



An  
Bord  
Pleanála

## Inspector's Report

**ABP-319725-24**

|                                     |   |
|-------------------------------------|---|
| <b>Development</b>                  | Retention of works and permission to complete house and all associated works. |
| <b>Location</b>                     | Ballyadam, Killincooly, Kilmuckridge, Co. Wexford                             |
| <b>Planning Authority</b>           | Wexford County Council  |
| <b>Planning Authority Reg. Ref.</b> | 20231170  |
| <b>Applicant(s)</b>                 | Brian Cosgrave  |
| <b>Type of Application</b>          | Permission for retention and permission                                       |
| <b>Planning Authority Decision</b>  | Grant retention permission and permission                                     |
| <b>Type of Appeal</b>               | Third Party   |
| <b>Appellant(s)</b>                 | Peter Doran   |
| <b>Observer(s)</b>                  | None  |

**Date of Site Inspection**

23<sup>rd</sup> September 2024

**Inspector**

Aisling MacNamara

## **1.0 Site Location and Description**

- 1.1. The site has an area of 0.504ha and is located 1.2km to the southwest of Kilmuckridge, Co. Wexford in a rural area. The site is located behind an existing farmyard complex that has frontage to the road. There are a number of detached rural dwellings along this section of road. There is an existing pond adjoining the northern site boundary. The site contains mature trees and vegetation. A water course is located along the southern boundary and along the northeast of the site. A partially constructed dwelling (the subject of the application) completed to wall level, is located on the western part of the site which is accessed via an existing entrance that has been opened up from the public road. The site is in an overgrown state and the proposed driveway has not been laid out and is currently more a track.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the following:
- (i) permission to retain works to date, which as per site visit comprises the existing partially constructed dwelling and the entrance to the public road
  - (ii) permission to complete the erection of a serviced dwelling house and to carry out all associated ancillary site works.

The proposed house has a floor area of 197.30sqm over two storeys with ground to ridge height of 6.5m finished in plaster and tiles. It is proposed to install a wastewater treatment system and raised polishing filter and to bore a well. The development includes an entrance and driveway from the public road. A landscaping plan is submitted showing existing and proposed planting.

## **3.0 Planning Authority Decision**

### **3.1. Further Information**

Further information was requested on 22<sup>nd</sup> November 2023 in relation to three items:

- i. The proposed waste water treatment and disposal system does not comply with EPA Code of Practice in relation to minimum separation distances and surface percolation tests have not been carried out.
- ii. Sightlines of 65m are required, submit proposals to achieve the sightlines within site or identify sightlines that would be available, provide consent to carry out works on lands not in applicants control.
- iii. Provide confirmation of ownership of site or legal agreements. If the site edged red extends beyond the ownership of the applicant, submit revised plans.

The applicant submitted a response to the further information request on 3<sup>rd</sup> April 2024 (advertised as 'significant') providing revisions to the site suitability report with further information on separation distances and additional soil testing including a revised site layout with details of the proposed treatment system, revised proposals for sightlines with consent for works to hedge and a copy of the folio for the site.

### **3.2. Decision**

The planning authority issued a notification of a decision to grant permission on 19<sup>th</sup> April 2024, subject to 8 conditions.

Conditions of note include the following:

- Condition 1 – works for sightlines shall be carried out prior to works commencing on proposed dwelling house
- Condition 3 – section 47 agreement
- Condition 5 – roadside drainage
- Condition 6 – well
- Condition 7 – effluent treatment and disposal system
- Condition 8 - landscaping

### **3.3. Planning Authority Reports**

#### **3.3.1. Planning Reports**

- The Executive planners report of 16<sup>th</sup> November 2023 sets out a basis for a recommendation to refuse permission for three reasons – (i) non compliance with CDP and Sustainable Rural Housing Guidelines - site is in area under strong urban influence and applicant does not come within the scope of the housing need – the site is located in excess of 7km radius from applicants current residence as set out in Vol 1 Table 4.6 of CDP, (ii) prejudicial to public health - insufficient information to show proposal is in accordance with the minimum distances of the EPA Code of Practice, (iii) prejudicial to public health - surface percolation test as part of the site characterisation report has not been completed and treated effluent is proposed to be discharged to untested soil layer. AA screening and determination concludes stage 2 AA not required. EIA not required. Reference is made to possible unauthorised construction of the dwelling house.
- A second report from the Senior Planner on 21<sup>st</sup> November 2023 reviews the recommendation to refuse permission and recommends further information be sought on the design of the waste water treatment system, sightlines and ownership. The report notes that the applicant previously obtained planning permission which was extended and it was accepted that the applicant had complied with rural housing policy at the time and note that the lands are in family ownership.
- The response to the further information request was considered in the report of the Senior Planner dated 18<sup>th</sup> April 2024. The response was deemed acceptable and grant of permission and retention permission is recommended.

#### **3.3.2. Other Technical Reports**

- Senior Executive Scientist (Environment) – the report at initial application stage recommends permission be refused – insufficient information to show separation distances are in accordance with EPA Code of Practice, surface percolation tests as part of the site characterisation report have not been

completed and therefore treated effluent is to be discharged to an untested soil layer.

- Roads report – the report at initial application stage recommends further information be requested in relation to sightlines (requires 65m sight distance looking north east from 2m back) and measures to maintain sightlines.

### 3.4. **Prescribed Bodies**

None

### 3.5. **Third Party Observations**

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

- The application site boundaries are encroaching on their property.

## 4.0 **Planning History**

Appeal site:

**PA 20110097** – Brian Cosgrave – grant May 2011 – permission to erect a serviced dwelling house and carry out associated site works

**PA 20110805** – Brian Cosgrave – grant March 2012 – permission to erect a serviced dwelling house and carry out associated site works

The duration of PA20110805 was extended until 17 April 2020.

Adjoining to south:

**PA 20161171 (PL26.247790)** – Peter Doran – grant – permission for retention of existing underground soil water / effluent storage tank in existing farmyard

## 5.0 **Policy Context**

### 5.1. **Wexford County Development Plan 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 4 Sustainable Housing

##### 4.9 Housing in the Open Countryside

##### 4.9.1 Single (One – off) Rural Housing Policy Context

Site is located in 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.*

Objective SH41 *All planning permissions granted for individual rural dwellings in the open countryside will be subject to a condition which will require the applicant to enter an occupancy agreement for a period of 10 years from the date of first occupation of the dwelling house.*

Objective SH42 *All planning permissions granted for individual rural dwellings in the open countryside will be subject to a condition that the dwelling house be used as a permanent residence only.*

Objective SH45 *To require the design of new single houses to be of high quality and in keeping with the rural character of the site and the area, protect the visual amenities of the area and that of the landscape character unit in which it is located.*

#### Chapter 8 Transportation

Objective TS78 *To facilitate new accesses, or the intensified use of existing accesses, to the local road network having regard to*

- *The characteristics of the site;*
- *The likely level and characteristics of traffic associated with the development /use proposed;*
- *The Primary or Secondary/Tertiary designation of the road;*
- *The condition, alignment and capacity of the local road at that location;*

- *Public safety and the need to avoid an undue proliferation of access points at that location;*
- *The avoidance of undue loss of significant existing natural and built features at the road edge;*
- *Where the speed limit is less than 60kmh the Design Manual for Urban Roads and Streets (DTTS 2013/2019) and the promotion of convenient, safe and attractive cycling and walking; and*
- *Compliance with all other relevant objectives and development management standards including those relating to the provision of sightlines.*

This objective also applies where access to the local road is proposed via an existing private lane.

### Development Management Manual

#### 3.1 Single Dwellings in Rural Areas

##### 3.1.1 Design Guidance for Single Houses in Rural Areas

##### 3.1.2 Standards for Single Dwellings in Rural Areas

2.9.1 Roadside Boundaries in Rural Areas – *“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.”*

6.2.6 Siting and Design of Access / Egress Points - Where the proposed new or materially intensified access/egress point is to a road with a speed limit of greater than 60 kph, it should be demonstrated that the following sightline requirements can be achieved: Local / County Roads – 65m

### Volume 7 Landscape Character Assessment



Site is located in Lowlands

## **5.2. Natural Heritage Designations**

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

Kilmuckridge-Tinnaberna Sandhills pNHA is c 3.2km to south east.

Seas off Wexford SPA is c 3.2km to the south east.

Kilmuckridge-Tinnaberna Sandhills SAC is c 3.2km to the south east.

Ballyteige Marsh pNHA is c 4.9km to the north east.

Cahore Marshes SPA is c 5.9km to north east.

Cahore Polders and Dunes SAC is c 5.9km to the north east.

Cahore Polders and Dunes pNHA is c 5.9km to north east.

## **5.3. 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 raised in the appeal are as follows:

- The proposed development encroaches on the appellants land in order to achieve sightlines from the entrance to the site. There is no consent to carry out works to achieve sightlines or to maintain sightlines.
- The site boundary is a matter of dispute.
- The applicant has removed the original roadside boundary of the appellants property and has erected a new timber post and rail fence set back from the original roadside boundary. The removal of mature boundary planting and

earth embankment at the entrance is not in keeping with the Wexford County Development Plan 2022-2028 which seeks to retain exiting roadside boundaries and where removal is required it should be limited and replacement hedging planted to replace the original boundary.

- The existing timber post and rail fence is not acceptable, not in accordance with the CDP and will have a negative impact on the character of the area.

## **6.2. Applicant Response**

None

## **6.3. Planning Authority Response**

None

## **6.4. Observations**

None

## **6.5. Further Responses**

None

## **7.0 Assessment**

- 7.1. Permission was granted to the applicant for the construction of a rural house under PA 20110805 in 2012. The duration of this was extended until April 2020. From a review of google earth aerial images it appears that construction had commenced by 2020 however the permission lapsed and the applicant is now applying to retain the works to date and to complete the construction of the house.

Having regard to this, I am satisfied that the principle of a rural house on this site for this applicant is established and I am satisfied that it is not necessary to re-consider the issues of compliance with rural housing policy or siting. I refer also to condition 3 of the decision of the planning authority which requires the applicant to enter into a section 47 agreement to use the property as primary permanent residence for 10

years. In the event of permission being granted, it is recommended that a similar condition be attached.

Having examined the application details and all other documentation on file, including 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 relate to:

- design of the entrance and sightlines
- treatment of roadside boundary
- legal issues
- design of the effluent treatment and disposal system
- design of house

## **7.2. Design of the entrance and sightlines**

- 7.2.1. Permission was granted under PA 20110805 for an entrance to the local road. The drawings show sightlines from a 2m point back from the centre of the entrance of 65m in both directions to the near edge of the carriageway. The boundary to the west of the entrance was to be set back and replanted. All works are shown within the red site boundary.
- 7.2.2. In this subject application, the proposed entrance is the same as that originally permitted with the exception that the boundary to the west of the entrance is shown to be set back and treated with a timber fence. The entrance has been constructed and the original hedge to the west of the entrance has been removed and replaced with a timber fence.
- 7.2.3. The entrance is to a straight section of the L 1035 public road. There is a low amount of traffic on this road and speeds are relatively slow. The Council's roads engineer submitted a report recommending minimum sightlines of 65m taken from point 2m back at the entrance. This is in accordance with standards set out in the Development Management Manual of the CDP which states that an access point to a road with a speed limit of greater than 60kph should achieve sightlines of 65m from 2m point back (for single dwelling house) to the nearside edge of the carriageway.

- 7.2.4. On site, sightlines from the entrance are severely restricted to the east by an existing hedge and fence. In order to achieve a 65m sightline, works would be required to the roadside boundary on third party lands outside of the site boundary. At further information stage, the applicant submitted a letter from the adjoining landowner of these lands giving their consent to trim back the hedge at the existing height. The revised site layout drawing submitted at further information stage states that the existing hedge is to be maintained at 1m above road level. It is unclear whether the applicant is proposing to trim back the hedge from the road or to cut down the height of the hedge. In any case, the landowner has given consent for works to be carried out on their lands for the applicant to achieve the required sightlines. In the interests of clarity, a condition should be attached requiring full visibility of the 65m sightline on either side of the entrance from a point 2 metres back from the edge of the road carriageway.
- 7.2.5. On the western side of the entrance, the original hedge has already been removed and replaced with a timber fence set back c 3.5m from the roadside boundary. The Council's roads engineer submitted a report indicating that a sightline is achieved. On day of site visit, the sightline in this direction was obscured by overgrowth within the area between the carriageway and fence. The sightlines at the entrance would be acceptable subject to a condition that the area between the road carriageway and new roadside boundary is maintained as grass.
- 7.2.6. In summary, I am satisfied that the design of the entrance is acceptable in terms of traffic safety, subject to a condition for works for the hedge setback and to the roadside setback area, to achieve the required sightlines.

### **7.3. Treatment of the roadside boundary**

- 7.3.1. The third parties have raised issues with the removal of a c 23m section of mature hedge and its replacement with a fence.
- 7.3.2. Volume 2 of the County Development Plan is a Development Management Manual that sets out design guidance which states under 'Section 2.9.1 Roadside Boundaries in Rural Areas' that the removal of hedgerow should be avoided however removal may be necessary to provide required sightlines at an entrance and that where removal is permitted, it must be replaced with appropriate native hedging and trees.

- 7.3.3. I am satisfied that the removal of the original hedge is required to construct the new entrance and to achieve the required sightlines. Furthermore, I am satisfied that the removal of c23m of hedge is a relatively short section of hedge considering the nature of development and the site context. The guidelines state that where removal of hedge is permitted it must be replaced with native hedging and trees. The fence is set back c 3.5m from the road and there is sufficient space to allow for planting of a new hedge.
- 7.3.4. A landscaping specification document and drawing was submitted with the application. The landscape plan shows that it is proposed to plant sections of new native hedgerow to the front of the fence on the roadside boundary and along either side of the proposed new driveway. I consider that this proposal is in accordance with the CDP standards and is acceptable. Should permission be granted, a condition should be attached requiring the completion of the planting.
- 7.3.5. In summary, I consider that the proposals for the treatment of the roadside boundary to be acceptable and in accordance with section 2.9.1 of the Development Management Manual of the CDP and that the proposals would respect the character and visual amenity of this rural area and would promote biodiversity.

#### **7.4. Legal issues**

- 7.4.1. The appellants have raised issues disputing that the applicant has sufficient landownership interest in the lands to carry out the development. I note that the application form states that the applicant is the owner of the site. The planning authority sought further information requesting the applicant to provide confirmation of ownership or legal agreements. The applicant submitted folio details which the planning authority accepted as showing sufficient legal interest in the lands to carry out the development. In terms of legal interest, I am satisfied that the applicants have provided sufficient evidence of their legal interest in the relevant lands to execute a permission, and that any disagreements are civil matters outside the scope of the planning appeal. I note the provisions of section 34 (13) of the Planning and Development Act 2000 (as amended) which states “ (a) person shall not be entitled solely by reason of a permission under this section to carry out any development”.

## **7.5. Design of the effluent treatment and disposal system**

- 7.5.1. Under PA. 20110805 permission was granted for a new effluent treatment and disposal system in accordance with 2009 EPA Code of Practice. It is now proposed to seek permission for a new wastewater treatment system and a partially raised polishing filter in accordance with 2021 EPA Code of Practice. The Environment Section raised concerns regarding the proposals stating that insufficient information was submitted to show compliance with the minimum separation distances and that the surface percolation tests were not carried out. Subsequent to a further information request, a revised site suitability assessment report and site layout was submitted and the response was considered to be acceptable by the planning authority.
- 7.5.2. The site is in a resource protection area with a highly vulnerable poor aquifer (bedrock which is generally unproductive except for local zones). The CoP Table E1 indicates that the site falls within the R1 response category where an on site system is acceptable subject to normal practice. The 2.1m trial hole found clay topsoil and sand subsoil. The site assessment form indicates no bedrock and no water table present however grey mottling was found at 1.5m below ground level. A T value (standard method) of 14.33 (min/25mm) and a P value of 12.11 (min/25mm) was recorded. The site was deemed suitable for the installation of an on site system. The topsoil is suitable for the construction of a raised percolation area.
- 7.5.3. It is proposed to install a biocrete secondary waste water treatment system and partially raised polishing filter with discharge to ground water. The treatment system is located c. 40m east of the proposed dwelling and the polishing filter is c. 48m to the east. Table 6.1 of the EPA Code of Practice sets out the minimum separation distances from features including existing dwellings, wells, trees, roads etc. The proposed system complies with these requirements. A well is proposed to the west of the house. There is a satisfactory depth of unsaturated soil free for percolation. The proposed system has a design capacity of 10PE.
- 7.5.4. Having regard to the soil conditions and the details in the site characterisation form, I am satisfied that the proposed system, once installed and maintained to the required specifications, would be acceptable and would not give rise to public health concerns.

## **7.6. Design of house**

- 7.6.1. Permission is sought to complete the construction of the house permitted under PA 20110805. The house has been constructed to ridge level. The proposed house is a 197sqm two storey house with maximum ground to ridge height of 6.5m, of traditional form and finished with plaster and tiles. The design is simple and traditional rural design and the site is well screened with surrounding trees and natural vegetation.
- 7.6.2. I am satisfied that the design is acceptable and respect the visual amenity and rural character of the area.

## **8.0 AA Screening**

- 8.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 8.2. This is a proposal to retain works and to complete the construction of a house.
- 8.3. The subject site is not located within or directly adjacent to any European site.
- 8.4. Cahore Marshes SPA is c 5.9km to the northeast of the site. There is no hydrological or ecological pathway between the development and Cahore Marshes SPA.
- 8.5. The Seas off Wexford SPA is c 3.2km to the east of the site. There is a water channel running along the southern and eastern boundary of the site which connects to Ballincool Beg river which discharges to the SPA at the sea. Effluent treatment and disposal is to an on site system which will not result in pollution. Surface water disposal is to an on site soakpit. Water supply is via well and due to the nature and scale of the proposed development, I consider that there would not be a significant adverse impact on the supply of ground water. I am satisfied that there is no risk to the water bodies that link to the SPA.
- 8.6. The Cahore Polders and Dunes SAC is located c 5.9km to the north east. There is no hydrological or ecological pathway between the development and this SAC.
- 8.7. The Kilmuckridge-Tinaberna Sandhills SAC is c 3.2km also to the east of the site. There are no pathways between the development and the dunes that are the qualifying interests of the SAC.

8.8. Having considered the nature, scale and location of the proposed development I am satisfied that it can be eliminated from further assessment because it could not have any appreciable effect on a European Site. The reason for this conclusion is as follows:

- small scale and domestic nature of the development,
- the location and distance to Natura 2000 sites and
- the lack of pathways to a Natura 2000 site,

I consider that the proposed development would not be likely to have a significant effect individually or in combination with other plans and projects, on a European Site and appropriate assessment is therefore not required.

## **9.0 Recommendation**

I recommend that permission be granted for the reasons and considerations below subject to the attached conditions.

## **10.0 Reasons and Considerations**

Having regard to the provisions of the Wexford County Development Plan 2022-2028, the planning history including permitted development and the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area, would not result in traffic hazard and would not unduly impact the visual amenities of the area. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

## **11.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 3rd day of April 2024, 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. (a) The proposed dwelling, when completed, shall be first occupied as a place of permanent residence by the applicant, members of the applicant's immediate family or their heirs, and shall remain so occupied for a period of at least seven years thereafter unless consent is granted by the planning authority for its occupation by other persons who belong to the same category of housing need as the applicant. Prior to commencement of development, the applicant shall enter into a written agreement with the planning authority under section 47 of the Planning and Development Act, 2000 to this effect.

(b) Within two months of the occupation of the proposed dwelling, the applicant shall submit to the planning authority a written statement of confirmation of the first occupation of the dwelling in accordance with paragraph (a) and the date of such occupation.

This condition shall not affect the sale of the dwelling by a mortgagee in possession or the occupation of the dwelling by any person deriving title from such a sale.

Reason: To ensure that the proposed house is used to meet the applicant's stated housing needs and that development in this rural area is appropriately restricted in the interest of the proper planning and sustainable development of the area.

3. (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in

accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )” – Environmental Protection Agency, 2021.

(b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )” – Environmental Protection Agency, 2021.

(c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

Reason: In the interest of public health and to prevent water pollution.

4. (a) The roof colour of the proposed house shall be blue-black, black, dark brown or dark-grey. The colour of the ridge tile shall be the same as the colour of the roof.  
(b) The external walls shall be finished in neutral colours such as grey or off-white.

Reason: In the interest of visual amenity.

5. The landscaping scheme shown on drawing number 2423-BCLP, as submitted to the planning authority on the 28th day of September 2023 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any

plants 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.

6. (a) Full visibility shall be made available for 65 metres on either side of the entrance from a point 2 metres back in from the edge of the road carriageway.
- (b) The area between the road carriageway and the revised boundary shall be finished 200-300 mm above carriageway level and finished in grass.

Reason: In the interests of traffic safety.

7. (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.
- (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 flooding or pollution.



---

Aisling Mac Namara  
Planning Inspector

21<sup>st</sup> October 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

|   |   |  |   |
|---|---|--|---|
| <b>An Bord Pleanála<br/>Case Reference</b>  | ABP 319725  |  |   |
| <b>Proposed Development<br/>Summary</b>   | Permission for retention of works to date and permission to complete the erection of a serviced dwelling house and to carry out all associated ancillary siteworks – planning register no.20110805 refers |  |   |
| <b>Development Address</b>  | Ballyadam, Killincooly, Kilmuckridge, Co.Wexford  |  |   |
| <b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b><br>(that is involving construction works, demolition, or interventions in the natural surroundings)  |   | <b>Yes</b>   | x   |
|   |   | <b>No</b>  | No further action required                  |
| <b>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?</b>   |   |  |   |
| <b>Yes</b>  |   | Class.....   | EIA Mandatory EIAR required                 |
| <b>No</b>   | x   |  | Proceed to Q.3                              |
| <b>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]?</b> |   |  |   |
|   |   | <b>Threshold</b>   | <b>Comment<br/>(if relevant)</b>            |
| <b>No</b>   |   | N/A  | No EIAR or Preliminary Examination required |
| <b>Yes</b>  | x   | Schedule 5, Part 2, 10 (b) (i)<br>Construction of more than 500 dwelling units | Proceed to Q.4                              |

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

Inspector: *A-MacNamara* Date: 21<sup>st</sup> October 2024

## Form 2

### EIA Preliminary Examination

|   |   |                              |
|---|---|------------------------------|
| <b>An Bord Pleanála Case Reference</b>  | ABP 319725  |                              |
| <b>Proposed Development Summary</b>   | Permission for retention of works to date and permission to complete the erection of a serviced dwelling house and to carry out all associated ancillary siteworks – planning register no.20110805 refers   |                              |
| <b>Development Address</b>  | Ballyadam, Killincooly, Kilmuckridge, Co.Wexford  |                              |
| <p><b>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.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p> |   |                              |
|   | <b>Examination</b>  | <b>Yes/No/<br/>Uncertain</b> |
| <p><b>Nature of the Development.</b><br/>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 site is located in a rural area. The development of a one off house is not exceptional in this context.</p> <p>Effluent is disposed of on site to waste water treatment and disposal system in accordance with EPA Code of Practice Standards. This will not result in significant pollution.</p> <p>Surface water will be disposed on site via soakpit to ground. This will not result in significant pollution.</p> <p>Emissions from cars will not be significant.</p> <p>Therefore, the development will not result in the production of significant waste, emissions or pollutants.</p> | No                           |
| <p><b>Size of the Development</b><br/>Is the size of the proposed development exceptional in the context of the existing environment?</p>   | <p>The size of the development, being for 197.30sqm house over 0.504ha is not exceptional in the context of this rural environment.</p>   | No                           |

|   |   |   |
|---|---|---|
| Are there significant cumulative considerations having regard to other existing and / or permitted projects?  |   |   |
| <b>Location of the Development</b><br>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?<br><br>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure? | The site contains mature vegetation and trees. The site is adjacent to a pond. There is a water channel traversing the site. These are all locally significant ecological and water features and the development will not significantly impact on these features. | No  |
| <b>Conclusion</b>   |   |   |
| x<br><br>There is no real likelihood of significant effects on the environment.<br><br>EIA is not required.   | There is significant and realistic doubt regarding the likelihood of significant effects on the environment.<br><br>Schedule 7A Information required to enable a Screening Determination to be carried out.   | There is a real likelihood of significant effects on the environment.<br><br>EIAR required. |

Inspector: *A. MacNamara* Date: 21<sup>st</sup> October 2024

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