



An
Bord
Pleanála

Inspector's Addendum Report

ABP-320725-24

Development	Retention and completion of shed for housing horses and associated site works
Location	Caim (Killoughrum E.D.), Enniscorthy, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20240734
Applicant(s)	Mark and Natasha Slevin
Type of Application	Retention and permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	Third Party
Appellant(s)	Patrick & Ann O'Mahoney
Date of Site Inspection	16 th January 2024
Inspector	Sarah O'Mahony

1.0 Introduction

- 1.1. This report is an addendum report to the Inspector's report in respect of ABP-320725-24 dated 19th February 2025.
- 1.2. On 31st March 2025 the board decided to defer the decision and request further information under Section 132 of the Planning and Development Act 2000, as amended, requiring:

- *Mapping which identifies the location of potable water wells on the subject site and adjoining property and provides scaled distances between any such wells and the shed which is the subject of the application and associated Hydro-geological survey material as and if appropriate, depending on the confirmed distances of the shed which is the subject of this application from identified wells. (In this regard: S108 Minimum Specification for Manure Pits and Dungsteads, June 2017, the Department of Agriculture, Food and Rural Development is a useful reference).*

- 1.3. This report considers the submissions made on foot of the request.

2.0 Response of Relevant Parties/Observers to the Board's Decision to Request Further Information

- 2.1. The first party response comprised:

- A written response.
- Site Location Map outlining the site and highlighting the absence of any marked wells on the 1:10,560 mapping.
- 1:2500 Site Location Map with callout text highlighting features of the area including groundwater flow from west to east, the higher ground level of the adjacent farmyard above the ground level of the site, the vacant dwelling and occupied dwellings on the appellant's adjacent property and the location of 2no. shallow wells 180m to the northeast.
- A 1:500 Site Layout Plan illustrating 30 and 60m radii from the dungstead and the absence of any occupied dwelling or well within that area.

- A planning application form and Case Planner's report associated with ref. 20051248, stated to be the appellants dwelling which is situated 110m west of the site.
- 2.2. The applicant's response states there are no known potable wells within 300m of the dungstead and that all habitable houses in the area are served by mains water. It states there is a dwelling within the appellant's adjacent farmyard which is unoccupied with many years and does not have an eircode.
 - 2.3. There are 2no. shallow wells 180m to the northeast which exceed the minimum separation distances set out in S108 Minimum Specification for Manure Pits and Dungsteads.
 - 2.4. Dung has been stored on the site for many years as part of the working farmyard. The new dungstead will have a flow channel ensuring runoff is stored in a holding tank preventing effluent from entering the ground or surface waters.
 - 2.5. The adjacent farmyard and unoccupied house are on higher ground in an opposite groundwater flow direction to the site. Appellant's occupied house is served by mains water as evidenced in planning application documentation associated with the appellant's dwelling.

3.0 Further Submissions

- 3.1. A third-party response from the appellant was submitted which comprised the following:
 - Written response
 - Invoice for drilling a well in 1969.
 - Invoice for provision of a pump in 1969.
 - Invoice for the supply and fitting of a pump in 2014.
 - Bank statements indicating a transfer of monies corresponding to the 2014 invoice.
- 3.2. The appellant responded to the applicant's submission by stating there is a potable well on the appellant's farmyard, adjacent to the application site, since the late 19th century. It is stated that this well serves the appellant's dwelling and farmyard while a

mains water connection is also provided as a secondary supply. The mains supply is stated to be part of the Blackstairs Group Water Scheme. The response outlines a suggestion that the applicant is aware of this well and failed to inform the Coimisiún of same. Documentary evidence listed above was submitted to demonstrate the presence of the well over a number of decades. The well is stated to be well known in the locality and made available to others when there are issues with the mains supply to the area.

- 3.3. The response suggests the applicant's further information response is incorrect and invalid, and therefore An Coimisiún cannot consider the response. The further information response should be excluded in the determination of the appeal.
- 3.4. Agricultural activities on the subject site undertaken by previous owners of the landholding are described as hobby farming and less intense than those currently underway, with the result that the appellant's property and well was not previously impacted by the presence of the farmyard. No unauthorised development including the shed and a horse walker was undertaken or erected by previous owners.
- 3.5. The Planning Authority (Wexford County Council) failed to invalidate the application initially due to concerns raised regarding the location of the site notice.

4.0 Assessment

- 4.1. The appellant's response to the further information response clearly demonstrates in my view that there is a potable well on the appellant's property in close proximity to the subject site and proposed dungheap. Its location has not however been indicated on a map and no evidence is provided to demonstrate that it is the primary source of water to the appellant's dwelling.
- 4.2. I note the applicant's submission suggesting groundwater flow in the area is in the opposite direction to the adjacent farmyard and therefore to the well also, however no documentary evidence is submitted to demonstrate this. Topography of the wider area is undulating with many localised peaks and troughs. I noted during the site inspection that parts of the adjacent appellant's farmyard are situated at a higher ground level than the subject site, but that both the subject site and the appellant's adjacent property have a general and gentle slope down from west to east.

4.3. The specific location of the well is still unclear and therefore it is not possible to determine if it complies with S108 Minimum Specification for Manure Pits and Dungsteads as requested by An Coimisiún. S108 states:

'The minimum distance between a storage facility and a public/private water supply source, either surface or ground, shall be 60m for new farmyards and this may be reduced to not less than 30m for existing farmyards subject to a hydro-geological survey.'

4.3.1. I again note the provisions of Objective ED98 of the Wexford County Development Plan 2022-2028 which seeks to ensure all developments in rural areas, including agricultural developments, do not impact on the quality of the environment or character of the rural area and requires developments to adhere to a list of specified criteria including:

- *Will not result in the contamination of potable water, surface or ground waters, or impact on natural or built heritage;*

4.4. As set out in sections 7.5.6 and 7.5.7 of my initial report, I acknowledge that the scale, design and location of the dungstead mean it is unlikely to result in any significant impact to the adjoining well. However, in the absence of definitive data to demonstrate this as requested by the Coimisiún, I again recommend that planning permission is refused due to an absence of certainty regarding the location of the adjoining well, which in itself precludes a definitive demonstration that the criteria listed above from Objective ED98 has been adhered to.

4.5. I note the appellant again raised procedural matters regarding the location of the site notice however I addressed this in the previous Inspector's Report.

5.0 Recommendation

5.1. I refer to the previous Inspector's Report and recommendation on this application dated 19th February 2025. Having regard to the additional submissions received I conclude that the applicant has failed to adequately address the issues as raised by the Board and therefore I make the same recommendation to refuse permission in accordance with the reason set out below:

1. The Coimisiún is not satisfied that the information provided meets the requirements of article 23(1)(a) of the Planning and Development Regulations 2001 (as amended) due to the absence of clarity regarding the presence and location of potable water wells in the area. Therefore, together with the absence of an associated hydrological assessment, it is considered that the documentation received with the application is insufficient to assess potential impacts to public health and it has not been demonstrated that the development complies with Objective ED98 of the Wexford County Development Plan 2022-2028. The proposed development is therefore considered prejudicial to public health and would be 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.

Sarah O'Mahony
Planning Inspector

26th November 2025