



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319820-24

<b>Development</b>	Retention of existing mobile home, existing biocrete wastewater treatment system and all associated site works and Permission for erection of serviced dwelling house and domestic garage/store and all ancillary siteworks
<b>Location</b>	Oulartleigh, Glenbrien, Enniscorthy, Co. Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20201583
<b>Applicant(s)</b>	Thomas and Sarah Yennusick
<b>Type of Application</b>	Retention and Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Thomas and Sarah Yennusick
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	21 <sup>st</sup> of August 2024
<b>Inspector</b>	Angela Brereton

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Appendix 1- Form 1: EIA Screening

Appendix 2 – Form 2: EIA Preliminary Examination

## **1.0 Site Location and Description**

- 1.1. The application site (stated area 0.31ha) is located in the townland of Oulartleigh, Ballyhuskard, Co. Wexford. It is to c. 5.5km to the southeast of Enniscorthy, and the M11 and to the southwest of Kilcotty crossroads and the R744 and c.2.km to the north of Glenbrien. It is accessed via a narrow unsurfaced lane from the narrow local road network. There is gated entrance to this laneway from the public road and also to the subject site which was open on the day of the site visit. The gate to the subject site has been recessed and the driveway surfaced in hardcore. The right of way along the lane is shown yellow on the Site Layout Plan submitted.
- 1.2. The site has been levelled, grassed and appeared to be well drained on the day of the August site visit. Drainage ditches (which were dry) have been excavated on either side of the site. The land to the northwest of the site i.e between the subject site and the dwelling house under construction, appeared to be more marshy with rushes etc growing therein.
- 1.3. There are a number of containers on the site which may be in use for storage or occasional habitable use. There is an electricity supply and a wwts installed on site. There is a dense boundary hedge along the frontage with the laneway.
- 1.4. There is a two-storey house under construction to the northwest of the site. There is also a two-storey house on the opposite side/south of the laneway and a number of agricultural structures and agricultural lands (mainly to the north) of the subject site.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the Retention of the following:
  - (a) Existing mobile homes
  - (b) Existing biocrete wastewater treatment system and
  - (c) All associated ancillary site works including provision of bored well supply andPermission is sought for:
  - (d) Erection of a serviced dwelling house and domestic garage/store and
  - (e) Installation of a tertiary level polishing filter including all ancillary siteworks.

All on a site at Oulartleigh, Glenbrien, Enniscorthy, Co. Wexford.

## **2.2. Planning Authority Decision**

On the 17<sup>th</sup> of February 2021, Wexford County Council refused permission for the retention of the said works and permission for the proposed development for the following reasons:

1. It is an objective of the council to facilitate the development of individual houses in 'Areas Under Strong Urban Influence' for those who comply with the criteria set out in the Sustainable Rural Housing Strategy as contained in Table no.12 and Policy RH01 of the Wexford County Development Plan 2013-2019 (as extended), the Sustainable Rural Housing Guidelines for Planning Authorities (2005). National Policy Objective 19 of the National Planning Framework (2018) and the Regional Spatial and Economic Strategy for the Southern Region (2020). In this rural location, housing is restricted to persons demonstrating a definable rural housing need to live here in accordance with the aforementioned. Having regard to the details submitted as part of this application, it is considered that the applicant is neither classified as a 'local rural person' or from the subject 'local rural area' as irrespective of some interest in the area, this is limited and hence they do not comply with policy.

The proposed development in the absence of identified definable need would contribute to random rural development in the area which will militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would therefore be contrary to Policy Objective RH01 of the Wexford County Development Plan 2013-2019 (as extended) and to the proper planning and sustainable development of the area.

2. There is evidence of failed drainage conditions onsite with the underlying subsoil potentially not capable of hydraulically disposing of the effluent generated by the proposed development with the potential result being that the proposed development giving rise to a health hazard

## 2.3. Planning Authority Reports

### 2.3.1. Planner's Report

The Planner, had regard to the locational context of the site, planning history and policy and to the Reports submitted and Submissions made. Their Assessment in summary, included the following:

- They had regard to the works carried out on site and the structures thereon and noted that, none of the relevant works have the benefit of planning permission.
- That the site is in an Area Under Stronger Urban Influence - (linkage/need, Occupancy and Permanent residency conditions apply).
- They had regard to Rural Areas Types in the Wexford CDP 2013-2019 (as extended (Reference was had to Section 4.3.3.2, Table 12 and Policy Objective RH01)).
- They noted the applicants submitted a cover letter setting out their position. Also details regarding their local linkages to the area. They note that the family have health considerations which would benefit from having their own home in the countryside.
- The Council considered that the applicants have not established a demonstratable local need in accordance with planning policy to reside on the subject site. They refer to the National Planning Framework and to the rural housing policy in the Wexford CDP 2013-2019 (as extended).
- They consider that the placement of two mobile homes on the site for habitation and one metal container in addition to supporting site works (site entrance and site services) without the necessary prior planning consent does not establish a need.
- As per 'Referrals' and 'Drainage' the drainage/effluent treatment impacts are considered to be unacceptable.
- They consider that the retention of the 2 mobile homes and associated works on site are unacceptable, even on a temporary basis irrespective of family circumstance.

- That the development in its entirety including that subject of retention and that proposed is contrary to the proper planning and sustainable development of the area. They refer to the Council's Enforcement Section for further investigation.
- The two storey design of the proposed dwelling is considered to be acceptable in the context of its lowlands setting, save for the absence of satisfactory local need/linkages and unacceptable drainage and effluent impacts.
- Likewise, they consider the proposed siting and setback of the dwelling and garage to be acceptable.
- There is no overlooking, loss of privacy, overbearing or overshadowing impacts upon neighbouring residential properties.
- They note that there is post and rail fencing and landscaping to the site boundaries.
- They note that the Council's Environment Section have concerns about drainage onsite, and that there are issues with percolation. That they recommended refusal having regard to failed drainage conditions onsite with the potential result being that the proposed development would give rise to a health hazard.
- They note that a private well is bored on the western side of the site and a letter of feasibility to connect to Irish Water mains has been provided.
- They refer to the Flood Map showing potential for pluvial flooding at the south eastern corner of the site, but not within the location of the polishing filter.
- That sightlines at the entrance from the laneway and at the junction with the public road are considered to be in accordance with standards.
- They conclude that the applicants do not meet the local needs criteria to live on this specific site in the rural area, that the proposal would contribute to random rural development and militate against the preservation of the rural environment and be contrary to planning policy.

- That drainage conditions would not be met and that the proposed development has the potential to give rise to health hazard. They recommended that retention permission and permission for the proposed development be refused.

## **2.4. Other Technical Reports**

### Environment Section

They recommended that permission be refused based on the evidence of failed drainage conditions on site, the underlying subsoil may not be capable of hydraulically disposing of the effluent generated by the proposed development and that the development may give rise to a public health hazard.

### County Fire Officer

They provide that the proposed dwelling house should comply with current standards.

## **2.5. Prescribed Bodies**

### Uisce Eireann

They provide relative to the pre-connection enquiry that the proposed connection to the Irish Water network is feasible without infrastructure upgrade by Irish Water.

## **2.6. Third Party Observations**

A Submission from an adjoining landowner is concerned about the following:

- Planning history and unauthorised development on the subject site.
- Local need having regard to planning policy and being in an area under strong urban influence.
- That the site is not capable of treating onsite sewage.



### 3.0 Planning History

The Planner's Report has regard to the Planning History of the site and surrounding area this includes the following:

#### *Subject Site:*

- Reg.Ref. 2019/1514 – Permission refused to Mr. Thomas Ali Yennusick and Mrs. Sarah Yennusick for a proposed new garage, new boundary wall, entrance gates and wing walls, entrance off existing private laneway and all associate site works. This was refused by the Council for the following reasons:
  1. *In the absence of the proposed use indicated, the planning authority is not able to assess the potential acceptability or otherwise of the proposal. In adequate information has been submitted to enable the planning authority to adequately assess the impacts of the proposal. The proposed development would therefore be contrary to the proper planning and development of the area.*
  2. *In the absence of details regarding legal rights to use the lane as an access/egress and permissions to undertake upgrades/improvements to its condition and alignment it is considered that the proposal is contrary to section 18.29.4 of the Wexford County Development Plan 2013-2019 and to the proper planning and sustainable development of the area.*

#### *Adjacent Site:*

- Reg.Ref. 20072893 – Permission granted subject to conditions to John O Dowd for the Construction of a fully serviced dwellinghouse (Ref. Ref. 20043339 refers).

Copies of these decisions are included in the History Appendix of this Report.

## 4.0 Policy Context

### 4.1. Project Ireland 2040, National Planning Framework (NPF) 2018

Section 5.3 refers to the growth and development of rural areas and the role of the rural town as a catalyst for this. It is recognised that the Irish countryside is, and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural communities, based on agriculture, forestry, tourism and rural enterprise, while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities.

Objective 19 outlines that within areas under urban influence, single housing in the countryside will be facilitated based on the core consideration of a demonstrable economic or social need to live in the rural area. It further states that in rural areas elsewhere, it is an objective to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

### 4.2. Regional Spatial and Economic Strategy for the Southern Region

Objective RPO27 refers to rural housing policy and to NPO 19 regarding Local Authority County Development Plan Core Strategies. This includes regard to protection of the viability of smaller towns and rural settlements and implementing a rural housing policy response which facilitates the provision of single housing in the countryside based on the core consideration of: *demonstrable economic, social or local exceptional need to live in the rural area and siting, environmental and design criteria for rural housing in statutory guidelines and plans.*

### 4.3. Section 28 Guidelines

#### **Sustainable Rural Housing Guidelines for Planning Authorities 2005**

This seeks to encourage and support appropriate development at the most suitable locations. A distinction to be made between 'Urban Generated' and 'Rural Generated' housing need.

Section 3.2.3 concerns Rural Generated Housing and gives an example of Persons who are an intrinsic part of the rural community and Persons working fulltime or part-time in rural areas. This includes reference to people who have lived most of their lives in rural areas and are building their first homes.

Section 3.3 is concerned that the consideration of individual sites will be subject to normal siting and design considerations. These include the following:

- Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard.
- That housing in un-serviced areas and any on site wastewater disposal systems are designed, located and maintained in a way, which protects water quality.
- The siting of the new dwelling integrates appropriately into its physical surroundings.
- The proposed site otherwise accords with the objectives of the development plan in general.

Section 4.3 refers to Assessing Housing Circumstances. This includes exceptional health circumstances.

Section 4.4 is concerned with Access and restriction of such on National Primary and Secondary Roads.

### **EPA Code of Practice for Domestic Wastewater Treatment Systems 2021**

This Code of Practice (CoP) purpose is to provide guidance on domestic waste water treatment systems (DWWTSs) for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10. It sets out a methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS.

### **EU Water Framework Directive**

The EU Water Framework Directive (WFD) creates a framework for the protection of all waters including rivers, lakes, estuaries, coastal waters and groundwater, and their dependent wildlife/habitats, under one piece of environmental legislation.

#### 4.4. Wexford County Development Plan 2022-2028

##### Volume 1 – Written Statement

##### Core Strategy

Section 3.4 provides the Core Strategy Guiding Principles.

Map 3-1 Core Strategy Map. This shows that the subject site is located in an area under 'Strong Urban Influence'.

Table 3-2 provides the County Wexford Settlement Strategy. The site is in Level 7 - *The open countryside outside of the settlements listed in Levels 1 to 6.*

*Sustainable Housing Strategy* - Section 4.4 refers.

Section 4.5 the Housing Requirements – Housing for All.

Section 4.5.2 refers to Housing Needs.

Section 4.6 Locations for Future Housing.

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

*Single housing in the open countryside will be considered where it is for those with a demonstrable economic or social functional need to live there as set out in Section 4.9 Housing in the Open Countryside and Table 4-6.*

##### Housing in the Open Countryside.

Section 4.9.1 refers to Single (One-off) Rural Housing Policy Context.

*The Council will continue to support sustainable rural settlement in accordance with the National Planning Framework, the RSES and the Sustainable Rural Housing-Guidelines for Planning Authorities (DEHLG, 2005) and any future updates of those guidelines.*

Note is had to the rural area types defined in the Sustainable Rural Housing Guidelines as shown on Map 1 i.e.:

- Areas Under Strong Urban Influence
- Stronger Rural Areas
- Structurally Weak Areas.

As outlined in Section 3.3 single rural housing will be considered in the open countryside in accordance with Table 4-6 Criteria for One-Off Rural Housing.

In order to be considered for a single dwelling in the open countryside, an applicant must meet one of the following categories:

A. A person who has a demonstrable social functional need to reside in a particular rural area (except for Structurally Weak Rural Areas)

Or

B. A person who has a demonstrable economic functional need to reside in a particular rural area (except for Structurally Weak Rural Areas)

The applicant must comply with the criteria for that category and the applicable rural area criteria as set out in Table 4.6 (includes regard to Rural Area Type) and the accompanying definition and notes.

This is an extract from Table 4.6 relevant to the location of the site.

Rural Area Type Area	Category A – Social need	Category B- Economic need
Strong Urban Influence	A person who has lived full-time in a principal residence for a minimum of 7 years (not necessarily concurrently and at any time in their life) in that local rural area and the site is within 7km radius of where the applicant has lived or is living and who has never owned a rural	Persons who by the nature of their work have a functional need to reside permanently in the rural area close to their place of work. Functional economic need must be related to a rural resource based activity such as full-time agriculture or horticulture and the nature of the activity or

	house. (See Point 4 in Definitions and Notes regarding owning a rural house). The dwelling must be the person's permanent place of residence. The person can work from home or commute to work daily.	business must require the person to live at on or in close proximity to the business. Similar part-time occupations can also be considered where it can be demonstrated that it is the predominant occupation. The applicant must be able to provide documentary evidence that the employment is full-time or predominant employment when part-time. The applicant must be able to demonstrate that the landholding is such to support a viable enterprise.
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Table 4-6 Definitions and Notes includes reference to Exceptional Health Circumstances. Section 4(b) and 6 refer.

Section 4.9.3 refers to the presumption against Ribbon Development.

Objectives SH39 – SH46 relative to New Individual Dwellings in the Open Countryside include:

*SH40: To strictly control individual rural housing in the open countryside in areas that are reaching their carrying capacity in terms of effluent treatment capacity, visual amenity and/or roads carrying capacity in accordance with the requirements set out in Table 4.6 and the associated definitions and notes and subject to compliance with normal planning and environmental criteria and the relevant development management standards.*

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.*

### Roads and Infrastructure

Section 8.7.3 includes regard to Local Roads and to sight distances.

Objective TS79: *Where works are required to achieve sightlines at a vehicular access, the following criteria must be complied with:*

- *The necessary works to achieve the required sightlines must be indicated within the site edged red submitted with the planning application.*
- *No construction of the dwelling shall take place until the sightlines are in place.*

Infrastructure Strategy - Section 9.4 refers.

Objective IS01: *To ensure the efficient and sustainable use and development of water resources and water services infrastructure in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.*

Section 9.5 refers to Water Supply.

Section 9.5.2 to Group Water Schemes and Private Water Supplies.

Section 9.5.3 to Groundwater Protection Schemes

Objective WS08: *In rural areas, where connection to an existing public water supply is not possible, or the existing supply system does not have sufficient capacity, the provision of a private water supply will be considered where it can be demonstrated that the proposed water supply meets the standards set out in EU and national legislation and guidance, would not be prejudicial to public health or would not impact on the source or yield of an existing supply, particularly a public supply.*

Section 9.6 – Wastewater.

Section 9.6.4 refers to Individual Private Wastewater Systems in Rural Areas.

Section 9.6.5 to Wastewater Treatment Systems and Private Wells.

Objective WW11: *To consider the development of single dwelling houses only where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the 'Code of Practice Wastewater Treatment and Disposal System Serving Single Houses, EPA 2021' and any updated version of this document during the lifetime of the Plan, and maintained in accordance with approved manufacturer's specifications and subject to compliance with the Water Framework Directive, the National River Basin Management Plan 2018-2021, the Habitats and Shellfish Waters Directives and relevant Pollution Reduction Programmes.*

Section 9.11 refers to Flood Risk and Surface Water Management.

Section 9.11.11 – Surface Water Management. This includes reference to the use of SuDS.

Section 15.6.2 – Universal Access and Design.

#### Volume 2 – Development Management

Section 3 refers to Residential Developments.

Section 3.1.1 Design Guidance for Single Houses in Rural Areas.

Section 3.1.2 – Standards for Single Dwellings in Rural Areas. *In terms of siting, scale and design, the proposal should have regard to the principles of rural house design as set out in Section 3.1.1.* A list of criteria is given relevant to design and layout, wastewater treatment - pwwts, access - vehicular entrance, landscaping etc.

Section 3.1.1 – Applications for Single Houses on Backland Sites in Rural Areas.

Section 6.2.6 – Siting and Design of Access/Egress Points.

This includes regard in Section B to Sightlines – Road Speed limit greater than 60kph – 65m.

Section 7.4 – Landscape and Biodiversity. This includes regard to the retention of trees and hedgerows and Landscape Plans. Also, to Landscape and Visual Impact Assessment.

Section 8 refers to Infrastructure and Environmental Management.

Section 8.2.1 – Surface Water Management.



Section 8.2.4 – Connection to Public Water or Group Water Scheme.

Section 8.3.1 – Private On-Site Wastewater Treatment Systems. Table 8-1 provides Buffer Zones around Wastewater Treatment Systems.

#### Landscape Character Assessment

Section 11.6 refers to Landscape Character Assessment.

Objective L04: *To require all developments to be appropriately 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.*

Volume 7 refers to Landscape and Visual Impact Assessment.

#### **4.5. Wexford County Development Plan 2013-2019**

It is noted that this Plan has now been superseded by the current Wexford CDP 2022-2028. For reference note is had of the following Policies and Objectives which are referred to in the Planner's Report and the Council's Reasons for refusal:

Section 4.3.3.2 – Rural Area Types in County Wexford. The site is located in a Rural Area under Strong Urban Influence.

Table 12 – Criteria for Individual Rural Housing. This includes reference to the local needs criteria for 'Rural Area under Strong Urban Influence. Also, to '*Housing for people with exceptional health and/or family circumstances building permanent residences for their own use.*

Policy RH01 - *To facilitate the development of individual houses in the open countryside in 'Areas under Strong Urban Influence' in accordance with the criteria laid down in Table No. 12 subject to compliance with normal planning and environmental criteria and the development management standards laid down in Chapter 18.*

#### **4.6. Natural Heritage Designations**

The site is not proximate to Natura 2000 sites.

## 4.7. EIA Screening

- 4.7.1. Having regard to the modest scale of the development, and the separation from any environmentally sensitive sites, there is no real likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 5.0 The Appeal

### 5.1. Grounds of Appeal

A First Party Appeal has been submitted by the applicants Thomas and Sarah Yennusick, which seeks to address the Council's reasons for refusal. Their Grounds of Appeal are summarised as follows:

#### Reason for Refusal no.1

- Wexford County Council has failed to consider the extenuating circumstances of the applicants in this application and to assess their social need.
- They refer to National Policy Objective 19 of the National Planning Framework 2040 and provide that the applicants have demonstrated a social requirement for housing need in an area of urban influence and that the Council has failed to assess this need.
- They are of a view that they have established a social requirement to live in this specific area.
- They refer to their situation of homelessness when their landlord in Redcross, Co. Wicklow wished to sell his house. This house is not owned by the applicants, who have never owned their own home.

#### Lack of Clarification

- Wexford County Council have failed to clarify how Table 12 and Policy RH01 of the Wexford CDP 2013-1019 would be assessed in relation to the planning application. This refers to *Housing for people with exceptional health*

*circumstances and/or family circumstances building permanent residences for their own use.*

- The applicants made their planning permission application pursuant to the provisions in Table 12 of the Wexford CDP 2013-2019 because Table 12 is explicitly relevant to the applicants circumstances.
- They were not made aware that their proposal may be in contravention of the Development Plan, or the National Planning Framework or within the Ministerial Guidelines.

#### Encroachment

- It is incorrect for the Council to assert that the proposed development is considered to contribute to the encroachment of 'random rural development in the area.'
- They refer to a letter from a Senior Health Professional in the HSE that describes details of the children's diagnosis and particular needs. The site provides the applicants and their children with peace and quiet protection and security.
- As shown on the Site Layout Map the site is located down a laneway upon which a gate has been placed to protect the site, to protect the applicant's children from running out onto the road for safety reasons.
- It would be wrong to classify the applicants proposed development as a 'random rural development' when in reality, it was specifically chosen because the applicant's viewed the site as the best place for their children.

#### Reason for Refusal no.2

- Wexford County Council has failed to request further documentation from the applicant in relation to the drainage channels located around the site.
- The drainage channels around the site have been draining the site. When the applicants bought the site in April 2019 the site was very wet. Since then, the applicants hired professional workmen to drain the site and open the blockage the site is draining well.

- This has significantly improved the condition of the site. They include photos showing the drainage channels.
- They refer to the Report from MK Environmental Solutions Ltd where it reported '*no visible signs of poor drainage*'. They provide that they would have installed the best possible treatment system on site because it is draining and there are drainage channels on the site.
- The purpose of installing this system is because it is the best system to be used on site and in pursuance of the applicant's feasibility studies. As part of the feasibility system, no human waste has gone into this system.

#### No request for Clarification

- Wexford County Council has failed to request further clarification from the applicant in relation to the water supply on site.

#### Evidence of drainage conditions

- The applicants contend that the system that was recommended to be installed on site, is a high-tech system and is the best system possible to include in this submission.
- The Council officials would have to visit the site in order to see the good work carried out by the system.

## **5.2. Planning Authority Response**

There is no response from the Planning Authority to the Grounds of Appeal.

## **5.3. Observations**

There are no Observations noted on file.

## **6.0 Assessment**

### **6.1. Introduction**

- 6.1.1. Having examined the application details and all other documentation on file, including the First Party Grounds of Appeal, having inspected the site, and having

regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Settlement Strategy and Policy Considerations
- Exceptional Health Grounds
- Design and Layout and Impact on the Character and Amenities of the Area
- Access and Road Safety
- Drainage issues
- Appropriate Assessment

6.1.2. I note that the documentation on file and the Council's reason no.1 for refusal references policies and objectives in the previous Wexford County Development Plan 2013-2019 (as extended). This plan has now expired and has been superseded by the Wexford CDP 2022-2028. This appeal is now being considered under the current policies and objectives therein, including those relevant to rural housing and drainage.

## **6.2. Settlement Strategy and Policy Considerations**

6.2.1. The Settlement Strategy has regard to Rural Generated Housing Need. This is a matter of compliance with rural settlement strategy which requires consideration of not just local but also regional and national planning provisions that deal specifically with this matter. National Policy Objectives 18 and 19 of Project Ireland 2040, refer. Objective 18 seeks to develop a programme for new homes in small towns and villages. Objective 19 seeks that: *"In rural areas under urban influence, to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in the 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"*.

6.2.2. The Regional Spatial and Economic Strategy for the Southern Region (RSES) Objective RPO27 refers to NPO 19 and addresses the issue of urban-generated housing to restrict the development of rural housing based on clearly defined

eligibility criteria. This is to facilitate the needs of rural communities, whilst controlling pressures for urban-influenced housing demand.

- 6.2.3. Regard is also had to the Sustainable Rural Housing Development Guidelines 2005 where the strategy indicates that there should be a presumption against urban generated one-off housing in rural areas adjacent to towns. The site is located in an area classified as being under “Strong Urban Influence” as identified in the Guidelines. Section 3.2.3 refers to Rural Generated Housing. This includes reference to “people who have lived most of their lives in rural areas and are building their first homes”. Section 4.3 of the Sustainable Rural Housing Guidelines 2005 refers to Assessing Housing Circumstances and includes reference to exceptional health circumstances.
- 6.2.4. Regard is had to the Core Strategy in Volume 1 of the Wexford CDP 2022-2028. Map 3-1 Core Strategy Map. This shows that the subject site is located in an area under ‘Strong Urban Influence’. Section 3.6.8 includes: *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.*
- 6.2.5. Section 4.9 of Volume 1 of the CDP sets out the policy for Single rural housing in the countryside. Table 4.6 outlines the criteria including for ‘Rural Areas under Strong Urban Influence.’ This has been noted in the Policy Section above. It provides that the applicant must comply with the criteria for that category and the applicable rural area criteria as outlined i.e.: A) *A person who has demonstrable social functional need to reside in a particular rural area* or B) *A person who has demonstrable economic functional need to reside in a particular rural area.* Objective SH40, (noted in the Policy Section above) refers to the need to strictly control individual rural housing in the open countryside, subject to compliance with planning and environmental criteria and relevant development management standards.
- 6.2.6. The applicants have submitted documentation providing their rationale for the application and in support of their local need. They have included a letter (dated 18<sup>th</sup> of March 2020) which provides details relative of their family situation, noting that the applicants have lived in Ireland since the 1990’s and the family have become involved in and become integrated into Irish Society. That they own the subject site.

They include Land Registry details and Folio number. That they were formally living in rented accommodation in Co. Wicklow. That if they sold the site, it would render them homeless. They are not local to the area and do not own a house and provide that their local need to reside on the subject site, is based on the exceptional health grounds regarding the needs of their children and on their need for a family home in the rural area. That they own the subject site and are in the position to build a house for themselves.

- 6.2.7. They note that they formally bought the site in April 2019. That it has needed a lot of improvement works done. This included drainage trenches, ESB connections, and the installation of a well. In the Summer of 2020, they put 2 mobile homes on site so that they could look after their assets of site and in the case of emergencies. That they live and work on the site, which has all resources including water and electricity. That they have worked hard on the site to bring it up to habitable level. That since the summer of 2020 (letter dated 12<sup>th</sup> of December 2020), specifically July 2020 the applicants have been living on site to watch their assets and refer to their feasibility studies regarding drainage issues.
- 6.2.8. Having regard to the retention element of this application as described in the public notices, the issue for consideration is whether these unauthorised works would have been permitted if they were not done in the first place. As noted in the Planning History Section above, there has been a previous refusal on this site. Reg.Ref. 20191540 relates. These works have been done prior to a house being permitted on this site. During my site visit I saw containers rather than mobile homes. These had been modified to include windows and doors. It appeared that they may have been used for storage or occupation.
- 6.2.9. From the details the applicants have submitted with the application it would not appear that they are local to the area or have had social or economic links to the local area. Therefore, it would not be considered that they would comply with the local need criteria as described in Section 4.9 'Housing in the Open Countryside' or the criteria listed for one-off rural housing in Table 4.6 or Objective SH40 of Volume 1 of the Wexford CDP 2022-2028.
- 6.2.10. A letter (dated 17<sup>th</sup> of December 2020) from Bobby Sinnott, Planning and Design Services, provides details on the application. This notes that the site is located in an

Area under Strong Urban Influence and that the application is being made on the basis of providing 'Housing for people with exceptional health and/or family circumstances building permanent residences for their own use'. That this is based on Table 12 of the previous Wexford CDP 2013-2019, which as noted above has since expired and is superseded by the policies and objectives of the current CDP. In particular, as noted Table 4.6 and Objective SH40.

- 6.2.11. In this case regard is had to the consideration of the Council's reasons for refusal and the local need/health circumstances raised along with regard to drainage concerns which are considered further in this Assessment below.

### 6.3. Exceptional Health Grounds

- 6.3.1. Regard has been had to the rural housing policies in Section 4.9 of Volume 1 of the Wexford CDP 2022-2028. Table 4-6 provides the Criteria for One-Off Rural Housing and includes Definition Notes 1 – 9. This includes under both Category A and B persons who are intrinsically part of a local rural community and must not have previously owned a rural house. That the Planning Authority, may in exceptional circumstance, give consideration to persons whose circumstances include criteria 4(a) – (d). Criterium 4(b) is of particular note i.e.:

*4(b) The person requires a new purpose built specially adapted house due to a verified medical condition. The person must demonstrate that their existing home cannot be structurally adapted to meet their particular needs.*

*Also, under note 6: The Planning Authority may give special consideration to cases of exceptional health circumstances supported by relevant documentation by a medical practitioner proving that a person needs to live in a particular environment or requires an immediate family member to live in close proximity to that person.*

- 6.3.2. Also of note, Section 4.3 of the Sustainable Rural Housing Guidelines 2005 refers to Assessing Housing Circumstances. This includes exceptional health circumstances, noting that such should be: *supported by relevant documentation from a registered medical practitioner and a disability and a disability organisation – may require a person to live in a particular environment or close to family support. In such cases, and in the absence of any strong, environmental, access or traffic reasons for*



*refusal, a planning authority should consider granting permission, subject (where appropriate) to conditions regarding occupancy.*

6.3.3. The First Party submit that they fulfil the social functional need criteria to have a dwelling house in this area. This includes having regard to their children's exceptional health needs which support living in a quiet rural area and their enrolment in local schools and support services. Documentation submitted includes the following:

- A letter from the applicants (dated 18<sup>th</sup> of March 2020) providing their rationale for the existing and proposed development on the subject site. This includes regard to their children's specific needs and to enrolment in local schools. That because of their children's health they have specific needs, which would benefit from living in the rural area.
- Two letters from a Senior Health Professionals identifying the diagnosis and needs of the children. These are (dated 26<sup>th</sup> of May and 9<sup>th</sup> of June 2020) and provide an address in Wicklow Town and note that the family would be relocating to the Outlart Leigh, Glenbrien, Enniscorthy (i.e. the subject site) and continues to require specialist support. Reference is made to enrolment in a primary aged special class attached to a mainstream school. The later letter notes that the children have been successful in securing placement locally in schools which are the best educational fit for complex needs. That on behalf of the team, they support the parents' application for permission to build their own home as it will enable them to provide the stability and predictability required by their children's specific needs.
- A letter from a local school in Ballymurn, Enniscorthy (dated 20<sup>th</sup> of October 2020) to say that one of the children is a pupil at the school and must be permitted to travel to school during Covid restrictions.
- Letters (dated 21<sup>st</sup> October, 2020) to say that two of the children are students in schools in the town of Enniscorthy. One of these letters gives an address in Wicklow Town.
- A letter from the HSE (dated 6<sup>th</sup> of October 2020) from a doctor to state that one of the children attends the Carn House Day Hospital in Enniscorthy, and details of their health diagnosis are given.

- A letter from the applicants (dated 12<sup>th</sup> of December 2020) giving the subject site as their address. This states that they have 3 children with special needs and they were attending local school in Co. Wicklow. That since the beginning of the academic year 2020/2021 they were enrolled and attending local schools in Enniscorthy, Co. Wexford.
- A letter (dated 30<sup>th</sup> of December 2020) from the HSE regarding the need to restrict movement and isolate due to Covid case in the school.

### Conclusion

6.3.4. I have had regard to the details submitted including in the First Party Grounds of Appeal and acknowledge the special health needs put forward. Also, that the children are in school locally in the town of Enniscorthy and Ballymurn, which is a local village. Based on the details submitted, I would not consider that the applicants have established a demonstratable local need in accordance with planning policy and guidelines to reside on the subject site in this rural area. I would not consider that it has been established that there are exceptional health or family circumstances pertaining to the applicants so as to have a specific need to reside on the subject site in accordance with planning policy considerations and criteria (as stated above) in both Table 4.6 (and its Definitions and Notes) of the Wexford CDP 2022-2028 or Section 4.3 of the Sustainable Rural Housing Guidelines 2005. I would be concerned that the development for retention and as proposed would set an undesirable precedent and be prejudicial to the proper sustainable planning and development of this rural area 'under strong urban influence'.

### **6.4. Design and Layout and Impact on Character and Amenities**

- 6.4.1. The Site Layout Plan shows the location and set back of the proposed dwelling and detached garage. Floor plans have been submitted showing the two storey 4 bedroom house with a floor area of c. 184sq.m. The elevations show a hipped roof design and it is shown c. 8.25m in height. External finishes include selected slates and napp plaster finish. The proposed garage is shown alongside and is 32sq.m. in area and c. 4.4m to ridge height.
- 6.4.2. I would consider the proposed design and layout of the dwelling house and detached garage to be acceptable in this rural area. It will not be overly obtrusive, in view of

other two storey housing in the area and its location well set back from the public road. In view of distance to adjacent sites, it will not cause issues of overlooking, loss of light or privacy.

## **6.5. Access and Road Safety**

- 6.5.1. As shown on the Site Layout Plan and seen onsite, the gated access to the site as has been established is from the private lane. The right of way from the gated access to the public road to the west of the site, has been shown in yellow. This provides at the junction with the public road 'Existing 65m sight distance shown from 1.7m from the road edge to middle of oncoming lanes of traffic'. It is noted that the access to the site is unauthorised and has been constructed without first obtaining planning permission. The Planning History Section above notes (Reg.Ref. 20191540 relates) where permission was refused by the Council for a proposed new garage, new boundary wall, entrance gates and wing walls, entrance off existing private laneway and all associated site works. The reasons for refusal included relative to the proposed use not being indicated. This is now not the case in that the existing access is to be retained to serve the proposed dwelling house.
- 6.5.2. The Council's second reason for refusal in the previous application, Reg.Ref. 20191540 noted the absence of details regarding legal rights to use the lane as an access/egress and permission to undertake upgrades/improvements to its condition and alignment. This matter is not referred to in the current application nor in the Council's reasons for refusal. It is noted that the Planner's Report for the current application provides that the applicants have shown right of way over the private shared laneway. Hence the proposal does not appear to conflict with Section 6.2.6, Volume 2 of the WCDP 2022-2028 (Siting and Design of Access/Egress Points – Development on Private Laneways).
- 6.5.3. In any event, it is of note that any issue of ownership or boundary disputes regarding private rights of way etc. are civil matters and I do not propose to adjudicate on these issues. In this case note is had to the provisions of S.34(13) of the Planning and Development Act 2000 (as amended): "*A person shall not be entitled solely by reason of a permission under this section to carry out any development*". Under Chapter 5.13 'Issues relating to title of land' of the 'Development Management -

Guidelines for Planning Authorities' (DoECLG June 2007) it states, inter alia, the following: "*The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...*"

## **6.6. Suitability of Site for Disposal of Effluent**

- 6.6.1. Section 9.6.4 of Volume 1 of the Wexford County Development Plan 2022-2028 and Section 8.3.1 of Volume 2 include reference to Individual Private Wastewater Systems in Rural Areas. This includes that the provision of on-site wastewater treatment systems to serve new one-off rural housing must be carefully considered as these systems place significant pressures on water quality. The latter includes reference to the assessment criteria and to the need to carry out a Site Suitability Assessment, noting: *The siting, design and installation of the wastewater treatment system shall be in accordance with the requirements of the Code of Practice: Wastewater Treatment and Disposal Systems serving Single Houses (P.E. <10), published by the EPA in 2021 or future updates. It must comply with minimum separation distances to various receptors specified in the Code of Practice.*
- 6.6.2. The site is within an unserviced rural area. The applicants noted (their letter dated 18<sup>th</sup> of March, 2020) that the drainage on the site was poor when they bought it in 2019. That there was no proper system in place and the greenfield site was wet. They cleared the site of vegetation and created a drainage system around the site. That boundary drainage trenches allowed drainage to take place. The applicant has confirmed (their letter dated 12<sup>th</sup> of December 2020) that as part of their feasibility studies they installed a biocrete system they have drilled a well on site and have running water onsite.
- 6.6.3. On site, I noted that the site has been levelled, that there are trenches along the boundaries. The site and these trenches appeared to be dry at the time of the August site visit. However, I noted that the land on the adjoining sites appeared to be wetter, and less well drained.
- 6.6.4. The Site Layout Plan shows the location of the proposed Biocrete treatment system to the rear of the proposed dwelling close to the northern corner of the site. Also, of the 'Proposed raised sand filter 25sq.m as per enclosures from MK Environmental

Solutions (1.3m high)'. It also shows a 'Diffuse Discharge zone planted densely with willow', and that there will be willow planting on all sides. Permission is sought for the installation of a tertiary level polishing filter including all ancillary siteworks. In addition, it shows the location of the existing biocrete wastewater treatment system proposed for retention and all associated ancillary siteworks including the provision of a bored well, located close to the site frontage in the southeastern part of the site.

- 6.6.5. MK Environmental Solutions Ltd have submitted a Sewage proposal entitled: *'Retention of existing Bio-crete and permission for the installation of a raised sand filter, with part subsoil replacement, followed by narrow diffuse discharge drainage channel with 60sq.m willow/eucalyptus plantation at ground level, 3/4m on all sides of the proposed sand filter'*. This includes 'Site Pictures' of photographs showing the area on site where the trial holes and percolation tests were carried out. Mapping showing that the site is on the boundary between two soil types. An Aquifer and vulnerability map of the existing site: *Poorly productive bedrock aquifer*. Noting that this is an interim study only. Also, that the Vulnerability status has a 'Moderate vulnerability rating'. A map has been submitted showing the bedrock of the proposed site and a site location map, showing the test area in white.
- 6.6.6. The MK Report provides a site overview. This includes that there is an existing three-bedroom mobile home on the site which is currently served by a bio-crete wastewater treatment system. That MK Solutions was contracted to undertake a percolation test and report with a view to upgrading the existing wastewater treatment layout on site to comply with the EPA CoP. That a soil test was done adjacent to the location of the Bio-crete unit to establish ground conditions in order to install a suitable percolation area/polishing filter.
- 6.6.7. They note that the applicant is now seeking permission for a new dwelling and a full new sewage system upgrade. That the residency of the proposed dwelling will be 6PE. Noting that the area of the site is 0.31sq.m and the area to the rear of the mobile home is where it is proposed to locate the polishing filter. That the filter will be located in the northern corner of the site in order to achieve the necessary minimum separation distance requirements from the proposed dwelling house. Noting that the existing well on site is to be retained in its current location. They submit that the proposed upgrade will result in a NET environmental gain.

- 6.6.8. Site Specific design details are given. This notes that all T tests returned T values >75 (as noted on the Site Characterisation Form submitted) with invert levels ranging from 300-800mm below the original ground level. That this along with the presence of the water table at 1.3m (mottling and perched water up to 1.1m) indicates that the permeability of the site is unsuitable for direct discharge of effluent directly into the subsoil from either an advanced wastewater treatment system or a septic tank system. That only a secondary system and raised sand/coco or soil polishing filter can be recommended due to slow drainage on site and the need to upgrade the existing system.
- 6.6.9. They note that the Average T Value of >75 (shallow subsoil only) Clay marl material deeper and an Average P Value of 54. They provide that the most suitable recommendation in this instance is the installation of a Secondary treatment unit, Bio-crete Concrete Tank with Pumped discharge into an engineered (built on site) 25sq.m sand tertiary filter. Details are given of the recommended laying and depth of this filter. Noting that this will allow for the distribution of effluent through the placed soil which should then be capable of hydraulically dispersing the treated effluent to the water table beneath the site following Primary/Secondary and Tertiary Treatment. In addition to this to ensure the hydraulic dispersal of treated effluent they provide that a 3m wide buffer zone of willow planting is to surround the entire area of the sand filter on and extend right out into the very northern corner of the site close to the existing drainage ditch. Noting that this will also act as an additional diffuse discharge zone. That the complete wastewater treatment system will therefore comprise 4 stages to reduce the contaminant loading, prior to the final discharge of the treated wastewater into the ground and they provide details of this. A Method Statement for the soil polishing filter is included, to provide Primary, Secondary and Tertiary filtration system with diffuse discharge to a large low level subsoil replacement zone densely planted with Willow.
- 6.6.10. A summary is provided of the Groundwater Protection Responses. This is based on the 'Wastewater Treatment Systems for Single Houses' (EPA 2009). The current CoP 2021 replaces the previous Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.  $\leq 10$ ) issued in 2009. This CoP applies to site assessments and subsequent installations carried out on or after 7th June 2021. It provides that the 2009 CoP may continue to be used for site

assessments and subsequent installations commenced before 7th June 2021 or where planning permission has been applied for before that date.

- 6.6.11. I would note that the application was made on the 18<sup>th</sup> of December 2020, and the MK Environmental Solutions Report provides that the 'Site visit and trial pit assessment' was carried out on the 27<sup>th</sup> of July 2020, and the Site Characterisation Form is dated December 2020, so therefore the previous CoP (2009) is of note. Part 2, Annex B provides the Groundwater Protection response – Table B2. refers. As noted on the Site Characterisation Form the Aquifer Category is described as Poor with Moderate Vulnerability and the Groundwater Protection response is 'R1'. The Form notes that the site shows signs of poor drainage. That it may not be possible to achieve ground water disposal of liquid effluent. That the main target at risk in this instance is the underlying PI aquifer, wells and septic tanks locally to be located and that the subsoil indicates poor drainage. Trial holes have been dug and the depth of the water table is given as 1.30.
- 6.6.12. Table 6.3 of Part 1 of the CoP 2009, provides an 'Interpretation of Percolation test Results'. The Site Characterisation form notes that percolation tests provide a 'T' value of >75. This provides that the material beneath the shallow topsoil has drainage issues. That it is proposed to install a secondary system with raised Tertiary Filter. That a 'P' value of 54 was obtained. Comments include that there is a High Clay content loam and it is proposed to discharge through topsoil only using shallow gravel distribution layer. That a Large Sand filter is proposed with a gravel distribution layout into replaced topsoil and subsoil to a depth of 800mm as per the Method Statement. With a Large gravel distribution layer on top of the replaced subsoil with Sand filter above this level. The Site Characterisation Form provides detailed Site-Specific Conditions. Reference is had to the proposed Bio-crete tank and system to be installed as has been detailed in the MK Environmental Solutions Ltd Report and Method Statement.
- 6.6.13. I note that there is a Report from the Environment Section of the Council on file. This has had regard to the information submitted by MK Solutions with the application, including the percolation test results and the proposed treatment system. They note that the applicant has not indicated clearly using a colour coded drawing on the Site Layout Map the full extent of the drainage channels around the site. That it is not clear regarding the proposed water supply on site. That there is an existing well on

site and also a confirmation of feasibility from Irish Water Utility regarding a public mains connection. They provide that it is the opinion of the Council's Environment Section that based on the evidence of failed drainage conditions on site, the underlying subsoil may not be capable of hydraulically disposing of the effluent generated by the proposed development and that the development may give rise to a public health hazard.

- 6.6.14. The First Party is concerned that the Council's drainage reason for refusal would not have been a ground to refuse if the applicants had been asked to furnish them with an updated site layout map which indicates the drainage channels. They have submitted photographs showing these. That as per the MK Environmental Solutions Ltd they note that the site is draining because there are drainage channels on site and that they will install the best possible treatment system. Also, that a letter for clarification regarding the water supply could have been issued to them.

#### Conclusion

- 6.6.15. Having regard to the information submitted by MK Environmental Solutions Ltd, I would consider that they have established that there is a complex engineered solution to the poor drainage issue on this site. However, the workability and maintenance of such a solution in the longer term is an issue. I note that the trenches have been dug along the site boundaries and are in operation. However, it has not been established as to what impact the proposed development would have on the surrounding lands which may also be poorly drained. Also, this is an area under Strong Urban Influence and this proposal will add to the proliferation of individual wastewater treatment systems in the area. Taking these issues into account and having regard to the comments of the Council's Environment Section I am not satisfied that it has been established that the proposed development would comply with Wastewater Objectives in Section 9.6.4 and in particular Objective WW11 of Volume 1 of the Wexford CDP 2022-2028 and not impact adversely on drainage of adjoining lands and on public health.

### **6.7. Screening for Appropriate Assessment**

- 6.7.1. Having regard to the nature and scale of the development and to the nature of the receiving environment and separation distance from the nearest designated site, no



appropriate assessment issues arise, and it is considered that the development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European sites.

## **7.0 Recommendation**

I recommend that permission be refused for the development to be retained and that proposed for the Reasons and Considerations below.

## **8.0 Reasons and Considerations**

1. Having regard to the location of the site in an unserviced rural area under strong urban influence, and to the documentation submitted with the application and appeal, the Board is not satisfied that the applicant has demonstrated compliance with National Policy Objective 19 of the National Planning Framework 2018, the qualifying criteria for rural housing of economic or social need as per Section 4.9.1 (Single (one-off) Rural Housing Policy Context), and the Criteria for One-Off Housing and definitions provided relative to exceptional health circumstances in Note 4(b) and Note 6 of Table 4.6 or Objective SH40 of Volume 1 of the Wexford County Development Plan 2022-2028 or Section 4.3 of the Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005, based on the core consideration of demonstratable economic or social need or exceptional health circumstances to live in a rural area, having regard to the viability or smaller towns and rural settlements. Accordingly, the Board is not satisfied that the applicant, has provided sufficient justification for a rural housing need to live in this rural area, or that the applicant's housing need, cannot be satisfied in a serviced settlement. In the absence of a sufficient justification, it is considered that the proposed development would contribute to the development of random rural housing in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the soil and poor underlying drainage conditions on site, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated and disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system, and comprising primary, secondary and tertiary filtration. That the proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

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

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Angela Brereton  
Planning Inspector

23<sup>rd</sup> of December 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	ABP – 319820 -23			
<b>Proposed Development Summary</b>	Retention of existing mobile home, existing biocrete wastewater treatment system and all associated site works and Permission for the erection of serviced dwellinghouse and domestic garage/store and all ancillary siteworks.			
<b>Development Address</b>	Oulartleigh, Glenbrien, Enniscorthy, Co. Wexford			
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓	
		<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>	✓	This is a residential development to provide one house in the rural area and would be under Class 10(b)(i), Schedule 5 Part 2.	EIA Mandatory EIAR required	
<b>No</b>			Proceed to Q.3	
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant class?</b>				
		<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
<b>Yes</b>		Below Threshold		No EIAR or Preliminary Examination required

<b>No</b>	✓	Class/Threshold 10 (b)(i), Schedule 5, Part 2.		Proceed to Q.4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>				
<b>Yes</b>	✓	The development for 1 house on a site area (0.31ha) in the rural area falls well below the applicable Class/Threshold for 10 (b)(i), Schedule 5, Part 2 of the Planning and Development Regulations 2001 (as amended).		

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	No ✓	<b>Pre- Screening determination remains as above (Q1 to Q4)</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 2 - Form 2

### EIA Preliminary Examination

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	<b>ABP- 319820-24</b>	
<b>Proposed Development Summary</b>	Retention of existing mobile home, existing biocrete wastewater treatment system and all associated site works and Permission for the erection of serviced dwellinghouse and domestic garage/store and all ancillary siteworks.	
<b>Development Address</b>	Oulartleigh, Glenbrien, Enniscorthy, 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/ Uncertain</b>
<p><b>Nature of the Development.</b> 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 comprises the construction of 1 no. house in a rural area. The proposal will not give rise to the production of significant waste, emissions or pollutants.</p>	<p>No</p> <p>No</p>
<p><b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The size of the dwelling would not be described as exceptional in the context of the existing environment. There are no significant developments within the vicinity of the site which would result in significant cumulative effects/considerations.</p>	<p>No</p> <p>No</p>

<p><b>Location of the Development</b></p> <p>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?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended); there is no real likelihood of significant effects on the environment arising from the proposed development. The need for Environmental Impact Assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.</p>	<p>No</p> <p>No</p>
<p align="center"><b>Conclusion</b></p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p>This proposal is for a one-off house on an unserviced site in the rural area.</p> <p>An EIA is not required ✓</p>	

**Inspector:**

**Date:**

**DP/ADP:** \_\_\_\_\_

**Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)