



An
Bord
Pleanála

Inspector's Report ABP-318961-24

Development	Construction of 4 houses and all associated site works
Location	Ballymacane, Tacumshin, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20230559
Applicant(s)	C & G Builders Ltd
Type of Application	Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	Seamus Begley
Observer(s)	none
Date of Site Inspection	23 rd September 2024
Inspector	Aisling MacNamara

1.0 Site Location and Description

- 1.1. The development proposal relates to a 1.178ha site in the rural area of Ballymacane, Tacumshin, Co. Wexford, located approximately 8km south west of Rosslare Harbour and west of Lady's Island Lake. The site is located near the edge of Tacumshane which is a small rural cluster of development containing a community centre (former school), church and graveyard, Meylers Millhouse bar and restaurant, a historic thatched windmill (national monument) which is a local heritage attraction and a small number of rural houses, all centred around a junction Faythe crossroads. The site is about 315m from Faythe cross roads.
- 1.2. Access to the site is from a local primary road L3065. The eastern boundary of the site adjoins a row of one off rural houses located between the site and Meylers Millhouse. Opposite the site on the other side of the L3065 there is agricultural land, farm buildings and a detached house. The site is part of an open field that is currently grassed and with cattle on day of site visit. The roadside boundary is formed by bank and hedge and the eastern boundary of the site is mature hedge. There are no footpaths in the village or between the site and village.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
- construction of 4 no. two storey four bed houses each within their own site curtilage:
 - Site A - 0.293ha , type B 187sqm
 - Site B - 0.219ha, type A 201sqm
 - Site C - 0.217ha, type B 187sqm
 - Site D - 0.268ha, type A 201sqm
 - Each house is served by their own private driveway and parking area accessed off a single new shared entrance and internal access road from the public road.
 - The existing bank and hedge on the roadside boundary is to be replaced with a new 1m high natural stone wall and 1.2m piers set back from the existing

roadside boundary and a new 2m wide footpath is to be constructed along the new setback roadside boundary.

- Each house is to be served by on site wastewater treatment and disposal.
- Surface water is to be collected on site in ponds that connect via pipe to an open drain at the rear of the field.
- A landscaping plan is submitted - the new site curtilages are to be treated with post and wire fencing and hedging, a woodland biodiversity area is to be planted behind the front roadside wall and a wild meadow is to be planted at the rear of each site.

3.0 Planning Authority Decision

3.1. Further Information

Further information was requested on 14th July 2023 in relation to three items: (i) the development includes a proposal to discharge surface water to a local stream which is a direct pathway to Tacumshin Lake SAC and a stage 2 NIS should be submitted, (ii) provide revised junction design for 65m sightlines from 3m setback including landowner consent if required, (iii) submit details in relation to roadside drainage.

The response to the further information request was received on 20th December 2023 which included an appropriate assessment screening report, revised site layout showing sightlines and details and drawings for drainage.

3.2. Decision

The planning authority issued a notification of decision to grant permission on 24th January 2024, subject to 11 conditions.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- The report of the Assistant Planner dated 11th July 2023 sets out the basis for a recommendation to refuse permission for 5 reasons:

- (i) the development of four dwellings in the countryside is contrary to section 3.6.8 and section 4.91 of CDP whereby consideration will only be given for individual dwellings,
 - (ii) not demonstrated that adequate sightlines provided – contrary to section 8.7.3 of CDP, interferes with free flow of traffic, traffic hazard,
 - (iii) results in ribbon development and contrary to section 4.9.3 of CDP,
 - (iv) inadequate information regarding surface water disposal – prejudicial to public health,
 - (v) removal of hedgerow, undue loss of natural features and detracts from visual amenity – contrary to section 2.9.1 of CDP. EIA not required. AA not required. The site is in level 7 open countryside in an area of Strong Urban Influence and in the Coastal Zone. The applicant has not complied with section 4.9 Housing in the Open Countryside and Table 4.6 criteria for one off rural housing.
- The report of the Senior Planner dated 13th July 2023 reviews the recommendation to refuse permission. It states that the proposed development is considered to be part of the village of Tacumshin. The village should have been included in the new policy of the CDP as a level 6 settlement as it is of a similar scale to a number of the villages listed in the CDP. Given there are no plans by UE to provide wastewater proposals there is a need to encourage development in villages. The removal of roadside hedge would have limited impact. Surface water is to discharge to stream that feeds into Tacumshin Lake SAC - this requires Stage 2 NIS. The report recommends further information be sought.
 - The response to the further information request was considered in the report of the Senior Planner dated 24th January 2023. The response was deemed acceptable and grant of permission is recommended.

3.3.2. Other Technical Reports

- Senior Executive Scientist (Environment): The report at initial application stage recommended that permission be granted subject to condition for certification of the waste water treatment systems.

- Roads report: Report at initial application stage recommends further information in relation to sightlines (requires 65m sight distance from 3m point back), works for sightlines to be within red site boundary or need consent, surface water details. Second report at FI stage considers that the revised proposal are acceptable. Sightlines can be achieved. Full reinstatement of hedging required. Recommend grant subject to conditions.
- Water Services: Applicant shall enter into a connection agreement with Irish Water for watermains.

3.4. Prescribed Bodies

Uisce Eireann – no objection

3.5. Third Party Observations

One observation was received. The main issues raised include the following:

- Site located in open countryside where only one off housing should be provided.
- In coastal zone under strong urban influence.
- Not in line with objective CS04 and not in accordance with sequential development principle.
- Contributes to ribbon development.
- Site not serviced and no plans for wastewater service network.
- Poor drainage.
- Impact on Tacumshane Lake SAC should be considered.
- Discharge licence required to discharge to watercourse.
- No information for sightlines provided.
- Extensive hedgerow removal.
- Located on dangerous bend.
- Information at pre planning meeting contradicts CDP.

4.0 Planning History

The following applications relate to the same site as the subject appeal site:

PA 20053848 - grant Jan 2006 – permission for erection of 4 fully serviced dwelling houses, domestic garages and associated works. The duration of the permission was extended by s. 42 to Feb 2016. The development was not commenced.

PA20043793 – grant March 2005 – outline permission for 4 fully serviced dwelling houses, domestic garages and associated site works

PA20040982 – refused April 2004 – permission for erection of 5 no. fully serviced dwelling houses, domestic garages and an amenity building and associated site works

5.0 Policy Context

5.1. National Planning Framework 2040

5.2. National Policy Objective 19 states that ‘In rural areas under urban influence, facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in a rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.3. Wexford County Development Plan (CDP) 2022-2028

The Wexford County Development Plan 2022-2028 (CDP) is the operative development plan for the county.

Policies, objectives and sections of particular relevance include:

Chapter 3 Core Strategy

3.5 Core Strategy Settlement Hierarchy – includes a list of settlements – level 5 are small villages, level 6 are rural nodes, level 7 is open countryside. Table 3-2 is the County Wexford Settlement Hierarchy

Objective CS02 To ensure that new residential development in all settlements complies with the population and housing allocation targets and the principles set out in the Core Strategy and Settlement Development Strategy, in so far as practicable.

Objective CS25 To ensure that the open countryside continues to be a living and lived in landscape focusing on the requirements of rural economies and rural communities while at the same protecting the open countryside from inappropriate development, urban generated housing and protecting its landscape and environmental quality.

Chapter 4 Sustainable Housing

Section 4.9 Housing in the Open Countryside

Site is located in an area of Strong Urban Influence (map 1 Rural Area Types).

Objective SH39 To consider individual rural housing in the open countryside in accordance with the categories and associated criteria set out in Table 4.6 and subject to compliance with normal planning and environmental criteria and the relevant development management standards.

Table 4.6 Criteria for one off rural housing - The site is located in rural area type coastal zone. Applicants must comply with the criteria for that category

Objective SH43 To adopt a presumption against ribbon development in the open countryside and on the approach roads to towns and villages in the interests of the proper planning and sustainable development of the area save for the exceptions outlined in Section 4.9.3 of this chapter.

Chapter 13 Heritage and Conservation

Objective NH13 To ensure applications for development include proposals for native planting and leave a suitable ecological buffer zone between the development works and any areas or features of ecological importance. To minimise the removal of hedgerow and natural boundaries, and where hedgerows are required to be removed the applicant/developer will be required to reinstate the hedgerows with a suitable replacement of native species.

Development Management Manual

2.9.1 Roadside Boundaries in Rural Areas

6.2.6 Siting and Design of Access / Egress Points – road speed limit greater than 60kph requires 65m sightline on local / county roads.

Chapter 11 Landscape and Green Infrastructure

Objective L04 To require all developments to be appropriately be sited, designed and landscaped having regard to their setting in the landscape, ensure that any potential adverse visual impacts are minimised and that natural features and characteristics of the site are retained.

Objective L06 To ensure that developments are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the Upland, River Valley, Coastal or Distinctive Landscape Character Units.

Volume 7 Landscape Character Assessment

Site is located in coastal character area which has a high landscape sensitivity. Table 7-1 states that these areas experience greater pressure for tourism and residential development and are very sensitive to development and require protection both in their own right and for the services and economic benefits they bring. Uplands, Coastal and Distinctive Landscapes have a High Sensitivity to change and a limited ability to absorb new development. Development proposed within these areas must be shown not to impinge in any significant way upon their character, integrity or uniformity when viewed from the surroundings. Particular attention should be given to the preservation of the character and distinctiveness of these areas as viewed from scenic routes and the environs of archaeological and historic sites.

5.4. Natural Heritage Designations

The following designated sites are located in the vicinity of the site:

Special Protection Areas:

- Tacumshin Lake SPA 004092 – c 1.2km to south west
- Lady's Island Lake SPA 004009 – c 1.9km to east
- Seas off Wexford SPA 004237 – c 2.3km to south
- Wexford Harbour and Slobs SPA 004076 – c 6.2km to north

Special Areas of Conservation:

- Tacumshin Lake SAC 000709 - c 1.2km to south west
- Lady's Island Lake SAC 000704 – c 2km to south east
- Carnsore Point SAC 002269 – c 5.6km to east
- Saltee Islands SAC 000707 – c 5.9km to south west

Proposed Natural Heritage Areas:

- Tacumshin Lake pNHA – c 1.2 km to south west
- Lady's Island Lake pNHA – c 1.9km to east

5.5. EIA Screening

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 that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main issues in the appeal are as follows:

- Site is within the open countryside where housing is restricted to one off housing to people with a social or economic reason to live in the rural area. This is not complied with.
- Proposal does not comply with the priorities for compact growth in rural settlements. Proposed development would be car dependent, not served by services, no footpath available, unserviced site – would not be a sustainable development.

- Contributes to ribbon development contrary to CDP policy.
- Not served by waste water network.
- On site drainage is poor – concern over adequacy of the percolation tests and assessment for waste water treatment system.
- The information in relation to surface water drainage is insufficient.
- Adverse impact on water quality.
- Concern that discharge from percolation area will discharge to watercourse and discharge to Tacumshin Lake SAC. A stage 2 NIS is required.
- Not clear that sightlines can be provided. Likely that sightlines can only be achieved with removal of hedgerow on adjoining property and no consent is provided for this. Entrance is on curve – poses a traffic safety risk.
- Removal of hedgerow is contrary to CDP.
- Pre planning advice contradicts CDP.
- Amounts to speculative development.

6.2. **Applicant Response**

The applicant has responded to the appeal, stating the following main points:

- The site is located in Ballymacane, Tacumshin within the defined boundary of Tacumshin village.
- Planning history is noted.
- At a pre planning meeting with Senior Planner the planning authority advised that the site was considered to be part of the village of Tachumshane and speculative residential development for homes would be welcome. A high standard of design and layout is required.
- Permission granted by the planning authority with environment section, Irish Water and road section recommending grant of permission.
- Section 3.6.7 of the CDP identifies 35 rural notes or level 6 villages. Tachumshane is comparable to these villages and shares many similar

characteristics. Tachumshane village can be considered to be a rural node and not the open countryside. These nodes are suitable for limited new rural development with the purpose being to direct rural generated housing into these rural settlements rather than the open countryside.

- The scale of Tachumshane village relative to the site location is such that the application of sequential test is immaterial. The site is 2 / 3 minutes walk to village restaurant and church.
- Tacumshane is a village and is appropriate to provide for new residential development as per the core strategy. It is assumed that future occupants will contribute to the rural economy, thus allowing for sustainable transportation patterns.
- The proposed development is a cluster development within the settlement boundary of the village and therefore there is not ribbon development.
- The applicant submitted an AA screening report which concludes that there will be no effect on Grogan Burrow or Tacumshin Lake SAC and SPA.
- The appellants questions regarding the validity of the submitted percolation results and validity of the submitted AA screening report are baseless and unsubstantiated. The planning authority's Senior Exec Scientist found no deficiency and recommended grant of permission.
- A limited extent of hedgerow is to be removed for sightlines. A hedgerow will be reinstated behind the sightline. A large biodiversity area is proposed directly adjacent to the entrance along the entirety of the sites road frontage.

6.3. Planning Authority Response

none

6.4. Observations

none

6.5. Further Responses

none

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- principle of development
- visual amenity, character and ribbon development
- access and sightlines
- roadside boundary
- waste water treatment and disposal
- surface water drainage

7.2. Principle of development

7.2.1. Objective CS02 of the Wexford County Development Plan (CDP) 2022-2028 states that residential development is to comply with the targets and principles of the core strategy and settlement development strategy. Table 3-2 County Wexford Settlement Hierarchy of Section 3.5 of the CDP sets out the core strategy settlement hierarchy for the county. The hierarchy includes a list of 7 settlements ranging from level 1 key town to level 5 small villages, level 6 rural nodes and level 7 open countryside. The site is located near a small cluster of development at Tacumshane which contains certain services and facilities however lacks other services such as public wastewater infrastructure or road infrastructure such as footpaths. The planning authority has taken the view that the site is part of the village of Tachumshane and that the village 'should' of been included as a level 6 settlement. Having viewed the CDP, it is my opinion that the site is not within any of the level 1 to 6 settlements listed in Table 3-2 County Wexford Settlement Hierarchy of the CDP

and therefore it is located within the open countryside rural area. Whilst there is a cluster of development nearby, the site is not served by public wastewater services and there are no footpaths in the vicinity. I therefore consider that the site is within the 'open countryside' and a proposal for housing within the rural countryside is to be considered under the rural housing policy provisions set out in Section 4.9 Housing in the Open Countryside of the CDP.

- 7.2.2. Objective CS25 of the CDP is to protect the open countryside from inappropriate development, urban generated housing and to protect its landscape and environmental quality. As shown in Map 1 Rural Type Areas of the CDP, the site is located within an area designated as a rural area under strong urban influence. The CDP states that one off rural housing in the open countryside will be considered where a social or functional economic need is demonstrated in accordance with section 4.9 Housing in the Open Countryside in Chapter 4 Sustainable Housing which sets out criteria in Table 4.6. No details are submitted to show compliance in accordance with these requirements.
- 7.2.3. I consider that the proposal for four dwellings in the open countryside, with no details to show compliance with the rural housing policy for such housing, is contrary to the objective CS25 to protect the open countryside, is a form of inappropriate urban generated housing and is contrary to national and regional objectives to protect the open countryside from inappropriate urban generated housing. Refusal of permission for these reasons is therefore recommended.

7.3. Visual amenity, character and ribbon development

- 7.3.1. As per Chapter 11 Landscape and Green Infrastructure of the CDP and Volume 7 Landscape Character Assessment, the site is located in a coastal character landscape area which is a landscape that has a high sensitivity to change and limited ability to absorb new development. As per objective L04, developments are required to be appropriately sited, designed and landscaped having regard to their landscape setting. Development proposals in the coastal character area must not impinge in any significant way upon the character, integrity and uniformity of the landscape. Objective L06 states that it is particularly important that developments in the coastal landscape are not unduly visually obtrusive in the landscape.

- 7.3.2. This is a rural area at the edge of a small cluster of development. The site is part of the open countryside. The proposal is for a multi unit housing development for two sets of matching two storey suburban type houses that are served by a single entrance to the public road and an internal shared access road. The plots are to be laid out in linear form and due to the matching height, bulk and design theme of the houses, there would be a degree of visual uniformity across the development that is not typical of the open countryside. The natural bank and hedge feature along the road is to be removed and replaced with a wall and footpath. The site is within the rural area and in my opinion, the layout and design is not in keeping with the form of single one off housing typical in rural areas. It is my view that this form of development would be visually obtrusive in this landscape.
- 7.3.3. I consider that the proposed development is a suburban layout and design that is not appropriate on lands that are designated as being part of the open countryside. I therefore consider that the development would compromise the rural character of the area and that this would adversely impact on the visual amenities of the area. Refusal of permission is recommended for this reason.
- 7.3.4. The third parties have raised concerns that the proposal amounts to 'ribbon development'. The CDP and rural planning guidelines recommend against 'ribbon development' due impacts including the erosion of rural character. I consider that the issue of 'ribbon development' is of particular relevance in the assessment of proposals for individual houses and has less relevance to the development proposal for a multiple housing development. I have already considered the impact of the development on the character of the area and as set out above, I consider that the proposal is a multi unit suburban form of development that compromises the amenity of the rural area.

7.4. Access and sightlines

- 7.4.1. It is proposed to construct a new vehicular entrance from the site to the L3065 local primary road. There is a low amount of traffic on this road and speeds are typically c 50-60km per hour. The Development Management Manual in the CDP sets out standards for the design of access and egress points in section 6.2.6. The standards state that local / country roads with speed limits greater than 60kmp require a 65m sightline from 3m set back. The planning authority's roads engineer considered that

the revised proposals submitted at further information stage were acceptable on traffic safety grounds and that sightlines of 65m would be provided.

- 7.4.2. The drawings submitted at further information stage show sightlines of 65m either side can be provided from a 3m setback to the inner edge of the carriageway with the removal of the existing hedge. I am satisfied that a sightline of 65m can be achieved in accordance with the standards of the CDP. The site is on an existing bend. With the removal of the hedgerow, I am satisfied that there would be satisfactory forward visibility of cars turning right into the entrance. I am satisfied that all works proposed to achieve the required sightlines are on lands within the control of the applicant.
- 7.4.3. The third party has raised concerns over the accuracy of the drawings. I am satisfied that the drawings are acceptable and allow for assessment of the proposals.
- 7.4.4. Therefore I am satisfied that the design of the entrance is acceptable and that there would be no traffic hazard impacts.

7.5. Roadside boundary

- 7.5.1. The existing roadside boundary is a bank and hedgerow. In order to achieve sightlines, it is proposed to remove about 110m of this bank and hedgerow and replace it with a setback natural stone wall 1m in height with 1.2m high piers. A landscaping plan is submitted showing that a biodiversity woodland area is to be planted behind the wall. Objective NH13 of the CDP is to minimise the removal of natural hedgerows. Section 2.9.1 of the Development Management Manual of the CDP sets out design advice for roadside boundaries in rural areas. It states the following:

“The existing roadside hedgerows, trees and stone walls, where present, should be retained. However, it is noted that it will be necessary to remove some of an existing roadside boundary in order to facilitate the new or widened vehicular entrance and/or to provide the required sightlines at that entrance. The removal of the full length of a roadside boundary to achieve sightlines should be avoided. The Planning Authority will consider the acceptability of this on a case by case basis having regard to the type and quality of boundary and its contribution to the rural character at that location. Where removal of the hedgerow is permitted, it must be replaced with appropriate native hedging and trees.”

7.5.2. In this case, a substantial length of roadside boundary comprising bank and fragmented hedgerow is proposed to be removed. I note that the Biologiq Solutions report (AA Screening Report) states that the earth bank and hedgerow is of limited ecological value. This site and section of roadside boundary is within the open countryside. Whilst new woodland planting is proposed to mitigate the loss of the roadside hedge, it is clear that the overriding aim as set out in the development management guidelines, is to avoid the removal of full lengths of natural boundaries to achieve sightlines. Having regard to the location of the site within a highly sensitive rural area where the natural roadside bank and hedge positively contributes to the character of the rural area, and to the extent of this natural boundary which is being being lost to facilitate sightlines for multi unit housing which is considered to be a form of non essential urban generated housing, I do not consider that the removal is justified in this case and I therefore consider that the removal of a considerable stretch of natural boundary would adversely impact on the visual amenity, ecology and rural character of this area. Refusal of permission is recommended on this basis.

7.6. **Waste water treatment and disposal**

- 7.6.1. It is proposed to install four on site waste water treatment and disposal systems. The third parties have raised concerns regarding the adequacy of the site for drainage.
- 7.6.2. The EPA Code of Practice for Domestic Waste Water Treatment Systems 2021 sets out guidance on the provision of on site waste water treatment and disposal systems for single houses.
- 7.6.3. The site is in a resource protection area with a poor aquifer with low vulnerability (generally unproductive except for local zones). The CoP Table E1 indicates the site falls within the R1 response category where an on site system is acceptable subject to normal practice. A site characterisation form is submitted for each site showing the results of the site tests. The assessor states that tests have previously been carried out in this field and drainage is best at the rear of the site. The results are as follows:
- 7.6.4. Site A: The 2.1m trial hole found clay and sandy soil. No bedrock or water table was present however mottled clay was found at 1.2m below ground level. A T value (standard method) of 42.92 (min/25mm) and P value of 26.89 (min/25mm) was recorded.

- 7.6.5. Site B: The 2.1m trial hole found clay and sandy soil. No bedrock or water table was present however mottled clay was found at 1.2m below ground level. A T value (standard method) of 45 (min/25mm) and P value of 32.31 (min/25mm) was recorded.
- 7.6.6. Site C: The 2.1m trial hole found clay and sandy soil. No bedrock or water table was present however mottled clay was found at 1.1m below ground level. A T value (standard method) of 47.22 (min/25mm) and P value of 31.94 (min/25mm) was recorded.
- 7.6.7. Site D: The 2 m trial hole found clay and sandy soil. No bedrock was present, however water table was found at 1.8m and mottled clay was found at 1.1m below ground level. A T value (standard method) of 49.17 (min/25mm) and P value of 30.61 (min/25mm) was recorded.
- 7.6.8. All sites were deemed suitable for the installation of an on site system and the topsoil is suitable for a raised percolation area. On all sites it is proposed to install a secondary treatment system and soil polishing filter with discharge to ground water. The polishing filter is to be raised to allow for the minimum unsaturated soil depth requirements. Water supply is from public mains. Table 6.1 sets out the minimum separation distances from features. These minimum separation distances can be achieved.
- 7.6.9. On day of site visit, there was no evidence of significant pooling of surface water or other evidence on site to indicate that the site would not be suitable for on site effluent disposal.
- 7.6.10. Having regard to the soil conditions and the details in the site characterisation form including my observations on site, I am satisfied that the proposed systems, once installed and maintained to the required specifications, would be acceptable and would not give rise to public health concerns.

7.7. Surface water drainage

- 7.7.1. The site assessor stated in the site characterisation forms that drainage towards the front of the site is poorer than that of the rear. To address this, surface water drained from the houses and road is to be collected to attenuation ponds with each pond fitted with silt traps and hydrobrakes which will drain to a pipe connecting to the open

drain at the rear of the field. Therefore, surface water is not to percolate directly to ground but is to be collected and discharged off the site to an existing surface water drain. Should permission be granted, a condition should be included requiring final details for the design of the drainage infrastructure, including silt trap and petrol interceptors, to be submitted prior to development.

- 7.7.2. I consider that the proposed method of surface water disposal is acceptable and would not give rise to public health concerns.

8.0 AA Screening

A full screening assessment is set out in Appendix 3.

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 1777 U of the Planning and Development Act 2000 (as amended), I conclude that the project individually or in combination with other plans or projects would not be likely to give rise to a significant effect on the following European Sites:

- Tacumshin Lake SPA,
- Tacumshin Lake SAC,
- Lady's Island Lake SPA,
- Lady's Island Lake SAC,
- Seas off Wexford SPA,
- Carnsore Point SAC,
- Saltee Islands SAC,

or any other European site, in view of the sites conservation objectives, and Appropriate Assessment is not therefore required.

This determination is based on:

- the relatively modest scale of the development and lack of impact mechanisms that could significantly effect a European site,
- distance from and weak indirect connections to the European sites,
- no significant ex-situ impacts.

9.0 Recommendation

I recommend refusal of permission for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. The proposed development is located within the open countryside outside of a settlement as identified in Section 3.5 County Wexford Settlement Hierarchy of the Wexford County Development Plan 2022-2028 and is located in a rural area under strong urban influence. Objective CS25 of the County Development Plan is *“To ensure that the open countryside continues to be a living and lived in landscape focusing on the requirements of rural economies and rural communities while at the same protecting the open countryside from inappropriate development, urban generated housing and protecting its landscape and environmental quality.”* This objective is considered reasonable. It is a policy of the planning authority, as set out in the plan, to channel housing into serviced centres and to restrict development in rural areas to that necessary to serve those with a local need including the needs of those engaged in agriculture and other rural activities. The proposed multi – unit development is a form of urban generated development that would lead to demands for the uneconomic provision of further public services and communal facilities in an area where these are not proposed and would interfere with the rural character and attractiveness of the area. The proposed development would, therefore, contravene the development objective as set out in the development plan and be contrary to the proper planning and sustainable development of the area.
2. The site is located in the open countryside in an area which is designated a highly sensitive Coastal Zone landscape in the current Wexford Development Plan 2022-2028. Having regard to the nature of the proposed development comprising of a multi- unit development in a sensitive rural location and to the scale, suburban layout and design of the development which includes the removal of a considerable length of natural roadside boundary, it is considered that the proposed development would be visually obtrusive, would

detract to an undue degree from the rural character and scenic amenities of the area and would seriously injure the visual amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

A-MacNamara

Aisling Mac Namara
Planning Inspector

30 October 2024

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

An Bord Pleanála Case Reference	318961			
Proposed Development Summary	Construction of 4 houses and associated site works			
Development Address	Ballymacane, Tacumshin, 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	x	
		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.....	EIA Mandatory EIAR required	
No	X		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	x	Schedule 5, Part 2, 10 (b) (i) Construction of more than 500 dwelling units		Proceed to Q.4
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4. Has Schedule 7A information been submitted?				
No	x		Preliminary Examination required	
Yes			Screening Determination required	

Inspector: *A-MacJamara* Date: 30 October 2024

Appendix 2
Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference	318961	
Proposed Development Summary	Construction of 4 houses and all associated site works	
Development Address	Ballymacane, Tacumshin, Co. Wexford	
<p>The Board carried 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> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</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 proposal is for the construction of 4 houses in the rural area near the edge of Tacumshane. Housing is a common form of development in a rural area and the development form is not exceptional in the context of the existing environment.</p> <p>The development involves treatment and disposal of effluent to ground. Subject to compliance with the relevant standards this will not result in pollution.</p> <p>Disposal of storm water to attenuation ponds and an existing surface water channel will not result in significant pollution.</p> <p>Emissions from cars will not be significant.</p> <p>Subject to best construction and waste management practice the construction would not result in significant waste, emissions or pollution.</p>	No

	Therefore the development will not result in the production of significant waste, emissions or pollutants.	
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and / or permitted projects?	The proposed construction of 4 houses and is not exceptional in the context of this environment. There is no real likelihood of significant environmental cumulative effects with other permitted developments.	No
Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?	There are no significant ecological sensitivities on the site. The submitted BiologiQ Appropriate Assessment report states that a site walk over was undertaken and the site has a low species diversity and limited ecological value. An existing hedgerow is to be removed. This is a local impact. A landscaping plan is submitted. There are existing hedgerows bounding the site. Storm water will connect via existing drain to the Grogan Burrow which is of moderate quality. On site waste water and treatment is proposed in accordance with EPA 2021 standards. Ground water vulnerability is low. The development will not significantly impact on ground or surface water quality. The development does not have potential to significantly affect environmental sensitivities in the area.	No
Conclusion		

There is no real likelihood of significant effects on the environment.

EIA is not required.

Inspector: *A-MacJannet* Date: 30 October 2024

DP/ADP: _____ Date: _____
(only where Schedule 7A information or EIAR required)

Appendix 3

Appropriate Assessment Screening

Screening the need for Appropriate Assessment

The proposed development and site characteristics

I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The applicant has submitted an Appropriate Assessment Screening report. The report concludes that there will be no effects on the Grogan Burrow_010 or the closest protected area Tacumshin Lake SAC and SPA. It states that appropriate assessment is not required and that the construction is unlikely to have a significant effect on the closest Natura 2000 site.

The planning authority considered that the development would not have an impact on a Natura 2000 site and appropriate assessment is not required.

The area of the site is 1.178ha. The development is to be constructed in a rural area within part of an agricultural field that has existing hedges along the roadside boundary and along the eastern boundary of the site. The proposed development comprises the construction of four detached houses each served by on site waste water treatment and disposal systems, a new entrance and access road and proposed attenuation ponds for disposal of surface water. Water is to be supplied by connection to public mains. There is an existing open water drain to the southwest of the site. The closest water feature recorded on the EPA maps is the Grogan river which is about 500m to the south of the site. This river connects to Tacumshin Lane.

A field survey was undertaken by BioLogiQ Solutions which found that the fossitt habitats on the site are principally improved grassland with earth banks / fragmented hedgerow. The site was determined to have low species diversity and limited ecological value.

European sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA).

The following European sites are identified as being within a possible zone of influence for the purpose of the screening test.

Table 1 Identification of relevant European Sites using source- pathway- receptor model

European site	List of qualifying interests	Distance from proposed development	Connections (source, pathway receptor)	Considered for further screening
Wexford Harbour and Slob SPA 004076	<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Bewick's Swan (<i>Cygnus columbianus bewickii</i>) [A037]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Wetland and Waterbirds [A999]</p>	6.2km	No connection due to distance, dilution effects, lack of ecological connection	No
The Raven SPA 004019	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Common Scoter (<i>Melanitta nigra</i>) [A065]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Wetland and Waterbirds [A999]</p>	11.6km	No connection due to distance, dilution effects, lack of ecological connection	No
Seas off Wexford	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Manx Shearwater (<i>Puffinus puffinus</i>) [A013]</p>	c 2.3km	Potential hydrological connection	Yes

SPA 004237	Gannet (<i>Morus bassanus</i>) [A016] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Common Scoter (<i>Melanitta nigra</i>) [A065] Mediterranean Gull (<i>Larus melanocephalus</i>) [A176] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Herring Gull (<i>Larus argentatus</i>) [A184] Kittiwake (<i>Rissa tridactyla</i>) [A188] Sandwich Tern (<i>Sterna sandvicensis</i>) [A191] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Little Tern (<i>Sterna albifrons</i>) [A195] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204]			
Lady's Island Lake SPA 004009	Gadwall (<i>Anas strepera</i>) [A051] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Sandwich Tern (<i>Sterna sandvicensis</i>) [A191] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]	c 1.9km	Potential hydrological connection	Yes
Tacumshin Lake SPA 004092	Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Bewick's Swan (<i>Cygnus columbianus bewickii</i>) [A037] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Wigeon (<i>Anas penelope</i>) [A050] Gadwall (<i>Anas strepera</i>) [A051] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Tufted Duck (<i>Aythya fuligula</i>) [A061] Coot (<i>Fulica atra</i>) [A125] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Wetland and Waterbirds [A999]	c 1.2km	Potential hydrological connection	Yes
Saltee Islands SPA 004002	Fulmar (<i>Fulmarus glacialis</i>) [A009] Gannet (<i>Morus bassanus</i>) [A016] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Herring Gull (<i>Larus argentatus</i>) [A184] Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200] Puffin (<i>Fratercula arctica</i>) [A204]	c 12.1km	No connection due to distance, dilution effects.	No
Ballyteigue Burrow SPA 004020	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141]	c 11.7km	No connection due to distance,	No

	Lapwing (<i>Vanellus vanellus</i>) [A142] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Wetland and Waterbirds [A999]		dilution effects	
Keeragh Islands SPA 004118	Cormorant (<i>Phalacrocorax carbo</i>) [A017]	c 20.6km	No connection due to distance, dilution effects.	No
Slaney River SAC 000781	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Alosa fallax fallax</i> (Twait Shad) [1103] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355] <i>Phoca vitulina</i> (Harbour Seal) [1365]	c 10.5km	No connection	No
Long Bank SAC 002161	Sandbanks which are slightly covered by sea water all the time [1110]	c 10.2km	No connection due to distance, dilution effects	No
Blackwater Bank SAC 002953	Sandbanks which are slightly covered by sea water all the time [1110] <i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	c 12.1km	No connection due to distance, dilution effects.	No
Carnsore Point SAC 002269	Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] <i>Phocoena phocoena</i> (Harbour Porpoise) [1351]	c 5.6km	Potential hydrological connection	Yes
Lady's Island Lake SAC 000704	Coastal lagoons [1150] Reefs [1170] Perennial vegetation of stony banks [1220]	c 2km	Potential hydrological connection	Yes
Tacumshin Lake SAC 000709	Coastal lagoons [1150] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Embryonic shifting dunes [2110]	c 1.2km	Potential hydrological connection	Yes

	Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]			
Saltee Islands SAC 000707	<p>Mudflats and sandflats not covered by seawater at low tide [1140] Large shallow inlets and bays [1160] Reefs [1170]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Submerged or partially submerged sea caves [8330] <i>Halichoerus grypus</i> (Grey Seal) [1364]</p>	c 5.9km	Potential hydrological connection	Yes
Ballyteige Burrow SAC 000696	<p>Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] <i>Salicornia</i> and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Mediterranean and thermo-Atlantic halophilous scrubs (<i>Sarcocornetea fruticosi</i>) [1420] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) [2150] Humid dune slacks [2190]</p>	c 10.8km	No connection due to distance, dilution effects	No

Likely impacts of the project (alone or in combination)

The following are the potential impacts that may result in significant effects on the conservation objectives of a European site, taking account of the size and scale of the project:

Construction phase:

- Vegetation clearance - Vegetation clearance would not impact on designated sites - the site is of limited ecological value and no QI species were identified on site. This impact is excluded at this stage.
- Uncontrolled release of sediments to air - Uncontrolled release of sediments etc to air would not impact on designated sites due to the separation distance. This impact can be excluded at this stage.

- Disturbance due to noise and vibration - Disturbance and displacement impacts due to noise and vibration would not impact on designated sites due to the separation distance. This impact can be excluded at this stage.
- Uncontrolled release of pollutants to ground water during construction , e.g. from fuels or oils. – Effect A

Operation phase:

- Potential for pollution from on site effluent treatment and disposal to ground– Effect B
- Potential for release of silt, sediments and / or other pollutants from surface water collected in attenuation ponds and new drains to discharge to the existing surface water open draining to the southwest – Effect C

A total of three impacts have been identified that may effect the Conservation Objectives of designated sites – labelled as Effect A, B and C above.

Likely significant effects on the European sites in view of the conservation objectives

There is potential for impacts to ground water and surface water that have a hydrological pathway to Tacumshin Lake SPA and SAC.

Groundwater is likely to be connected to the River Grogan and to Tacumshin Lane. Groundwater is classified as low vulnerability. Tacumshin Lake is approximately 1.2km distance from the site.

Surface water connects to a drain to the River Grogan which connects to Tacumshin Lake.

Tacumshin Lake SPA contains wetland and waterbirds that are qualifying features at risk. Tacumshin Lake SAC contains coastal lagoons and vegetation that are at risk.

Tacumshin Lake directly connects to Seas off Wexford SPA, Lady's Island Lake SAC and SPA, Saltee Islands SAC and Carnsore Point SAC however due to the distance to these sites and the dilution effects, the connection is indirect and weak and it is considered that there would not be a significant effect on these other sites.

Effect A –

There is potential for uncontrolled release of pollutants to ground water due to construction on site. However standard best practice construction methods would prevent pollution. This is not a mitigation measure for the purpose of avoiding impacts on a Natura 2000 site. There is not likely to be a significant effect on Tacumshin Lake SAC or SPA. There is not likely to be a significant effect on any of the other European sites that are connected to Tacumshin Lake.

Effect B –

Wastewater will discharge to ground water and there is potential for pollution of ground water. Standard installation of the waste water treatment and disposal system would prevent pollution. This is not a mitigation measure for the purpose of

avoiding impacts on a Natura 2000 site. There is not likely to be a significant effect on Tacumshin Lake SAC or SPA. There is not likely to be a significant effect on any of the other European sites that are connected to Tacumshin Lake.

Effect C –

There is potential for release of silt, sediments and / or other pollutants from surface water collected in attenuation ponds and new drains to discharge to the existing surface water open drain to the southwest. This surface water channel connects to the River Grogan and to Tacumshin Lake. It would be standard practice for attenuation ponds to be fitted with silt trap and oil / petrol interceptor. These are standard measures to prevent ingress of pollutants from surface water during the operation phase and it is not a mitigation measure for the purpose of avoiding impacts on a Natura 2000 site. There is not likely to be a significant effect on Tacumshin Lake SAC or SPA. There is not likely to be a significant effect on any of the other European sites that are connected to Tacumshin Lake.

In combination effects

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions.

Screening Determination

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 1777 U of the Planning and Development Act 2000 (as amended), I determine that the project individually or in combination with other plans or projects would not be likely to give rise to significant effect on the following European Sites:

- Tacumshin Lake SPA,
- Tacumshin Lake SAC,
- Lady's Island SPA,
- Lady's Island SAC,
- Seas off Wexford SPA,
- Carnsore Point SAC,
- Saltee Islands SAC,

or any other European site, in view of the sites conservation objectives, and Appropriate Assessment is not therefore required.

This determination is based on:

- the relatively modest scale of the development and lack of impact mechanisms that could significantly effect a European site.,
- distance from and weak indirect connections to the European sites,

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this determination.

Inspector: *A-MacNamara* **Date:** 30.10.2024