



An  
Bord  
Pleanála

## Inspector's Report

### ABP-321222-24

#### Development

Retention of single-storey structure and permission for completion of house for rental use and associated site works.

#### Location

Camaross (Kilgarvan E.D.), Co. Wexford

#### Planning Authority

Wexford County Council

#### Planning Authority Reg. Ref.

20240639

#### Applicant(s)

Gus & Orna Connick

#### Type of Application

Retention and Permission

#### Planning Authority Decision

Grant

#### Type of Appeal

Third Party

#### Appellant(s)

Denis & Ellen Nolan

#### Observer(s)

None

#### Date of Site Inspection

13<sup>th</sup> February 2025

**Inspector**

Frank O'Donnell

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## **1.0 Site Location and Description**

- 1.1. The subject appeal site is located in the townland of Camaross at the southern end of an existing local road (cul de sac). The appeal site has a stated site area of 0.4 hectares, has an irregular shape and includes an existing 2 storey farmhouse, the subject partially commenced single storey/ detached dwelling structure, 2 no. agricultural sheds, part of a shared access laneway to the remainder of the landholding and part of an open field. There is a separate existing 2 storey dwelling and associated sheds located to the immediate north of the appeal site on the opposite side (north) of the said farm access lane.
- 1.2. The subject appeal site is located within a Structurally Weak Area and a Lowland Landscape Character Area.

## **2.0 Proposed Development**

- 2.1. The proposed development is as follows:
- Retention of a partially constructed single storey dwelling structure measuring 66 sqm in area and 2.5 metres in height (internal dimension).
  - Permission for completion to form a 2 storey four bedroom dwelling to be used as rental accommodation ancillary to the existing main dwelling house. The dwelling structure is proposed to have an overall floor area of measure 128 sqm (64 sqm on the ground and first floors) and measures 13 metres in length, 5.9 metres in depth and a maximum height of c. 7.1 metres.
  - Permission for the installation of an effluent treatment system replacing the existing on-site system to care for both on-site residential structures.
  - All other associated site works.

### 3.0 Planning Authority Decision

#### 3.1. Decision

3.2. A Request for Further Information was issued on 24<sup>th</sup> July 2024, as follows:

1. *Please submit revised plans to show compliance with the required building control and fire safety control requirements including:*
  - *Plans that identify compliance with access for people with disabilities.*
  - *The layout of the development must be amended to ensure that the stairs are relocated from the kitchen.*
  - *Plan to show compliance with Part L of the building regulations relating to energy use as there appears to be a proposed solid fuel fire proposed.*
2. *Please submit details with regard to anticipated visiting numbers, hours of operation, the on site management with regard to staff, visitors and parking requirements and business details.*

3.3. The Local Authority issued a Notification of Decision to GRANT permission on 18<sup>th</sup> October 2024 subject to 8 no. conditions.

Conditions no. 2 & 6 read as follows:

2. *The accommodation shall be used for short term accommodation as farm diversification accommodation only and shall not be sold separately from the main farmhouse and farmyard.*

*Reason: The location of the dwelling within the farmyard and the proposed shared effluent treatment system must be retained within a single ownership in the interests of public health.*

...

6. *The effluent treatment and disposal system shall be:*
  - a. *Installed and maintained in accordance with the manufacturer's recommendations and the submitted plans.*
  - b. *Completed and ready for use prior to first occupation of the development.*

*c. No system other than the types proposed shall be installed unless agreed in writing with the Planning Authority.*

*Reason: In the interests of public health.*

### 3.4. Planning Authority Reports

#### 3.4.1. Planning Reports

- The **Local Authority Planner** as per the Report dated 22<sup>nd</sup> July 2024 considered that having regard to the referral responses, the submission received and having regard to the previous planning application, it was appropriate to assess the application under rural diversification/ farm accommodation policies. The Local Authority Planner considers that as per policies on rural accommodation and rural diversification, the main consideration is whether the construction of a new dwelling for rent to visitors or students for the purposes of learning about sheep dog training principally is not acceptable having regard to the fact that there is an existing farmhouse directly adjacent (no reasonable reason this dwelling cannot be used for such). The Local Authority Planner further considers that while it is not a requirement for the applicants to live in this farmyard, this would be the only reasonable rationale that could be accepted for a new dwelling to provide accommodation for visitors. As referenced in the submission and the application itself the existing farmhouse is currently being rented and therefore the proposal is not accepted in principle. The Local Authority Planner recommended that permission be refused for 2 no. reasons relating to i) Proposal being contrary to Section 7.7.5 of the Development Plan which relates to Tourist Accommodation and ii) Insufficient information regarding anticipated visitor numbers, hours of operation, on site management in relation to staff, visitors, parking, business details, was received. It was therefore considered premature for the Local Authority to favourably consider the application. A Request for Further Information was subsequently issued on 24<sup>th</sup> July 2024 as set out above in Section 3.0 above.
- Following receipt of a Response to the Request for Further Information, the **Local Authority Planner** as per the Report dated **17<sup>th</sup> October 2024**

considered the proposal represented an opportunity to develop a farm diversification protect and agricultural training/ exhibition, that the development is located within an existing farmyard and that services would be shared. It was further considered that the applicant will be developing the agricultural educational facility and that the proposed accommodation would bring farm tourism accommodation. The Applicant's background in sheepdog training, is referenced as a viable business which required specialist skills and that the submitted cover letter outlines opportunities that could be developed further that will make this small holding more viable. The Local Authority Planner acknowledged that while this is not the normal proposal which the Local Authority may received in terms of rural diversification, the proposed development would support a specialised use which could be developed to bring further economic benefits to the area. The Local Authority Planner then recommended conditions to ensure that the dwelling is retained for short term accommodation and retained in the same ownership to the main dwelling house, as the services and access are shared.

#### 3.4.2. Other Technical Reports

- The **Roads Department** raise no objection to the proposed development subject to 2 no. conditions relating to the maintenance of sightlines at all times and the disposal of surface water within the curtilage of site.
- The **Environment Department** recommend that permission be Granted subject to 2 no. conditions relating to the installation, maintenance and management of the effluent treatment and disposal system and a prior to occupation certificate of completion.

#### 3.5. Prescribed Bodies

- None.

### 3.6. Third Party Observations

3.6.1. 2 no. third party observation submissions were received from the following:

- Denis & Ellen Nolan

Submission received on 21<sup>st</sup> June 2024 from Denis & Ellen Nolan.

The main issues raised in the submission can be summarised as follows:

- Contravention of Development Plan owing to construction of a second dwelling house on the property and the precedent this will set.
- The proposed dwelling house is constructed below the existing agricultural field and shown to be positioned 1 metre from the boundary. The treatment of Groundwater in the vicinity of the dwelling house is not addressed.
- Design and Layout:
  - The proposed ground level of the dwelling is below the existing agricultural field.
  - The dwelling is proposed to be position 1 metre from the boundary.
  - Proximity of the proposed dwelling to the Observers land.
  - Overlooking from windows facing the Observers land. Such windows were not present in the last structure.
- Groundwater:
  - The issue of Groundwater treatment is not addressed in the plans.
- Effluent Treatment/ Discharges:
  - The percolation area is located at the lowest section of the working farmyard. The site plan fails to address water flow and its impact on the new polishing filter. The existing farmyard is concrete and part stone.
- Historic Parking:
  - The Applicant occasionally parks cars in the Observers field gateway which blocks access to his fields.

- Sheep dip trough:
  - The Observer wishes to notify the Local Authority that he will send notification of the above unauthorised development within the farm which effects his boundary.

Submission received on 4<sup>th</sup> July 2024 from Denis & Ellen Nolan

The main issues raised in the submission can be summarised as follows:

- Access and Traffic:
  - The access road is very narrow and does not permit two vehicles to pass in certain locations.
  - The proposals will serve to increase traffic movements as this dwelling is proposed to be rented.
  - Parking is limited. The Observers always require full access to the lands. Vehicles have previously parked in the gateway.
- Loss of Privacy and Overlooking:
  - The proposals will result in a loss of privacy to the Observers dwelling and land. The previous buildings had no windows, and the area was quite private. The view from the Observers kitchen window has already been obstructed by the subject building.
- Dog Kennels/ Dog Waste:
  - It is stated in the Application that accommodation will be provided for people who wish to have assistance in training their dogs. Reference is also made to Dog trailing. No reference is made to any housing for the dogs or dog kennels which would be used during such a stay. There is no reference to any arrangements to cater for dog waste.

## 4.0 Planning History

### 4.1. Planning History

- **20231016:** Retention for a part-constructed single storey structure and permission for completion to form a two storey four bedroom residential building to be used as a rental accommodation ancillary to the existing main dwelling house. Permission is also being sought for the installation of an effluent treatment system replacing the existing on-site system to cater for both on-site residential structures and all other associated site works. Permission was REUSED on 20<sup>th</sup> October 2023 for the following reasons:

- 1. The applicant has failed to adequately demonstrate rural linkage and housing need in accordance with the rural housing policy as set out in Volume 1 Table 4.6 of the Wexford County Development Plan 2022 – 2028. The proposal is therefore contrary to the proper planning and the sustainable development of the area.*
- 2. It is noted that the red line boundary incorporates the existing dwelling to the south and dwelling for retention with the 0.4 ha. This is considered contrary to Section 3.1.2 Standards for Single Dwellings in Rural Areas and Table 3-3 Site Size, Dwelling Floor Area Ratio and Biodiversity Requirements and contrary to the proper planning and sustainable development of the area.*
- 3. Insufficient information has been submitted regarding the requirements set out under Table 3-3 (Volume 2) of the Wexford County Development Plan 2022 – 2028. The applicant has submitted no details in relation to a biodiversity tree or shrub planting proposal in order to provide the minimum requirement of 20% of the site area planted for biodiversity use.*

### 4.2. Planning Enforcement History

- Compliant Ref. No: **0085-2023**
- Details: Unauthorised construction of a dwelling – enforcement notice issued.

## 5.0 Policy Context

### 5.1. Development Plan

#### **Wexford County Development Plan, 2022 to 2028:**

#### **Volume 1: Written Statement**

##### 5.1.1. Chapter 4: Sustainable Housing

- Section 4.9: Housing in the Open Countryside
  - Section 4.9.1: Single (One-Off) Rural Housing Policy Context

...
  - Structurally Weak Areas

....
  - *While some areas of the county have been designated as ‘Structurally Weak’, applicants must still comply with the requirements of Table 4-6 Criteria for One-Off Rural Housing.*

....
  - *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. Notwithstanding the demonstration of compliance with the relevant criteria, the planning application will be determined based on the proper planning and sustainable development of the area, in accordance with all relevant development plan objectives and development management standards including traffic safety, public health, the protection of natural heritage and biodiversity, landscape and siting and design. The demonstration of a local rural housing need will not outweigh the need to comply with all other relevant planning and environmental criteria and standards.*
  - *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 and the accompanying definition and notes.*
- Extract from Table 4-6: Criteria for One-off Rural Housing

Rural Area Type Area	Category A	Category B
Structurally Weak Area	A person building a dwelling house as their permanent place of residence and who has never owned a rural house. (See Point 4 in Definitions and Notes regarding owning a rural house). The person can work from home or commute to work daily.	

- See Table 4-6 Definitions and Notes (1 to 9)
- Section 4.9.2: Unfinished single houses in the open countryside
  - *An instance may arise where planning permission is granted for a single house in the open countryside and work commenced on the development. However, the original applicant may no longer be in a position to complete the house. The planning authority will consider a planning application for retention and completion of the house by a different applicant only where the new applicant complies with the rural housing policy pertaining to that particular rural area.*
- 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 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.*
- Objective SH41: *All planning permissions granted for individual rural dwellings in the open countryside will be a 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 SH44: *To consider an application for retention and completion of a single house in the countryside by a different applicant to the original applicant only where the new applicant complies with the rural housing policy pertaining to that particular rural area.*
- 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.*
- Section 4.9.4: Refurbishment and Replacement of Rural Dwellings/Non Residential Rural Structures
  - *Non-Residential Rural Structures*
    - *The Planning Authority will also consider the refurbishment and conversion of a non-residential structure to residential use e.g. a disused church or an old school building subject to complying with the criteria set out in Table 4.8.*
    - *The following definitions apply:*

*‘Substantially intact’ for the purposes of this section means the four walls and roof are intact.*

- *‘Derelict’ for the purposes of this section means a structure which is not substantially intact. This includes where the roof is partially missing/damaged.*

- **Table 4.8:** Refurbishment and conversion of non-residential structure to residential use

- **Category:** Refurbishment and conversion of non-residential traditional rural buildings to residential use e.g. a disused church, an old school building and stone built barns.
- **Category A:** The Planning Authority will assess this as the sustainable reuse of existing building stock and as an alternative to the construction of a single house elsewhere in the open countryside.
- **Criteria:**
  - i) *The original structure must be ‘substantially intact’.*
  - ii) *The building must be of local, visual, architectural or historical interest.*
  - iii) *The building must be capable of undergoing refurbishment and conversion and its original appearance must be retained. In this regard, the planning application must be accompanied by a structural survey carried out by a suitably qualified engineer.*
  - iv) *The works must be carried out in a sensitive manner and retain architecturally important features and make use of traditional and complementary materials.*
  - v) *The applicant will not be required to comply with the local need criteria relating to the rural area in which the structure is located and the occupancy and permanent residence conditions shall not apply.*

- vi) *Any proposed extension of the structure must be appropriate in scale and remain subservient to the structure.*

- Replacement and Refurbishment in the Open Countryside

It is the objective of the Council:

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

### 5.1.3. Chapter 6: Economic Development Strategy

- Section 6.7.6: Rural Economy
  - Section 6.7.6.2: Rural Diversification including Agri-Food
  - *The diversification of the rural economy can both supplement existing rural incomes and add to the richness of the rural area. The Planning Authority recognises that a balance needs to be maintained between facilitating appropriate forms of rural development and protecting the rural environment. Farm based enterprise including agri-tourism proposals, open farms/pet farms and equestrian activities will be facilitated subject to environmental and development management standards. Agri-tourism proposals are dealt with under Chapter 7 Tourism Development.*
  - ...
  - Objective ED107: *Development of the type referred to in Objective ED105 and Objective ED106 shall be required to submit adequate information to demonstrate that the proposed development:*
    - i) *Will make a positive contribution to the local rural economy;*
    - ii) *Will not adversely affect the character and appearance of the landscape and where possible, involves the reuse of redundant*

*or underused buildings that are of value to the rural landscape;  
and*

- *iii) The design, layout, materials and boundary treatments are of a high quality and appropriate for a rural setting.*

#### 5.1.4. Chapter 7: Tourism Development

- Section 7.6.2: Rural Based Tourism
  - *The economic benefits of rural tourism and the continued development of this sector have huge potential to revitalise local economies, provide job opportunities for the farming community and enhance the quality of life of rural communities.*
  - *The Council will continue to support rural based tourism projects where it relates to the use of a rural landholding and the enjoyment of a rural resource and is appropriate in scale for the rural location.*
  - *The following provides guidance on the types of land holdings and premises that may be considered for rural based tourism development:*
    - *For agri-tourism/farm diversification projects a farm holding which is a minimum of 10ha.*
    - *For equestrian related tourism, an equestrian farm which is a minimum of 10ha.*
    - *For wood crafting, the timber should be either sourced on the site (an established forested landholding) or sourced close by to the site. Such facilities are envisaged as of craft scale and not commercial wood manufacture.*
    - *Other examples of suitable landholdings include a county house with outbuildings and walled gardens.*
    - *Individual premises along a Greenway such as a traditional dwelling, building or farm building from which it is proposed to provide a service to greenway users and other tourists such as a café, bicycle hire or a craft shop.*

- *The Council will consider each proposal on a case-by-case basis. The rural resource tourism product/attraction must be located on the site, or in close proximity to the site and the scale must be commensurate to the premises. It must be demonstrated that the proposed development does not adversely affect the rural character, environmental quality and amenity of the rural area.*
- *Where an extension to an existing authorised project is proposed, the Council will consider whether the proposed increase in scale and intensification of use remains appropriate to its rural location, the impact on the environment and residential amenity or whether by reason of its increased scale and intensification, sourcing of inputs, number of employees and traffic generation it would be more appropriately relocated to zoned lands within a town or village.*
- *It is acknowledged certain tourist facilities located in rural areas may be provided as stand-alone developments, and that ancillary uses (e.g. café, restaurant, shop) may be required in order to ensure the long term viability of the tourist facility. Additional uses will only be permitted in cases where the additional use is integrated with and connected to the primary use of the site as a tourist facility, and in cases where the Council is satisfied that the additional use is ancillary to the primary use of the site as a tourist facility. The additional use shall be located adjacent to the tourist facility, and avail of shared infrastructure and services, insofar as possible.*
- *Proposals which include the provision of tourist accommodation in a rural area will be considered in the context of Section 7.7.5 Tourism Accommodation, Chapter 4 Sustainable Housing and Chapter 12 Coastal Zone Management and Marine Spatial Planning. The Planning Authority will not favourably consider proposals to convert a residential unit, which was previously granted/ used as a granny flat/self-contained unit for occupation by an immediate family member (whether authorised or not) for use as tourist accommodation.*

#### Rural Based Tourism Objectives

- Objective TM19: *To consider the development of rural based tourism development where it is in accordance with Section 7.6.2 and where it is proposed to develop niche activities, such as those relating to food (particularly value-added products), forestry (such as wood products), crafts, eco-tourism and agri-tourism, (for example farmhouse accommodation will be considered), open farms, farm holidays, health related retreats,4 equestrian activities including bridle paths, bird-watching holidays, painting/ photography tuition, angling tourism, field studies and hill-walking where such development will not detract from the visual and rural amenity of the area and subject to normal planning and environmental criteria.*
- Objective TM20: *To permit proposals to extend an existing rural resource based tourism project where the scale and intensity of the use and project remains appropriate to its rural setting and where it will not detract from the rural character, amenities, residential amenities or environmental capacity of the area and subject to normal planning and environmental criteria. Proposals which include the provision of tourist accommodation will be considered in the context of Section 7.7.5 Tourism Accommodation and Chapter 4 Sustainable Housing and Chapter 12 Coastal Zone Management and Marine Spatial Planning.*

- Section 7.7.5: Tourist Accommodation

#### Farmhouse Accommodation

*With regard to tourist accommodation in rural areas, the Council will favourably consider proposals to develop self-catering tourist accommodation on a farm holding as part of a farm diversification project. This accommodation can be provided by an extension of the existing farmhouse or by the utilisation of other existing dwellings/structures on the farm holding. Only where it has been demonstrated that these are not viable options, will the Council consider new build development. Any new build development shall be in close proximity to the existing farmhouse.*

5.1.5. Chapter 8: Transportation Strategy

5.1.6. Chapter 10: Environmental Management

- 5.1.7. Chapter 11: Landscape and Green Infrastructure
- 5.1.8. Chapter 12: Coastal Zone Management & Marine Spatial Planning
- 5.1.9. Chapter 15: Sustainable Communities & Social Infrastructure Strategy

## **Volume 2: Development Management Manual**

### **5.2. Natural Heritage Designations**

- 5.2.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:
  - Wexford Harbour and Slobs SPA (Site Code: 004076), c. 8.34 km to the West;
  - Slaney River Valley SAC (Site Code: 000781), c. 8.34 km to the North;
  - Bannow Bay SPA (Site Code: 004033), c. 11.45 km to the Southwest;

### **5.3. EIA Screening**

- 5.3.1. The proposed development has been subject to preliminary examination for environmental impact assessment (see Forms 1 and 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The main Grounds of Appeal can be summarised as follows:

- Wastewater:
  - The Site Suitability Assessment Report is based on previous percolation tests carried out for the previous planning application, reg. ref. no. 20231016. The Planning Department previously recommended to refuse permission due to poor percolation results, under planning reg. ref. no. 20231016. As the same treatment system is still proposed, permission should be refused for the same reason.
  - The location of the Appellants' treatment system should have been shown on the drawings.
  - Although the current percolations test figures in differ to previous application, reg. ref. no. 20231016, see part 3.3 (a) Subsurface Percolation Test for Subsoil, Step 3: Measuring T.c0.
  - The Appellant refers to Objective ED 106 and ED 107 and considers that the proposed development could negatively impact public health as per the previous finding under planning reg. ref. no. 20231016. This would therefore be contrary to Objective ED105.
  - The proposed maximum population equivalent of 10 persons is inadequate to cater for the proposed four bedroom dwelling (likely to cater for 8 no. persons) together with the currently occupied farmhouse, the number of current residents for which is unconfirmed.
- Farm Diversification:
  - The Local Authority Planner quotes from Section 7.7.5 of the Development Plan which relates to Tourist/ Farmhouse Accommodation. The existing farmhouse on site is rented out. The proposal is therefore not a scenario where a family wish to construct tourism accommodation next to their own home as a rural diversification scheme.

- The Appellant refers to the same Planners Report where reference to Objective ED107 is made. The Appellant quotes Objective ED105 and considers no information in relation to traffic generation or possible environmental impacts have been provided, contrary to Objectives ED 105 and ED107.
- The Local Authority Planners Report refers to Section 7.6.2 of the Development Plan which relates to Rural Based Tourism. The Appellant states the Applicants landholding is a maximum of 6.1 hectares and there is no further evidence provided. As per Section 7.6.2 of the Plan, a minimum of 10 hectares is required for farm diversification. The size of the Applicant's landholding must be clarified to ensure that the development complies with Objective TM19 of the development plan.
- Business Details:
  - The Appellant considers the submitted Business Details to be insufficient.
    - The Applicant fails to reference the names of 2 no. businesses in the West of Ireland which purportedly cater for persons attending sheepdog trials.
    - The Applicants refer to a supporting letter from a Wexford School which is of no relevance for the proposed short-term letting of the property.
    - No specific details as to existing training of veterinary students is provided.
    - The Applicant states visitor numbers will be kept low. A business owner is likely to seek to maximise visitor numbers. No precise visitor numbers are provided.
    - Insufficient information has been provided in relation to the use of the proposed development. No reference is made to the proposed development being made related to any business or farm diversification project.

- The Applicant proposes the property will be used for short term rental accommodation related to sheep dog training and trials however there is no reference to this on the submitted site layout plans.
- The Appellant quotes Section 5.5.2 of Volume 2 of the Development Plan which relates to Farm Diversification. The proposed development is not subsidiary to, and directly linked to the primary use of the property as the farmhouse is rented out.
- The Appellant refers quotes Section 5.1.1 of Volume 2 of the plan which refers to Details to be submitted with Planning Applications. The information supplied is insufficient as per Section 5.1.1.
- Site Notice/ Development Description and Application Form:
  - No reference in the Site Notice/ Development Description to a farm diversification project. The existing farmhouse is rented out. The Application form is signed by only one of the Applicants.
- Planning Conditions:
  - Condition no. 8 which refers to '*prior to commencement of development ..*' but development has commenced.
- Residential Amenity:
  - Overlooking:
    - Section 2.6 of Volume 2 of the Plan refers to Overlooking. Proposed building is 13 metres from the existing farmhouse on site. No screening or mitigation to address overlooking between the 2 dwellings.
    - Proposed dwelling is c. 11.2 metres from Appellants dwelling. Existing negative impact from the Appellants kitchen window will be exacerbated if permission is granted. A lack of detail on the drawings regarding the proposed finished heights compounds this issue.
    - Proposed windows to the rear and side of the proposed dwelling will overlook the Appellants property. No details are provided as to the type of glass proposed to be used.

- Boundary:
  - A gap now exists between the proposed/ partly constructed dwelling wall and the boundary wall along the Appellants land, see photos.
- Noise Impacts:
  - A potential noise impact could arise as a result of the dog training element of the proposed development which would be in conflict with Objective ED105 of the Development Plan.
- Traffic Impacts:
  - Parking:
    - Occasional Parking issues on the Appellants lands on occasion which serves to block access to their lands. The current inadequate parking arrangement on the site causes such parking conflicts.
    - No Car Parking Proposals are shown on the plans as per Development Plan standards (maximum of 2 no. parking spaces for a house and 1 no. space per bedroom for a Guesthouse/ B&B/ Hostel).
  - Traffic Hazard:
    - The narrow cul de sac laneway is not suitable for additional traffic which will be generated as a result of the proposed development. No proposed road signage details have been submitted nor indeed are any details of the current road signage or marking provided. Such clear markings and signage are required in the interests of traffic safety.
    - The Appellants own a field which surrounds the subject appeal site to the north, west and south and which is accessed via an existing gateway to the immediate north of the site on the western side of the public road. The boundary to this field was once defined by a shed which previously stood on the footprint of the partially commenced dwelling. The proposed 2 storey dwelling will severely impact available sightlines from the said gateway for agricultural machinery.

- Amenity Space:
  - The figures for the existing and proposed areas of private open space are inaccurate. They include an access road to both the existing and proposed dwelling and no boundary and are therefore not private space. This is further compounded by the absence of clearly defined parking spaces on the proposed site layout drawing. Parking must be accommodated at this location.
  - Should the property be sold in the future it could become solely residential, subject to a change of use application. Where this is the case, the amenity of future residents must be considered in terms of adequate amenity space.
- Inadequate Drawing details:
  - The external height of the existing building wall, the height of the wall bounding the Appellants field, the proposed finished ridge level are not indicated on the drawing of the proposed finished structure. The Site Layout Map (Drawing no. 3a) is extremely cluttered which makes it hard to read.
- Water Supply:
  - There is a discrepancy between the planner's report and the submitted drawings in terms of the proposed means water supply, i.e. '*by means of a new private well*' and then '*water supply to existing dwelling on-site and is also proposed to service the building seeking permission.*'
- Surface Water Drainage:
  - Insufficient current and proposed drainage details have been provided. There is an Open Drain indicated on Drg. No. 3a. The Local Authority Planner contends the proposal does not represent an increase in hardstanding area over the previous outhouse that was present before development occurred. No evidence has been submitted to confirm if the hardstanding area has increased or not.

- Under planning reg. ref. no. 20231016, it was recommended by the Planning Department (internal Report) to refuse permission due to poor soakage on site. Poor surface water drainage could negatively impact the proposed waste water treatment system.
- The proposed dwelling is below the level of the surrounding field in the ownership of the Appellant. A gap has been left between a new boundary wall and the field and the wall of the proposed dwelling. There will be run off water at this location.

## 6.2. Applicant Response

- A First Party Response (Applicant) to the Third Party Appeal was received, dated 6<sup>th</sup> December 2024. The main issues raised in the Applicants' Response to the Third Party Appeal can be summarised, as follows:
- Validation Queries
  - The application was deemed by the Local Authority to be valid. A Notification of decision to Grant permission was subsequently issued. It is outside the remit of the Board to reassess the validity of an application.
- Wastewater
  - The Applicant explains the discrepancies between the Site Suitability Assessment Report submitted for reg. ref. no. 20231016 and the subject application/ appeal.
  - In relation to the exact location of nearby effluent treatment systems, the Applicant considers it is not a mandatory requirement to pinpoint the exact location of nearby effluent systems, that the issue was not raised by the Local Authority and that the development was ultimately approved.
  - The WWTS is designed for a PE of 10 persons and is capable of serving the 2 no. dwellings as, it is anticipated that on average, in excess of 10 no. persons would not be staying on site.
  - In response to the Appellants' claim that the proposed development will be prejudicial to public health, the Applicant quotes from Site Suitability

Assessment Report in relation to the surface percolation test results, which passed, the Report of the Senior Executive Scientific of the Local Authority which states *'the site is suitable for discharge to groundwater'*, and the Local Authority Planner where it is stated, inter alia, that the new system would present an environmental gain.

- Finally, the Applicant refers to Condition no. 6, which specifically relates to the proposed WWTS. The Applicant states they would welcome the same condition and request the Board to dismiss the appeal.
- Farm Diversification
  - Section 7.7.5 of the development Plan relates to Tourist Accommodation and includes Farm Accommodation. Although the existing farmhouse is currently rented out there is no reference in Section 7.7.5 to the tenure of buildings within a farm holding.
  - The Applicant considers the proposals are unlikely to result in significant traffic generation and submits that therefore this issue need not be examined in great detail.
  - The proposals, in short, are for a multi-faceted farm diversification project providing training for farming and other associated agricultural pursuits, including sheepdog training and sheep shearing. The proposed accommodation would facilitate those taking part in the training to stay within the landholding. Families would also be encouraged where one member of the family could engage in training while the others enjoy a holiday. The accommodation would primarily be used by people availing of training on site. In the future the Applicants state they may consider short term holiday rental of the property in the off season. Further details of the proposed development were provided in the Applicant's Response to Further Information.
  - The Applicant's landholding is stated to measure 12.08 hectares (29.85 acres) and is stated to exceed the 10 hectare threshold for Farm Diversification projects. The Applicant considers the proposals therefore fall within the scope of Section 7.6.2 of the Development Plan and that the

Local Authority correctly assessed the proposal as a farm diversification project. The Applicant's submit they are the bona fide owners of the property.

- Insufficient Business Details
  - The Applicant submits that the 2 no. letters provided are letters of support, that a Business Plan is not required as this is outside the remit of the Planning Authority and that sufficient information has been provided. Sheepdog training is stated to already operate at the site but there is no accommodation available. It is stated that the provision of accommodation would reduce the number of movements to and from the site.
  - The access road is considered by the Applicant to be safe, there is no through traffic and there are clear sightlines on the road on approach to the site. The Applicant considers the small scale of the proposals will not give rise to any material increase in traffic movements along this road and notes that the Roads Department considered the proposed development to be acceptable subject to 1 no. condition for sightlines to be maintained.
  - The Applicant submits that the existing facilities are adequate and that no new dog training facilities are required. The Applicants state they been successfully running a dog training facility from the site for a number of years and that no built structures requiring planning permission are required in order to facilitate sheep dog training/ trials.
  - The Applicant anticipated that noise from the dogs at night would not be excessive, that the proposal is not an industrial farming application of commercial kennels and that a requirement for a noise impact assessment would be extreme. The Applicant submitted that noise mitigation measures are already utilised to ensure that the dogs do not cause any disturbance to neighbours.
  - The Applicant states the primary use of the property is agriculture and that the existing farmhouse is ancillary and secondary. The Applicant states there is no reference in Section 5.5.2 to the tenure of buildings on site and

that the tenure of the existing farmhouse does not preclude the provision of the proposed development.

- The Applicant considers the proposed Farm Diversification project is a small scale ancillary operation on family farmland and notes that no employees are to be hired and that it will be family run. The Applicant submits that the development should not therefore fall within the classification of '*employment and enterprise*' and the proposal is small scale.
- The Applicant considers that, as per Section 7.6.2 of the Development Plan, proposals such as this should be assessed on case by case basis and that sufficient information has been provided to allow the application to be assessed.
- Site Notice and Application Form
  - The Applicant considers the proposed development description does not need to set out every detail, that details of wider farm diversification proposals, which do not involve built development or any material change of use, are not required to be outlined in the statutory notices and that the planning application documentation is suitably detailed in this regard.
  - The Applicant submits it is not necessary for the notices to outline the exact tenure of other buildings on the site.
  - The Applicant submits there is no requirement in the Planning Regulations to include the signature of each Applicant and similarly this is not required on the Local Authority Planning Application form.
  - The Applicant requests the Board to dismiss these items in full.
- Planning Conditions
  - The Appellant refers to Condition no. 8 and considers this not to be applicable as an element of the proposed development includes retention. The Applicant submits this is inconsequential and that the Board can amend the condition should they see fit.

- Overlooking and Loss of Amenity
  - The Applicant submits that there are no directly opposing first floor level windows between the two dwellings within the farmyard complex, due to the small size of the windows in the northern elevation of the existing farmhouse.
  - The Applicant states the 2 no. of the first floor windows on the front façade of the existing farmhouse are located in a hallway and bathroom (which features a glazed window), are non-habitable spaces/ rooms and therefore there is no overlooking of opposing windows of habitable rooms.
  - The Applicant states the location of the windows within the Appellant's residence do not directly face the proposed development, the Applicant would previously have had limited views of the subject farmyard owing to the former single storey shed building and that there is no statutory right to views. It is further submitted by the Applicant that there are no protected views of relevance and that the proposals do not present any serious negative impact on the residential amenities of the Appellant's dwelling or any other dwelling in the vicinity.
  - The Applicant submits the potential for overlooking to arise from the proposed dwelling is low owing to the size, location and form of windows to the rear. The windows on the upper floor do not serve habitable rooms and do not overlook the Appellant's garden but, instead, look onto pasture lands and fields. The Applicant states no issue in relation to Overlooking was raised by the case planner.
- Boundary
  - The Applicant states a gap has been provided to reduce overlooking, to account for changes in ground level and to assist surface water drainage and that no concerns were raised in the Planners Report in relation to this issue. The Applicant refers to Drg. no's 4 and 5 submitted as part of the Appeal Response which are stated to show the existing and proposed boundary wall heights. It is further stated by the Applicant that the final finished treatments of the wall are yet to be confirmed and that a condition

would be welcomed in this regard. The Applicant requests the Board to dismiss this item within the Appeal.

- Parking
  - The Applicant submits that 2 no. car parking spaces for each dwelling are proposed, that this complies with Development Plan standards, and that 1 space is proposed to be Universally Accessible. The Applicant considers the formal car parking arrangement would mean vehicles would not block access to neighbouring fields, that all current and future car parking is to proposed to be contained within the Applicants' lands and that all site visitors will be informed in advance of the proposed formal car parking arrangements. The Applicant requests the Board to dismiss this item in full.
- Traffic Hazard
  - The Applicant considers that traffic impacts arising as a result of the proposed development are anticipated to be limited and that the Roads Department of the Local Authority noted that sightlines are established. The Applicant therefore requests the Board to dismiss this matter in full.
- Amenity Space
  - In response to the Appellants claim that the proposed amenity space is insufficient, the Applicant states the existing farmhouse and the new dwelling are proposed to have 226 sqm and 212 sqm of private open space respectively and that this area comprises a typical farmyard.
  - The Applicant submits that the private open space exceeds the development plan standards and that the Local Authority Planner did not raise any concern stating that '*normal site size requirements do not apply to a rural accommodation/ farm diversification proposal.*'
  - The Applicant notes the proposed apple orchard can be used for amenity purposes, shared between the proposed and existing dwellings.
  - In response to the Appellants concern that should the proposed new dwelling be sold in the future, that they will not have sufficient residential

amenity, the Applicant refers to condition no. 2 of the Notification of Decision to Grant permission and states that they would be happy to accept such a condition in any subsequent Grant of permission. The Applicant requests the Board to dismiss this item in full.

- Inadequate Details on Drawings and Other Problems
  - The Applicant notes the Local Authority did not raise any validation issue with the details, as submitted, that the application was deemed valid and subsequently received a Notification to Grant Permission. Updated drawings have been submitted as part of the Applicants' Appeal response. The Applicant requests the Board to dismiss this item in full.
- Water Supply
  - The Applicant states the source of water supply is via a new connection to an existing private well and that the Environment Department correctly assessed the proposed means of water supply to be via a new connection to an existing private well. The Applicant requests the Board to dismiss this item in full.
- Surface Water Drainage
  - The Applicant notes the Local Authority considered the proposals to be acceptable in terms of Surface Water Drainage, that Condition no. 8 requires final details to be agreed prior to commencement. The Applicant states they are willing to accept the same condition.

### 6.3. Planning Authority Response

- The Local Planning Authority, as per the letter dated 14<sup>th</sup> November 2024, provide the following comments from a Senior Planner:
  - *The details and assessment are contained in the planners' reports. The Planning Authority considers that the development assists in the development of the applicant's agricultural business and the creation of a farm diversification project.*

#### 6.4. Observations

- None

#### 6.5. Further Responses

- None

### 7.0 Assessment

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

- Introduction and Background
- Nature of the Proposed Development
- Design, Layout and Residential Amenity
- Wastewater Treatment and Disposal
- Surface Water Management and Water Supply
- Traffic Impacts
- Other Matters
  - *Planning Conditions*
  - *Boundary*
  - *Noise*
  - *Validity of the Application/ Drawing Details*

#### 7.2. Introduction and Background

7.2.1. The subject appeal site forms part of a larger landholding in the Applicants' control/ ownership which extends to a stated total of 29.85 acres (12.08 hectares). In addition to the Applicant's homeplace, located c. 246 metres to the north of the subject appeal site, and the existing 2 storey farmhouse structure on the subject

appeal site, which is currently rented out, the part constructed dwelling, if completed, would be the third dwelling on this relatively small landholding. There is also another 2 storey dwelling in separate ownership, located c. 17 metres to the northwest of the subject part-constructed dwelling. The farm-holding is stated to have been inherited from the father of one of the Applicant's. As per the streetview image presented as part of the appeal, there was previously a traditional farm shed/ outbuilding located on the footprint of the part-constructed dwelling. This said shed has since been demolished.

- 7.2.2. I note the part-constructed dwelling is the subject of a current live planning enforcement case, as ref. no. 0085-2023 refers and that planning permission was previously refused under planning reg. ref. no. 20231016 for essentially the same development description to that currently proposed. The 3 no. reasons for refusal under planning reg. ref. no. 20231016, as quoted in full in Section 4.0 above, relate to a failure to adequately demonstrate a rural linkage and housing need as per the Development Plan, the inclusion of the existing dwelling and dwelling proposed for retention within the 0.4 hectares contrary to Section 3.1.2 Standards for Single Dwellings in Rural Areas and Table 3-3 Site Size, dwelling floor area ratio and a lack of sufficient information in relation to biodiversity requirements as per Table 3-3 (Volume 2) of the Development Plan.
- 7.2.3. I note that under planning reg. ref. no. 20231016 that the Applicant did not present any specific planning case in support of the proposed new dwelling and that the Local Authority assessed the proposal as a conventional application for rural housing. The Local Authority Planner, under planning reg. ref. no. 20231016, concluded the Applicant did not comply with rural housing criteria and that on the basis of the property being rented out, that this would be contrary to rural housing policy objectives SH41 and SH42. Following the decision of the Local Authority to refuse permission under planning reg. ref. no. 20231016 issued on 20<sup>th</sup> October 2023, the Applicant lodged the subject application, reg. ref. no. 20240639, on 6<sup>th</sup> June 2024.

### 7.3. Nature of the Proposed Development

- 7.3.1. I note the proposed development description, as set out in the public notices, seeks retention of the existing part-constructed single storey structure and permission for completion '*...to form a two storey four bedroom residential building to be used as a rental accommodation ancillary to the existing main dwelling house.*' There is no reference in the public notices to the use of the proposed two storey dwelling for any other purpose other than for '*rental accommodation*', ancillary to the existing main dwelling house. Similarly, the planning application form and submitted site plan both refer to rental accommodation and not to any other activity. I also note the planning fee paid, in both the previous application, reg. ref. no. 20231016 and the current subject planning application, reg. ref. no. 20240639 solely relates to the subject part-constructed single storey structure and the proposed effluent treatment system and does not relate to any other proposed commercial or tourist related development elsewhere on the subject appeal site.
- 7.3.2. The application is accompanied by a letter from the Applicants' which refers to some business ideas which they have explored, all of which, they submit, would require accommodation. The business ideas explored include a sheepdog owners training business/ train the trainer, pre-dog trial training facilities for dog and owner with an associated mini course to run dogs prior to a trial, sheep shearing courses and training for veterinary students. The Applicant's also provided 2 no. letters of support from i) a local school and ii) a Sheepdog Training Business.
- 7.3.3. I note the Applicant's response to point no. 2 of the Request for Further Information which includes a letter from the Applicant's and the same supporting letter from a local school as initially submitted. The Applicant's letter repeats the same case to that initially presented save for an additional reference to tourist accommodation – '*the business is designed to encourage family visits, promoting longer stays and boosting local tourism, enhancing the overall visitor experience.*' Additional brief information is also provided in the same letter in relation to anticipated low visitor numbers, low traffic volumes and hours of operation. It is not proposed to have any staff/ employees and car parking is proposed to be provided on site. I note the Response to Further Information was not readvertised as significant further information/ revised plans and that therefore the proposed development description remains as initially advertised.

- 7.3.4. The Local Authority has assessed the current proposal as a farm diversification project/ accommodation project and agricultural training/ exhibition/ educational facility as opposed to a proposal for '*rental accommodation ancillary to the existing main dwelling house*' as advertised. I note condition no. 2 of the notification of decision to grant permission issued by the Local Authority, as quoted above in Section 3.0, controls the use of the accommodation '*for short term accommodation as farm diversification accommodation only and shall not be sold separately from the main farmhouse and farmyard.*'
- 7.3.5. I note that under the previous application, reg. ref. no. 20231016, which proposed the same development, i.e., rental accommodation ancillary to the main dwelling house, the Local Authority assessed the proposal as a conventional application for rural housing. The main difference between the previously rejected planning application and the current proposal is that the Applicant has now provided additional information as to the type of rural diversification projects to be explored and for which the new 2 storey dwelling is proposed to address the associated accommodation needs arising.
- 7.3.6. I note the Applicant's Appeal Response provides some additional details. The Applicant considers a detailed Business Plan is not required, is outside the remit of the Planning Authority and that sufficient information has already been provided. It is stated that the Applicant has been successfully running a dog training facility from the site for a number of years, that no new dog training facilities are required and that no new structures requiring planning permission are required in order to facilitate sheep dog training/ trails.
- 7.3.7. In renting out the original farmhouse, the Applicant has already, in my opinion, established an alternative and additional source of income to normal farming practices. I note the Applicant anticipates low visitor number and low traffic volumes. I am not satisfied that the Applicant has suitably demonstrated there will be sufficient demand for the services proposed which would serve to justify the subject four bedroom proposal and additional rental accommodation over and above that already provided on site. A suitably detailed supporting business plan would, in my opinion, serve to provide a greater degree of certainty and intent on behalf of the Applicant to develop the business over time and could include, for example, a timeline for implementation, anticipated sources of potential funding/ Government supports,

more precise information as to anticipated visitor numbers to sustain the business, anticipated customer base, proposals to grow the business into the future. Such additional detailed information has not been provided.

- 7.3.8. In my view, the Applicant intends to first establish the new additional 2 storey dwelling on the site and then, at a later stage, to work out the details as to the final type and format of business to be provided. There is no valid reason, in my opinion, as to why the existing farmhouse could not be used to address the future accommodation needs, which may arise as a result of the rural diversification projects mentioned by the applicant.
- 7.3.9. I note Section 6.7.6.2 of the development plan which relates to Rural Diversification including Agri-food. I note, in particular, Objectives ED105 and ED107 which relate to farm or rural resource related enterprises. The proposed development, as presented, in my opinion, does not suitably adhere to requirements set out in Objective ED105 or ED107 particularly in relation to the lack of specific details as to the precise scale of the proposed operation, compliance with wastewater requirements, as discussed further in Section 7.5 below, the poor quality design and layout and resultant impact upon existing and future residential amenities, as discussed in Section 7.4 below, demonstration that the proposal will serve to make a positive contribution to the local rural economy and justification for the non-reuse of the former vernacular farm building farm structures, which was demolished. In addition, the proposed development, as presented, provides a third dwelling on a relatively modest landholding and, as such, in the absence of adequate justifications is considered to represent overdevelopment.
- 7.3.10. I note Section 7.6.2 of the Plan which relates to Rural Based Tourism. As mentioned, the proposed development will not provide any additional employment. The final exact scale and nature of the proposed development has yet to be determined. Although the subject landholding exceeds the recommended minimum size of 10 hectares and there is an allowance where the Local Authority will consider each proposal on a case-by-case basis, the planning case presented ignores the fact that there is an existing dwelling on the site which, in my opinion, could readily serve accommodation needs as they arise. Without the final details, it is difficult to definitively determine if the project would be commensurate to the premises or indeed whether or not they would adversely affect the rural character, environmental

quality and amenity of the rural area. Owing to the reasons set out above, I am not satisfied that the Applicant has suitably demonstrated the proposed development adheres to the guidance for Rural Based Tourism as set out in Section 7.6.2 of the Plan.

- 7.3.11. I note Objective TM19 allows for the consideration of rural based tourism development where it is in accordance with Section 7.6.2 (Rural Based Tourism). The Objective references various types of niche activities and this includes agri-tourism (for example farmhouse accommodation will be considered '*in the context of Section 7.7.5 Tourist Accommodation*'). As the Applicant has not, in my opinion, suitably demonstrated adherence to the guidance set out in Section 7.6.2 of the Plan, I am therefore satisfied that the subject proposal does not comply with Objective TM19.
- 7.3.12. The part-constructed single storey structure, which the Applicant seeks to retain, was built on the footprint of a traditional single storey farm shed and does not have the benefit of planning permission. The building forms part of the farmyard but is detached from the main farmhouse. I note Section 7.7.5 of the Plan relates to Tourist Accommodation/ Farmhouse Accommodation. The applicant has not, in my opinion, demonstrated that the retention of the existing traditional farm building and the readaptation/ conversion of same to farmhouse accommodation was not a viable option. Similarly, it has not been demonstrated that an extension to the existing farmhouse has been considered. The guidance states that only where it has been demonstrated that these are not a viable option will the Council consider new build development. I am satisfied that the Applicant has not therefore presented sufficient justifications for Farmhouse Accommodation as described in Section 7.7.5 (Tourist Accommodation) of the Plan. The proposals, as presented, do not comply with Objective TM56.
- 7.3.13. The Applicant has not, in my opinion, provided sufficient justification as to the need to provide an additional dwelling at this location. If permitted, the proposed development would be the third dwelling on a relatively modest landholding. In the absence of same, I am therefore satisfied that the proposed development, as presented, contravenes policy objectives ED105, ED107, TM19 and TM56 of the development plan.

7.3.14. Should the Board consider the proposed development as a rural dwelling, it is my opinion that the Applicant has failed to adequately demonstrate a rural linkage and housing need in accordance with the rural housing policy set out in Volume 1 of the Development Plan.

#### 7.4. Design, Layout and Residential Amenity

7.4.1. The proposed new 2 storey dwelling is located on the footprint of a since demolished traditional farm shed building positioned on the northern side of a shared farmyard. There is an existing 2 storey traditional farmhouse located a maximum of c. 14.5 metres to the south on the southern side of the farmyard. There is an existing vehicular access to the farmyard located to the immediate east of the proposed new 2 storey dwelling. There is also a separate 2 storey dwelling, in separate ownership, located c. 16.5 metres to the north. The proposed new 2 storey four bedroom dwelling has an approximate floor area of 129 sqm and measures 13.0 metres in length, 5.9 metres in width and has a maximum height of c. 7.1 metres. The building is proposed to have a smooth plaster external finish and a slate roof. The front elevation includes 2 no. half dormer windows and an A gable roof cover over the front patio door.

- *Amenity Space*

7.4.2. In relation to the issue of Amenity Space, the Applicant refers to the development plan standard of 70 sqm for a dwelling with four or more bedrooms and considers the private open space for both the existing and proposed dwellings at 226.4 sqm and 212.3 sqm respectively are therefore well in excess of the said minimum requirements. The Applicant also refers to additional greenfield land further to the southeast which has been set aside for biodiversity and drainage purposes, and which is proposed to include an apple orchard. The Applicant submits that this area could also be used for amenity purposes.

7.4.3. I note the farmyard between the structures is not segregated, is designed to serve as an open communal area and is also proposed to accommodate a total of 4 no. car parking spaces, including 1 no. mobility impaired space at the subject dwelling.

7.4.4. I note recommendations set out in Section 3.12.2 of Volume 2 of the Development Plan in relation to Dwelling House Design which includes recommendations for the design of private open space. The proposed amenity space for the subject dwelling

is located in front of the front building line as opposed to the rear of the dwelling as recommended. It is unclear as to how it is proposed to achieve an appropriate degree of privacy for the proposed amenity areas within the farmyard while at the same time accommodating the proposed car parking spaces and associated vehicle access and turning movements. I agree with the Appellant that it is unclear as to how the stated areas of private amenity space have been calculated. I note the Applicant refers to a shared surface arrangement, however, as the precise areas of proposed private open space have not been shown on the plans, it is unclear as to how such an arrangement would work. In the absence of same, I consider the Applicant has not suitably demonstrated the provision of private open space in accordance with minimum development plan standards.

- *Overlooking/ Loss of Privacy*

7.4.5. An estimated maximum separation distance of 14.5 metres is proposed between the opposing first floor windows of the existing farmhouse and the proposed dwelling. The minimum development plan guidance recommendation of 22 metres between opposing first floor windows relates to the rear of dwellings so is therefore not applicable to the front of the proposed dwelling facing south onto the farmyard. I note Section 2.8 of the Applicants Appeal submission relates to Overlooking and Loss of Amenity. I note, in particular, the upper floor windows on the front northern elevation of the existing farmhouse are stated to serve a bathroom and circulation space. As these windows serve non habitable rooms, I am satisfied that no undue overlooking of these said rooms will arise. Based on the lack of information presented in relation to the precise location and format of private amenity space, it has not, in my opinion, been demonstrated that the proposed development would provide an acceptable level of privacy for future residents, and that this would not be compromised, to an unacceptable degree, by means of overlooking.

7.4.6. I note the separation distances proposed to be observed to the dwelling to the north and the design of the rear elevation of that said dwelling, which does not include any rear first floor windows serving habitable rooms. I also note the design of the rear elevation of the proposed dwelling which similarly does not include any windows serving habitable rooms. I am satisfied that this element of the proposed development is acceptable in terms of overlooking.

- *Minimum Floorspace Standards*

7.4.7. I note the aggregate living area of c. 30 sqm is below the minimum recommended aggregate living area of 40 sqm for a 4BED/7P House (2 Storey) and 37 sqm for a 3BED/6P House (2 Storey), as per the Quality Housing Standards, 2007.

7.4.8. In summary, although there is an allowance in Section 3.12.12 of the Development Plan for exceptions and flexibility to be considered in certain circumstances, I am satisfied that the proposed development, as presented, does not represent such an exceptional case. The proposed development is, in my opinion, not of sufficient high quality design as it is below minimum internal standards, has not satisfactorily demonstrated how minimum private open space standards are to be achieved, will result in undue overlooking and will therefore serve to impact negatively upon the residential amenities of existing residents in the vicinity (within the existing 2 storey farmhouse) as well as the future residents of the development.

#### 7.5. Wastewater Treatment and Disposal

7.5.1. The Applicant proposes to install a new on site wastewater treatment system (WWTS). The new system is proposed to be located in the field to the immediate southeast of the existing farmyard, c. 80 metres from the proposed dwelling. It is proposed that the system will serve both the proposed new 2 storey dwelling and the existing 2 storey dwelling and, in this regard, has been designed for a population equivalent (PE) of 10 persons.

7.5.2. I note the Site Suitability Assessment Report submitted as part of the planning application documentation. It is noted in the report that the site is located within a poor aquifer. A trial hole was excavated to a depth of 2.35 metres. Water ingress was encountered at 500 mm below ground level indicative of a perched watertable. The soil profile shows topsoil between ground level and 300 mm, sandy silt clay from 300 mm to 500 mm and sandy silt clay with frequent gravels and occasional cobbles and boulders between 600 mm to 1900 mm. The soil at between 500 mm and 1.9 metres was found to have a very firm density and was of an orange/ yellow/ brown/ grey colour, likely indicating mottling due to impeded drainage, although this was not recorded in the trial hole log. No iron pans or mottling was recorded above the water table and no solid bedrock was encountered at the base of the trial hole. The subsurface T test failed as it was greater than 120 minutes/ 25 mm. A surface T

value of 22.14 minutes/ 25 mm was recorded. I note the comments presented in Section 5.0 of the Site Characterisation Report as well as the proposed Method Statement. The proposal to excavate the unsuitable material to a depth of 1.65 metres and replace with suitably percolating material will not rectify the issue of impeded drainage for the polishing filter. Essentially, this lower percolating material will fill with effluent as it will be unable to escape laterally and will back up leading to a malfunction of the treatment system.

7.5.3. Having regard to the recorded water ingress at 500 mm, the proposal to discharge to groundwater, the poor status of the ground water body, the applicants' proposals to excavate the existing unsuitable soils to a depth of 1,650 mm from ground level and to replace same with imported soils with favourable percolation values, the proposal to provide a 75 sqm filter bed which is undersized having regard to recommendations set out in Table 10.1 of the EPA Code of Practice and owing to the comments provided in Section 5.0 of the Site Characterisation Report, where there is an acknowledgement on behalf of the Applicant that *'there is no guarantee to the longevity of the proposed system but it is one of the best available options ..'*, I am satisfied that the Applicant has not suitably demonstrated that the proposed Waste Water Treatment System would not present a significant pollution risk and by default a resultant negative impact to public health.

7.5.4. I note the concern raised by the Appellant regarding the previous Site Suitability Assessment Report submitted under planning ref. no. 20231016 and that submitted under the subject application. I also note the Applicants response to this issue which includes input from the Project Engineer. I am satisfied that the Applicant has suitably explained the apparent discrepancies arising. I consider a PE equivalent of 10 persons for the design of the proposed WWTS to serve the proposed development to be sufficiently sized to cater for the demand arising. Notwithstanding, my concerns in relation to public health, as raised above, still remain.

## 7.6. Surface Water Management and Water Supply

7.6.1. I note the Local Authority Planner's assessment of the issue of Surface Water Management as well as condition no. 8. The site characterisation report indicated good topsoil drainage characteristics for the site. I would agree with the assessment

of the Local Authority that the proposed dwelling, as presented, does not represent an increase in hard standing area over the previous outhouse which was demolished and I agree the issue of surface water disposal could be dealt with by way of condition, subject to final agreement.

7.6.2. In relation to water supply, I note the Applicant confirms in the Appeal Response that the proposed source of water supply is via a new connection to an existing bored well. As per the initial and revised Site Layout Drawings an existing bored well is shown to the south of the subject part-constructed building. It is proposed to provide a new connection to same to serve the proposed new dwelling. Owing to the separation distances proposed to be observed between the existing bored well and the proposed percolation area (107 metres) and the Appellants bored well and percolation area (85 metres) and owing to the gradient of the land, I would have no concern as to potential contamination of the water source arising as a result of the installation of the WWTS as proposed. As set out further above, the Board will note the principle of the said WWTS is, however, not acceptable.

7.6.3. The Applicant has not shown the location of the existing septic tank and percolation area/ soakpit on the Appellants property, which lies to the immediate northeast. I note however that the centre of the Appellants dwelling is c. 40 metres to the northeast of the existing bored well and that the gradient of the Appellants site falls in a general eastern direction. Having regard to the fact that the existing bored well is in use to serve the existing 2 storey farmhouse, the lack of any current water contamination issues raised in the Appeal or indeed the assessment of the Local Authority, the format and layout of the Appellants site relative to the subject appeal site and the separation distances observed, I am satisfied that the proposed source of water supply to serve the proposed development is unlikely to be at risk of contamination from the adjacent waste water treatment system on the Appellant's property, notwithstanding the fact that the precise location of such a system has not been shown on the proposed site layout plan.

## 7.7. Traffic Impacts

7.7.1. I note the traffic safety and car parking issues raised in the Appeal. The revised site layout map presented in response to the Request for Further Information shows 2 no. car parking spaces each for both the existing and proposed dwellings (4 no. car

parking spaces in total). This includes 1 no. designated accessible parking space for the proposed 2 storey dwelling. I note the Car Parking standards set out in table 6-7 of Section 6.3.1 of Volume 2 of the Development Plan (Development Management Standards). If the proposal is to be considered as a house, in addition to the existing 2 storey farmhouse on site, which is already in use for rental accommodation, this will generate an overall maximum demand for 4 no. car parking spaces, as currently proposed. If the proposed rental accommodation is, on the other hand, considered as a guesthouse or as a hostel, for example, this generates a maximum demand for a total of 6 no. spaces. Where this is deemed to be the case, there is an insufficient number of car parking spaces proposed, i.e., a shortfall of 4 no. spaces.

Notwithstanding the ambiguity as to the precise type and format of rental accommodation being proposed, it is my opinion, should the development be permitted, and should an appropriate condition be attached which controls the use of the building as short term farm diversification accommodation only, the subject proposal can be considered a house and, as such, the quantum of car parking being proposed would therefore be sufficient.

- 7.7.2. I note the Appellant refers to the historic parking of vehicles which may have previously impeded access. Such historic parking issues would have occurred outside the site boundary and therefore, in my opinion, are outside the scope of this appeal.
- 7.7.3. The Appellant is concerned as to safe future access into and out of his lands to the immediate west of the Appeal site. I note the proposed new dwelling is located on the footprint of a former outbuilding. I do not consider the proposed 2 storey dwelling will, in of itself, significantly impede existing sightlines to and from the Appellants field entrance. Increased traffic movements to and from the site, although likely to arise, are not, in my opinion, of such a scale and intensity to give rise to any significant traffic safety concerns. The existing local road serving the site, although narrow in places, has sufficient carrying capacity to cater for the proposed development.
- 7.7.4. I note the Roads Department raise no objection to the proposed development subject to the attachment of 2 no. conditions in relation to maintenance of sightlines, at all times, and the treatment and disposal of surface water within the curtilage site.

7.7.5. I am satisfied that the proposed development, as presented, will not present a significant traffic impact on the local road network.

7.8. Other Matters

- *Planning Conditions*

7.8.1. I note the concerns raised in the Appeal in relation to Condition no. 8. The reference in the said condition to 'prior to commencement' can be rectified as part of a suitably reworded condition, where deemed to be applicable by the Board.

- *Boundary*

7.8.2. I note the revised drawings submitted as part of the Appeal response in relation to the proposed boundary wall to the side (west) of the subject part-constructed building. The revised details clarify the proposed boundary wall height of 2.6 metres to the front of the building. The Applicant refers to a gap between the new development and his adjacent field which is at a higher level and may result in surface water runoff in future. This, in my view, is a matter for the Applicant to address as part of the overall surface water management of the site. Any encroachment onto surrounding lands outside the control or ownership of the Applicant is a Civil matter between the parties which is outside the remit of this appeal.

7.8.3. I am satisfied that the Applicant concerns in relation to boundary treatments can be suitably addressed and do not, in my opinion, give rise to any significant cause for concern.

- *Noise*

7.8.4. The Appellant is concerned as to the potential noise impact which could arise as a result of the proposed development. I note the Applicant submits that noise from dogs at night would not be excessive, that an industrial farming application of commercial kennels is not being proposed and that a requirement for a noise impact assessment would be extreme. I do not consider the proposed development, as presented, will give rise to any significant additional noise impacts on nearby receptors. If the Board has a specific concern in this regard, a specific noise condition can be attached in the event of a Grant of permission being issued.

- *Adequacy of Drawing Details/ Validity of the Application*

7.8.5. The Appellant raises concerns in relation to certain aspects of the submitted drawings, which include the height of an adjacent boundary wall, the proposed finished ridge level of the dwelling structure and the stated cluttered nature of the Site Layout Map. I am satisfied the Applicant has clearly shown the proposed height of the building, as per the Section AA drawing submitted. In addition, the applicant has clarified the proposed heights of the adjacent boundary wall, as per the revised drawings submitted with the Appeal response. The Site Layout Plan, as initially submitted, although detailed, is, in my opinion, clearly legible and is therefore not a cause for concern. The issue of the existing WWTS on the Appellants site not being shown on the plans is discussed further above in Section 7.6.

7.8.6. The Application was deemed to be valid by the Local Authority.

## **8.0 AA Screening**

8.1. I have considered the proposed retention and completion application for the proposed dwelling structure and in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located the rural townland of Camaross (Kilgarvan E.D.). The nearest European Sites are Slaney River Valley SAC (Site Code: 000781) located c. 8.3 km to the north and Wexford Harbour and Slobbs SPA (Site Code: 004076) located c. 8.3 km to the east. The proposed development comprises retention of single-storey structure and permission for completion of house for rental use and associated site works.

8.2. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

8.3. The reason for this conclusion is as follows:

- The small scale and nature of the development.
- The location-distance from nearest European site and lack of connections.
- Taking into account the screening report/determination by Local Planning Authority.

- 8.4. I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## 9.0 Water Framework Directive

- 9.1. The subject appeal site is located in the rural townland of Camaross (Kilgarvan E.D.). The proposed development comprises retention of single storey structure and permission for completion of house for rental use and associated site works. The Carrowreagh River (River Waterbody Code: IE\_SE\_13M010700) is located c.114 metres to the west of the subject appeal site. The appeal site is also located within Fethard Groundwater Aquifer (EU\_CD Code: IE\_SE\_G\_065) which is a poorly productive bedrock.

No water deterioration concerns were raised in the planning appeal.

I have assessed the proposed residential development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- The small-scale nature of the proposed development.
- The location of the subject appeal site, distance to the nearest water body and lack of direct hydrological connections.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a

temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **10.0 Recommendation**

10.1. I recommend that permission be REFUSED for the following reasons.

## **11.0 Reasons and Considerations**

1. Having regard to the soil conditions and high water table, 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 or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.
2. The proposed dwelling design does not accord with recommendations set out in Section 3.12.2 (Dwelling House Design) of the Wexford County Development Plan, 2022 to 2028. In particular, the proposed aggregate living area is below minimum floor space standards as set out in the Quality Housing Standards, 2007 and the applicant has failed to demonstrate how it is proposed to achieve minimum private open space standards. In addition, the proposed development, as presented, has the potential to result in undue overlooking of said amenity spaces which will present a negative impact on the residential amenities of existing and future residents. The proposed development therefore, as presented, will not serve to achieve a high quality living environment for future residents and is therefore not in accordance with the proper planning and sustainable development of the area.
3. The Applicant has not, in my opinion, provided sufficient justification as to the need to provide an additional dwelling at this location. If permitted, the proposed development would be the third dwelling on a relatively modest landholding. In the absence of an appropriately detailed and succent planning case and supporting planning justifications, it is considered that the proposed

contravenes Rural Diversification Objectives ED105 and ED107 and Rural Based Tourism Objective TM19 and Tourism Accommodation Objective TM56 of the Wexford County Development Plan, 2022 to 2028, would serve to create an undesirable precedent for similar cases elsewhere and is therefore not in accordance with 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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Frank O'Donnell

Planning Inspector

4<sup>th</sup> July 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>ABP-321222-24</b>
<b>Proposed Development Summary</b>	Retention of single-storey structure and permission for completion of house for rental use and associated site works.
<b>Development Address</b>	Camaross (Kilgarvan E.D.), Co. Wexford
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development	

<p>under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>Class 1 (a) of Part 2:</b></p> <p>Projects for the restructuring of rural land holdings.</p> <p><b>Class 10 b) (i) of Part 2:</b></p> <p>Construction of more than 500 dwelling units.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	<b>ABP-321222-24</b>
<b>Proposed Development Summary</b>	Retention of single-storey structure and permission for completion of house for rental use and associated site works.
<b>Development Address</b>	Camaross (Kilgarvan E.D.), Co. Wexford
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The subject appeal site has a stated site area of 0.4 hectares and comprises the retention of a partially constructed single storey dwelling structure permission for completion of house for rental use and associated site works.</p> <p>The site is located in a rural area, is part brownfield, part greenfield and forms part of an established farm holding.</p> <p>It is proposed to service the development with water from a new private bored well.</p> <p>It is proposed to discharge of effluent to a new effluent treatment system and associated percolation area.</p> <p>It is anticipated that the proposed development will not result in any significant use of natural resources, will not result in any significant production of waste, will not give rise to significant pollution or nuisance impacts, will not give rise to any significant risk of accident/ disaster or impacts upon human health.</p>
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature	<p>The subject site is not located within or adjoins any environmentally sensitive sites or protected sites of ecological importance, or any sites known for cultural or historical significance. The nearest designated European Site to the appeal site are Slaney River Valley SAC located c. 8.3 km to the north of the appeal site and Wexford Harbour and Slobs SPA located c. 8.3 km to the east. Given that there are no hydrological connections I have</p>

reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	concluded in my AA Screening that that the proposed development would not likely have a significant effect on any European site. I consider that there is no real likelihood of significant cumulative impacts having regard to other existing and/or permitted projects in the adjoining area.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the relatively small scale nature of the proposed development, its location removed from sensitive habitats/features, the likely limited magnitude and spatial extent of effects, and the absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>
<del><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></del>	<del><b>Schedule 7A Information required to enable a Screening Determination to be carried out.</b></del>
<del><b>There is a real likelihood of significant effects on the environment.</b></del>	<del><b>EIAR required.</b></del>

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

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 2

### Screening the need for Appropriate Assessment: Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the [title of project] in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located the rural townland of Camaross (Kilgarvan E.D.). The nearest European Sites are

- Bannow Bay SAC (Site Code 000697) located 6.88 km to the south,
- Slaney River Valley SAC (Site Code: 000781) located c. 8.3 km to the north and
- Wexford Harbour and Slobbs SPA (Site Code: 004076) located c. 8.3 km to the east.

The proposed development comprises retention of single-storey structure and permission for completion of house for rental use and associated site works. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site.

The reason for this conclusion is as follows:

- The small scale and nature of the development
- The location-distance from nearest European site and lack of connections
- Taking into account screening report/determination by Local Planning Authority

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

## WFD IMPACT ASSESSMENT STAGE 1: SCREENING

### Step 1: Nature of the Project, the Site and Locality

<b>An Bord Pleanála ref. no.</b>	<b>321222-24</b>	<b>Townland, address</b>	Camaross (Kilgarvan E.D.), Co. Wexford
<b>Description of project</b>		Retention of single-storey structure and permission for completion of house for rental use and associated site works.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The subject appeal site is located in a rural area and forms part of a working farm holding. The subject appeal and surrounding lands fall gently in a general east to south east direction. There is an existing open drain along part of the northern site boundary. There is an existing stream located c. 114 metres to the east of the edge of the proposed development site which flows in southerly direction. The appeal site is located within Fethard Groundwater Aquifer (EU_CD Code: IE_SE_G_065) which is a poorly productive bedrock. The appeal site, in particular, the proposed WWTS, is located in an area of High Groundwater Vulnerability where groundwater here has natural characteristics that make it highly vulnerable to contamination by human activities.</p>	
<b>Proposed surface water details</b>		Proposed Surface Water Disposal is to Soakpit (See q. 20 of Application form). Condition no. 8 requires a nature based surface water attenuation to be agreed.	

<b>Proposed water supply source &amp; available capacity</b>		Existing bored well on the subject site. It is proposed to provide a new connection to same. No water supply capacity issues raised in the appeal.				
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		Existing septic tank/ soakpit serving the existing dwelling is to be decommissioned. It is proposed to install a new wastewater/ effluent treatment system including a soil polishing filter and a diffuse willow bed area. The new wastewater treatment system is proposed to serve the existing dwelling and proposed new dwelling and is designed to a population equivalent (PE) of 10 persons.				
<b>Others?</b>		Not applicable.				
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>

River Waterbody	114m (east)	MULMONTRY_030 (EU Code IE_SE_13M010700)	Good (2016- 2021)	Not at risk	No pressures stated	Not hydrologically connected to surface watercourse.	
Groundwater waterbody	Underlying site	Fethard Groundwater Aquifer (EU_CD Code: IE_SE_G_065)	Good	Not at risk	No pressures stated	Groundwater	
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no)  Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.

1.	Surface	MULMONTTRY_030 (EU Code IE_SE_13M010700)	None	None	None	No	Screened out
2.	Ground	Fethard Groundwater Aquifer (EU_CD Code: IE_SE_G_065)	Drainage	Hydrocarbon Spillages	Standard Construction Measures / Conditions	No	Screened out
OPERATIONAL PHASE							
3.	Surface	MULMONTTRY_030 (EU Code IE_SE_13M010700)	None	None	None	No	Screened out
4.	Ground	Fethard Groundwater Aquifer (EU_CD Code: IE_SE_G_065)	Drainage	None	None	No	Screened out
DECOMMISSIONING PHASE							
5.	N/A						

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