 1.9m below ground level and no bedrock was encountered (stated as >2.1m). An average T Value of 67.00 and a P Value of 47.00 were observed. This indicated that the site is suitable for Tertiary Treatment system and infiltration area subject to meeting the minimum unsaturated soil and subsoil depth requirements (Table 6.3 of COP) and the Minimum Separation distances (Table 6.2 of COP). The depth of unsaturated subsoil beneath the invert of gravel was stated as 0.90 and it was confirmed that all minimum distances required under Table 6.2 have been met. A map showing the location of all constraints was included as an appendix to the report. It is proposed to provide the following system:

Secondary treatment via Eurotank BaF followed by -

Tertiary treatment via Eurotank TER3 Unit laid on 100sq.m infiltration area laid on - 900mm on site soils (gravelly CLAY) followed by -

Discharge to groundwater.

- 7.5.4. The applicant has responded to the appellants' concerns regarding overflow of foul water onto their site and potentially contaminating their well. The applicant has disputed this on the ground that firstly, the proposed treatment system and percolation area are downhill from the appellants' site, and secondly, that the minimum separation distances from the well are in accordance with the requirements of Table 6.2 (of COP). Furthermore, it was stated that historically Barry House has been on a public water mains connection, and it was submitted that the well in question may have been installed without the benefit of planning permission.
- 7.5.5. From my examination of the technical information provided with the application and from my observations on site, I would agree with the appellants that the site of the proposed percolation area is slightly elevated and is likely to be slightly upgradient of their site. However, I note that the area within which the percolation area is to be sited is part of an agricultural field which has a trench or ditch running alongside the western and southern boundaries of the field. I also observed that there is an

interceptor drain located within the ditch, which was dry at the time of inspection, notwithstanding heavy rain the previous night.

- 7.5.6. It was further noted that the proposed location for the soakpit is to the north-west of the percolation area and that there is an access track between the ditch and the entrance to the appellants' site. I also note that the distance between the percolation area and the boundary of the appellants' site is greater than 25m. Having regard to these features of the site, it is considered that any contaminated surface water would be directed to the soakpit and/or the interceptor drain and would be unlikely to reach the appellants' site.
- 7.5.7. There is no indication of where the appellants' domestic well is located, but it was stated in one of the submissions that it is c.50m from the percolation area. I note that Table 6.2 of COP states that where the PV is between 30 and 120 (usually for silt/clay type soil), and where the depth of subsoil is 1.2-3.0m, a distance of 40m is required between a well which is down-gradient of a WWTS. Thus, it is considered that the minimum distances are met in this instance. It is further noted that mains water connection is available in this area. The P.A. Environment section was also satisfied with the proposed wastewater treatment system, which was considered to be adequately sized for a PE of 6. No objections were raised subject to conditions, which included a requirement that it comply with all separation distances listed in Table 6.2 of the EPA Code of Practice 2021.
- 7.5.8. It is noted that the proposed treatment system will be installed and certified by a qualified Assessor, as required by the P.A. conditions. Furthermore, after installation, the tank will be certified, and a report sent to the planning authority, and thereafter, will be regularly maintained and serviced to the manufacturer's instructions. It is further noted, from my site inspection, that the field within which the proposed dwelling is to be located appeared to be very well drained at the time of my site inspection.
- 7.5.9. It is considered that having regard to the information submitted with the application regarding the characteristics of the site and design of the proposed treatment system, and to my observations on site, which are generally in accordance with those described in the SAU report, the proposed wastewater treatment system would be appropriate, subject to standard conditions requiring compliance with EPA

requirements. I am satisfied, therefore, on the basis of the submissions made in connection with the application and appeal, that the site can be adequately drained to avoid any adverse impact on adjoining properties and would not be prejudicial to public health.

## **7.6. Traffic and transport**

- 7.6.1. The appellant states that the shared access track is unsurfaced and in poor condition and that it is heavily used by large agricultural machinery and tractors, which makes it hazardous. I would agree that the condition of the access lane is very poor, and it had large potholes which were filled with surface water at the time of my inspection. Given that there are two existing dwellings and an active farmyard using the track already, and that it is now proposed to convert a barn to a further residential unit, it is considered that the condition of the track should be upgraded by means of resurfacing, in the interests of traffic safety.
- 7.6.2. The P.A. Road's engineer noted that sightlines at the entrance were poor, but as it was an established entrance, no objections were raised. However, it was considered that the applicant should be required to ensure that sightlines would be maintained in the interests of road safety. I would agree that the sightlines at the entrance are poor, particularly in a southerly direction, due to vegetation on each corner. However, the lands on either side of the entrance are owned by the applicant and/or her family, and as such has control over ensuring that adequate sight distances can be maintained. During my site inspection I also observed that the public road is substandard in width and alignment, but also noted that it was very lightly trafficked.
- 7.6.3. Should the Board be minded to grant permission, therefore, condition(s) requiring the resurfacing of the lane and the maintenance of adequate sight triangles at the entrance should be attached to any such permission.

## **7.7. Environmental Impact Assessment**

- 7.7.1. Class 10(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required where more than 500 dwelling units would be constructed and where 10-hectare urban sites would be developed. The proposal is for the development of a site with a stated area of 0.20ha to provide for the conversion of a barn to a single residential unit with a wastewater treatment system. Accordingly, it does not attract the need for a mandatory EIA.

7.7.2. (See completed Form 2 attached). The proposed development is for the restoration of a small barn and its conversion to a single dwelling house and the provision of a wastewater treatment system, which will involve tertiary treatment of wastewater. The proposed development is not located adjacent to or hydrologically connected to any environmentally sensitive sites. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination stage that there is no real likelihood of significant effects on the environment arising from the proposed development. Environmental Impact Assessment is, therefore not required.

## **7.8. Appropriate Assessment**

- 7.8.1. The closest European sites are Tacumshin Lake SAC (000709) and Tacumshin Lake SPA (004092) which are located approximately 2km to the east, Seas Off Wexford SPA (004237) and Saltee Islands SAC (000707), which are located approx. 2km to the south. Other European sites in the vicinity include Lady's Island Lake SAC (000704) and Lady's Island Lake SPA (004009) which are approx. 9km to southeast, Ballyteigue Burrow SAC (000696) and Ballyteigue Burrow SPA (004020) which are located approx. 6km to the southwest.
- 7.8.2. Having regard to the nature, scale and location of the proposed development, the nature of the receiving environment and the distances from the nearest European sites, and the absence of any indication of a hydrological link to the European sites, it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

- 8.1. It is recommended that planning permission be granted for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having regard to the limited nature and scale of the proposed development which involves the conversion of an existing barn to a single dwelling house with a

proprietary wastewater treatment system and to the policies and objectives of the current Wexford County Development Plan 2022-2028, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. The proposed development shall be amended as follows:
  - (a) The boundaries of the site shall be screened from the adjoining farmyard by means of hedging or screen walls with a maximum height of 2.0 metres above ground level, which shall either be of natural stone or shall be capped and rendered and painted with a neutral colour.
  - (b) The layout of the area to the front of the dwelling shall be revised to incorporate a vehicular entrance and shall include a landscaped area to provide for a front garden immediately in front of the dwelling in place of the existing concrete pad.
  - (c) The access track shall be upgraded with a new surface from the public road as far as the entrance to the dwelling.

Revised drawings and details of the layout, the materials and external finishes of the boundary treatment and landscaped area and resurfaced driveway showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall be carried out in accordance with the agreed scheme prior to the occupation of the dwelling.

**Reason:** In the interest of residential amenity and traffic safety.

3. Prior to the commencement of development, the developer shall enter into a water connection agreement with Uisce Eireann, and the dwelling shall not be occupied until water services serving the development have been installed and functioning in accordance with the connection agreements with Irish Water.

**Reason:** In the interests of residential amenity.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

5. (a) The wastewater treatment plant, polishing filter and infiltration area shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 29<sup>th</sup> of August 2023, and in accordance with the requirements of the document entitled "Code of Practice-Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.< 10) – Environmental Protection Agency, 2021". No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.  
  
(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwelling house and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakaways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

**Reason:** In the interest of public health.

- 6. (a) All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties and shall be collected and diverted to discharge to existing watercourses or to drains or soakpits.
- (b) The access driveway to the proposed development shall be provided with adequately sized pipes or ducts to ensure that no interference will be caused to existing roadside drainage.

**Reason:** In the interest of traffic safety and to prevent pollution.

- 7. The landscaping scheme shown on Drawing No. 21.10\_P01, as submitted to the planning authority on the 29<sup>th</sup> day of August, 2023 shall be carried out within the first planting season following substantial completion of the external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out

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- The proposed hedgerows shall be extended along the northern (rear) and western (side) boundaries.
- The hedgerows shall comprise a mix of deciduous plants and hedging species common to the locality (e.g. holly, hawthorn, blackthorn, field maple) and shall be planted in continuous double rows at 400mm intervals along the boundaries of the site.
- A minimum of six deciduous trees (not dwarfed) shall be planted in the hedgerows or elsewhere within the site. Suggested species include field maple, sycamore, silver birch, rowan, white beam, oak and chestnut.

All planting shall be adequately protected from damage until established. Any plants, trees or hedgerows which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act, 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the



time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under Section 48 of the Act be applied to the permission.

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.

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Mary Kennelly  
Senior Planning Inspector

4<sup>th</sup> March 2024