



An
Bord
Pleanála

Inspector's Report

ABP-322088-25

Development

Permission to erect 2 no. dwellings with connection to existing public services and all associated site and ancillary works.

Location

Knockgreany, Coolgreany, Co. Wexford.

Planning Authority

Wexford County Council.

Planning Authority Reg. Ref.

20240657.

Applicant(s)

T. Dixon Construction Limited.

Type of Application

Permission.

Planning Authority Decision

Grant Permission.

Type of Appeal

Third Party

Appellant(s)

Faye Smith on behalf of the Knockgreany Residents.

Observer(s)

None.

Date of Site Inspection

13th May 2025.

Inspector

Kathy Tuck.

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.11ha, is located at Knockgreany, Coolgreany, Co. Wexford. Coolgreany is situated c.11.5km to the north of Gorey and c.1.4km to the south of boundary of County Wicklow.
- 1.2. The site is rectangular in shape and situated at the north of an established residential lane located c. 358m to the north-west of the centre of Coolgreany. The lane way runs in a north-easterly direction from the L-1006-1 and currently serves 6 no. dwellings and agricultural lands located to the north.

2.0 Proposed Development

- 2.1. Permission is being sought for the provision of 2 no. 2 storey detached dwellings and all associated site works. Each dwelling has a stated area of c.167sq.m and are both finished with a ridge level of c.6.25m.
- 2.2. The proposed dwellings are L-Shape in form and are finished with a pitched roof profile with open gable features proposed on all elevations. Proposed dwelling no. 1 has been set c.3.5m from the south-western boundary of the site and c.10m from the side elevation of the existing dwelling located on the adjoining site. Dwelling no. 2 is set c.1.5m from the north-eastern boundary of the site which is shared with agricultural lands.
- 2.3. Each of the proposed dwellings are served with 2 no. in curtilage parking spaces and private amenity space to the rear. Permission is also sought for connection to the mains in terms of waste-water and water supply.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority, following a request for further information, issued a decision to grant planning permission on the 21st February 2025 subject to 15 no. conditions.

Conditions of note are as follows:

- Condition No. 2 – Development Contribution of €2,338 in respect of roads.

- Condition No. 3 - Development Contribution of €1,336 in respect of community.
- Condition No. 4 – Bond of €14,000.
- Condition No. 6 – Works to provide sightlines at the junction with the public road shall be completed prior to the commencement of development.
- Condition No. 15 – A 2m reserve shall be retained between the access road and front boundary of the dwelling for future footpath provisions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first report of the Planning Officer, dated the 29th July 2024, notes a description of the site, the location of the site, relevant planning history, details of pre-planning held, summary of submissions and reports received, relevant national and local planning policies and sets out an EIA and AA Screening determination.

The assessment raised concerns over the design of the proposed dwellings - it was stated that they appear to be sub-urban in nature and out of context with the established character of the lane way which is semi-rural in nature. It was considered that the dwellings would therefore be contrary to Table 3-1 of Volume II of the Wexford County Development Plan 2022-2028.

Further concern was raised as to whether the existing laneway could accommodate any further level of development having regard to its current state. The report concluded that with no future proposal to upgrade the laneway, the proposal would be premature and detrimental to the local amenity due to increased traffic. Therefore, a recommendation to refuse permission was made.

However, I note that comments on the Planning Officers Report from the Senior Planner, dated the 1st August 2024, states that: *“The development is located within a built up area, or on the edge of a small estate. The adjoining dwellings may be single storey but there is no architectural merit in keeping development single storey. Therefore, I do not agree with the recommendation. Please therefore request Further Information as per the Roads Report.”*

3.2.2. Further Information Request

A request for the following further information was issued on the 2nd August 2024:

Item 1:

Demonstrate works to be carried out to achieve required sightlines in both directions at the 2 no. junctions with the L-1006-1 and provide a maintenance plan of works going forward.

Item 2:

All surface water shall be collected and disposed of within the site – in accordance with 4 main principles of SUDs.

Item 3:

All surface water collected, attenuated, and disposed of with SUDs and must not have an adverse effect on the public road or adjoining lands.

Item 4:

Provide a revised overall site layout including the laneway and junction with public road indicating improvements to any existing surface water drains/ attenuation details and outfall locations from the site/location of any oil/silt traps, interceptor drains, hydrobrakes and the appropriate rate of flow into public surface water system.

Item 5

Submit details of upgrade work to existing private laneway especially area in front of sites and continue improvements down towards off the public road – pedestrian access made available. Private lane storm/surface water drain design to be included.

Item 6

Surface water shall not discharged onto public road from proposed development.

Item 5

Discuss stormwater design and road improvements with District Area Engineer.

3.2.3. Further Information Response

A response from the applicant was received by the Planning Authority on the 27th January 2025 and can be summarised as follows:

Response to item 1

Sightline have been demonstrated and are achieved through the existing access point onto the L-1006-1 and as granted permission under the previous permission on site (PA Ref 20221293). There is no proposal to utilise the northwestern entrance point or access road leading to that junction.

Response to item 2&3:

All surface water generated on site will be disposed of within site boundaries – engineering details submitted.

Response to item 4&5:

All surface water generated on site will be disposed of within site boundaries – no proposal to upgrade existing laneway save for details included in engineers report.

Grass verge bounding the access lane are in private ownership – provision of a footpath not in applicants control save for outside of the subject site where 2m set back has been provided for.

Response to item 6

All surface water generated on site will be disposed of within site boundaries.

Response to item 7

Proposal discussed with Roads Department.

3.2.4. Second Report of the Planning Officer.

The second report of the Planning Officer dated the 21st February 2025 noted that the additional information submitted was acceptable and a recommendation to grant permission was issued in line with the decision issued.

3.2.5. Other Technical Reports

Environment department:

- Report dated the 23rd July 2024 recommends permission be granted subject to condition.

Roads Department:

- First report dated the 4th July 2024 recommends that a request for further information, as set out in section 3.2.2 of my report above, be made.

- The second report dated the 7th February 2025 recommends permission be granted subject to condition.

3.3. Prescribed Bodies

None received.

3.4. Third Party Observations

The Planning Authority received 2 no. submissions in relation to the proposed development. Concerns raised can be summarised as follows:

- Lane already overpopulated.
- Increased traffic flow.
- Existing residents are responsible for maintenance of laneway which is already eroded – construction traffic will erode lane further.
- No water pressure – additional houses will lessen it further.
- Impact negatively on quite country living.
- Devaluation of property prices.
- Possible future impacts on services.
- Out of character.
- Traffic hazard.
- Loss of privacy and light.
- Noise disturbance.

4.0 Planning History

Subject site

PA Ref 20240143 Permission REFUSED to erect 2 no. dwellings with connection to existing public services and all associated site and ancillary works. Reasons for refusal were as follows:

1. Scale and design reflect suburban type development which is not in keeping with the character established along this lane and would be contrary to Section 3.1.6 of the Wexford County Development Plan 2022-2028.
2. No connection agreement from Uisce Eireann has been submitted.

PA Ref 20221293 Permission GRANTED to erect a dwelling with connection to existing public services and domestic garage and all associated site and ancillary works.

5.0 Policy Context

5.1. Wexford County Development Plan 2022-2028.

The subject site is located within an area identified as being within the Uplands Landscape Area on the Landscape Character Assessment as set out within Volume 7 of the County Plan.

The site, which is not zoned, is located within the development boundary of Coolgreany which is identified within the settlement hierarchy as a level 3b - Strategic Settlement.

Other relevant sections:

Volume 1 – Written statement

Section 3.6.4: Level 3b - Strategic Settlement.

Section 4.4: Sustainable Housing Strategy.

Section 4.5: Housing Requirements.

Section 4.6: Locations for Future Housing.

Section 4.7: Future Housing Delivery.

Section 8.8: Sightlines which require work.

Section 9.5: Water Supply.

Section 9.11: Flood Risk and Surface Water Management.

Section 15.6.2: Universal Access and Desing.

Volume 2 – Development Management

Section 3.12: Multi Unit Residential Schemes in Towns and Villages.

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

Section 7.4: Landscape and biodiversity.

Section 8.2: Water.

Section 8.3: Wastewater.

Volume 7 – Landscape Character.

Section 3.0: Landscape Character Assessment.

5.2. Natural Heritage Designations

The subject site is not located within or adjacent to any natura 2000 sites. The subject site is located c.6.7km to the north-west of the Kilpatrick Sandhills SAC (site code 001742) and Kilpatrick Sandhills pNHA (site code 001742) and c.6.815m to the north-east of the Slaney River Valley SAC (Site Code 000781).

6.0 EIA Screening

The scale of the proposed development does not exceed the thresholds set out by the Planning and Development Regulations 2000 (as amended) in Schedule 5, Part 2(10), and I do not consider that any characteristics or locational aspects (Schedule 7) apply.

I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

A third-party appeal was received buy An Bord Pleanála on the 18th March 2024 from Faye Smith who resides in a dwelling located on the opposing side of the laneway to

the subject site. This appeal has been lodged on behalf of the residents of Knockgreany, Coolgreany, Co. Wexford. The grounds of the appeal can be summarised as follows:

1. Character of the Area:

- Houses are to be constructed on an elevated site at the top of the laneway – two storey design completely out of context with the existing bungalow style dwellings on the lane.
- All other dwellings step down from the top of the lane and are not intrusive on neighbours.
- Previously refused under PA Ref 20240413.
- Incorrect reference in Planning Officers report with regard to applicants of previous applications.
- No objection to permission granted under PA Ref 20221293 as it was for 1 no. single storey dwelling.
- Both planning officers (this application and PA Ref 20240413) agreed that the design of the dwellings was out of character with the area – a note from the chief planner did not agree with this.
- Laneway does not contain the same width as the small estate to the west – only has access for one singular vehicle to exit and enter safely. Houses are of close density due to the width of the laneway.
- Comparison by senior planner to the adjoining small estate is not correct – these units are built in uniform and all of the same design.
- Further submission of images of further deterioration of the laneway following a digger tracking for ESB were not allowed to be submitted on foot of receipt of the further information submission.
- Tried to communicate with Chief Planner on many occasions to voice concern further to no avail.
- Fail to note that one submission submitted was signed by 16 no. residents.

- Unaware if chief planner has ever visited the site and is only relying on site photos.

2. Laneway Upgrade

- Conditions attached are considered to be vague with regard to upgrade of the lane and provide sightlines.
- Private lane is currently owned by all houses within the area – owning a portion of the lane outside each dwelling which also applies to the 2 no. roadway facing dwellings at the end of the lane (impacted with sightline works).
- Approval for all works would need to be obtained by all neighbouring houses and for the conditions of planning to be adhered to.
- Conditions do not state this and also do not give any timeframe upon which these works need to be undertaken or what parties would be responsible of the upkeep of the lane and sightlines.
- Conditions do not state what is expected from the households in terms of the sightlines – will the hedgerow need to be removed or will the fence and trees need to be removed.
- No clarity on if entire lane will be upgraded or only in part.
- No clarity on what Bond that is required relates to.
- Request clear and transparent conditions in regard to upgrade of laneway and sightlines.
- Request a condition requiring a legally binding document to ensure all parties are aware of the expectations and timeframes of lane upgrade and the consequences if these conditions are not upheld.
- Residents have not been approached with regard to obtaining permission to undertake any upgrades of the laneway.

3. Traffic Management

- Conditions surrounding Traffic management needs to be addressed – proposed dwellings are located beside an established agricultural access which will impact the neighbouring houses entering their homes.
- Will the lane be kept clear during construction phase to ensure both the farmer and surrounding residents can enter their homes.
- No reference made to heavy machinery or trucks associated with the development in the planning condition.

4. Water pressure

- Issue raised in submission but not addressed by the Planning Authority.
- Cannot currently run 2 appliances at the same time or 2 taps as the impact on water pressure and eventually no water available.
- Impact of 2 more houses could vastly impact supply due to the location of the site.
- There are no conditions in place with regard to this issue.

7.2. Applicant Response

A response was received from the applicant on the 15th April 2025 and can be summarised as follows.

1. Validity of 3rd Party Appeal:

- Appeal should have been invalidated as no addresses were provided for the other residents that Faye Smyth is acting on behalf.
- This is required under Section 127(b) of the Planning and Development Act 2000 (as amended).

2. Character of the area:

- Proposed dwellings are suburban and modest in design and height.
- While the site is elevated relative to the public road – not elevated or exposed in terms of surrounding landscape.

- Site and surrounding landscape more than capable of accommodating the proposed development without being visually prominent.
- Of the 6 no. existing dwellings located on the lane 3 dwellings have 1st floor accommodation and are significantly larger than that being proposed.
- Precedent for dormer style dwelling has been established on the lane – proposal is similar in style and form to the existing dwellings albeit more modest in terms of floor area.
- There is a precedent for dormer and two storey dwellings in the general area on sites at a similar contour to the subject site.
- Comments relating to the proposal being intrusive on all other neighbouring properties – considered to be disingenuous in the context of the established precedent above.
- All minimum standards and separation distances associate with the sustainable residential development and compact growth guidelines for Planning Authorities are far exceeded and the proposal has little or no impact on the amenities of the surrounding area.
- The revised proposal differs significantly from the previous refused development (PA Ref 20240143) – red brick and metal cladding from front elevation now removed and ridge height has been reduced by c. 784mm. In addition the composition and fenestration layout has been altered significantly.
- Proposal does not constitute intrusive development, is not out of character with established pattern of development and represents an appropriate design response and efficient use of serviced land within a settlement boundary of a village.

3. Lane Upgrade /Sightlines

- 65m sightlines are available in both directions on the subject site subject to the maintenance of the roadside hedgerow.
- Sightlines were deemed to be acceptable to the Area Engineer in Local Authority – report on file to this effect.

- Response to further information drawing clearly indicated the section of the laneway which would be subject to upgrade works (highlighted in blue).
- Reference made by appellants to the need for clear and transparent conditions – condition no. 4 clearly stipulates that the associated bond is for the “*satisfactory completion of the proposed development, access road and provision of sightlines*”.
- The applicant is happy to undertake the works, pay the bond and is fully aware of the purpose of same.
- Condition 4 clearly states the bond will be in place until the development is completed in accordance with plans submitted.

4. Traffic Management

- Reference is made to the proximity of the subject site to the agricultural entrance – there are other dwellings in similar proximity to same and no issues has arisen.
- Proposal will not impact on agricultural entrance or the use of the access point to agricultural lands to the rear of the access lane.
- Construction traffic – the lane will be cleaned regularly as is consistent with standard practice and traffic will be managed as to not impact upon residents.

5. Water Pressure

- This is not a planning issues and Uisce Eireann have issued a confirmation of feasibility.

6. Planning Process

- Implication made by appellants that Senior Planner acted inappropriately by intervening in the case by requesting further information and ultimately granting permission.
- The Role of the Senior Planner is to ensure consistent interpretation of policy which may lead to interventions in some cases in the interest of the proper planning and sustainable development of the area.

- Appellant suggests that the Senior Planner did not afford the residents due process in term of facilitating the ability to express concerns – further information was not deemed to be significant and was not re-advertised as such no further submissions were accepted.
- The submission of unsolicited information/objections outside the 5 week observation period is contrary to the provisions of Article 29 of the Planning and Development Regulations 2001 (as amended).
- Senior Planner is precluded from engaging with observers during the assessment period under the provisions of the Planning and Development Regulations 2001 (as amended).

7.3. **Planning Authority Response**

None received.

7.4. **Observations**

None received.

8.0 **Assessment**

8.1. Introduction

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

- Impact on Character of the Area.
- Works to Laneway.
- Construction Traffic Management.
- Other Issues.

8.2. Character of the Area.

- 8.2.1. The main concern raised by the 3rd party appellant relates to the impact the proposed development would have upon the established pattern of development and character of the surrounding area with a particular reference to the laneway. It is contended that the proposed dwelling which are 2 storey in height are not in keeping with the established character of development along the laneway which comprises mainly of bungalow dwellings. The appellant argues that permission was previously refused under PA Ref 20221293 and that the design of the dwellings subject to this application have only been amended slightly and still remain out of character with the area. It is contended that the reference by the Senior Planner to the small estate to the west is not relevant as the subject laneway does not avail of the same road widths.
- 8.2.2. The applicant in response notes that the amended dwellings subject to this appeal, differ significantly from that previously refused under PA Ref 20221293 as the red brick and metal cladding from front elevation have been removed and ridge height has been reduced by c. 784mm. In addition, the composition and fenestration layout has been altered significantly.
- 8.2.3. I note that the recommendation of the Planning Officer was to refuse permission as it was considered that the proposal failed to comply with both section 3.1 and table 3.1 of volume II of the Wexford County Development Plan 2022-2028 which both prescribe the design criteria for dwellings in rural areas. The Planning Officer concluded that having regard to the elevation of the landscape together with the height of the proposed dwellings that it would give rise to a visual impact and overlooking of dwellings located to the east. However, this assessment was not accepted by the Senior Planner and ultimately, following a request for further information, a decision to grant permission was issued.
- 8.2.4. From assessment of the site layout plan submitted I note that the proposed dwellings have been set back 14m from the front (eastern) boundary of the site which is formed with the laneway. The nearest dwelling to the east is also set back c.7m from the boundary of the site formed with the laneway. As such there is a separation distance of c.25m between the proposed dwellings and the front elevation of the existing dwelling to the east. SPPR1-Separation distances of the Sustainable Residential Development and Compact Settlements Guidelines, 2024 requires a minimum

separation distance of 16m between opposing habitable windows. I therefore do not consider issues of overlooking will occur.

8.2.5. The subject site is designated as being within an Upland Landscape Area. The Uplands is mainly characterised by areas of higher ground, with some variations within, and relates to the north and west of the county. Notwithstanding the landscape designation, I also note the location of the subject site within the development boundary of Coolgreany. I further note that while the dwellings in the immediate vicinity of the subject site are bungalow/dormer bungalows in form, the wider area to the west of the site comprises of a mix of dwellings types primarily a development of 11 no. two storey dwellings – Cnoc Greine. Cnoc Greine is elevated to the L-1006-1 similar to the subject site.

8.2.6. Overall, I consider that while the provision of two storey dwellings may be a deviation from the established pattern of development along the laneway, I do not consider that the proposal would be visually obtrusive or out of character of the wider area of Coolgreany.

8.3. Works to Laneway.

8.3.1. The appellant has raised concern over the lack of detail provided with regard to the upgrade works to the laneway from which the appeal site is accessed. It is stated that the laneway is currently within the ownership of all the residents along this laneway and that they to date have been financially responsible for its upkeep. It is further stated that any works proposed to this laneway will require the consent of all the residents.

8.3.2. It is contended that the condition attached to the permission which requires upgrade works to the laneway is vague as it does not provide clarity if the works will be undertaken to the entire length of the lane, the timeline for the works to be undertaken and who will be responsible for the upkeep of the sightlines. It is also stated that no one has approached the residents to undertake any works to the private laneway.

8.3.3. The applicant in response states that condition no. 4 of the grant of permission clearly stipulates a timeline for the works to be undertaken and the works to be undertaken was indicated on drawing no. 24-055-004 entitled 'Proposed Surfacing to Existing Laneway' submitted as part of the further information response, highlighted in blue.

- 8.3.4. Condition no. 4 of the grant of permission states *“Before any development in commenced on the site, the developer shall lodge with Wexford County Council security for the satisfactory completion of the proposed development, the access road and provision of sightlines at the junction with the public road. The security shall be provided by way of cash deposit or of the bond of an approved insurance company in the amount of €41,000. The bond shall be maintained until such time as the development has been satisfactorily completed in accordance with the plans and documents submitted.”* In addition, Condition no. 6 also states, *“The works to provide the sightlines at the junction with the public road shall be completed prior to the commencement of construction of the dwellings.”*
- 8.3.5. Condition no. 6 clearly states that the works to the laneway and the works to provide sightlines shall be undertaken prior to the commencement of the development. This provides clarity on timelines in response to the concerns raised by the appellant. I accept that drawing no. 24-055-004 entitled ‘Proposed Surfacing to Existing Laneway’ submitted as part of the further information response, clearly sets out the section of the laneway which will be subject to upgrade works. The works proposed do not apply to the entire length of the laneway as it was expressed by the applicant that they do not have a legal interest to do such within the further information submitted.
- 8.3.6. While I consider that the conditions attached to the permission do not set out a specified timeline for works to be undertaken to the lane, it would be typical that the works to the lane are undertaken post development once construction traffic is no longer utilising this access as they may undermine the works undertaken. To this end, I note that the Planning Authority will not release the bond until such time that they are satisfied that the works have been completed.
- 8.3.7. However, I note that the area of the laneway indicated as being subject to these upgrade works and the area where works are required to improve sightlines to the L-1006-1 are outside of the red line boundary associated with the subject application as indicated on the site location map submitted. This laneway is referenced by the Area Engineer, the Planning Officer and the appellant as being a private lane way and I note from undertaking a review of Wexford County Councils web site that this lane has not been taken in charge. Therefore, I consider that in the absence of consent submitted with the application and the works required to lands outside of the control

of the applicant that the Board is precluded from granting permission for the works to the sightlines and laneway in this instance.

- 8.3.8. The private laneway currently serves 6 no. dwellings and also provides access to a second private laneway located to the west which provides access to a further 3 no. dwellings. The laneway is substandard in terms of widths and lack of footpaths which was recognised by both the Planning Officer and Area Engineer. From undertaking a site visit I noted that the width across the laneway does not allow for two cars to pass and there is no turning facility for refuse or emergency vehicles. In addition, there is no footpath on either side of the subject laneway and it is not feasible for the applicant to provide for such given the lack of legal interest over the entire laneway.
- 8.3.9. Having regard to the above and the substandard nature of the lane in terms of its widths, alignment, lack of turning facilities, lack of public lighting and lack of pedestrian footpaths which already serves 6 no. dwellings, I consider to permit any further dwellings on the deficient laneway would give rise to a conflict between pedestrian and vehicular movements and would therefore constitute a traffic hazard. Furthermore, having regard to the works required to be undertaken to lands which are not in the control of the applicant to provide the required sightlines, this further constitutes the proposal giving rise to a traffic hazard. I therefore recommend that permission be refused.

8.4. Construction Traffic Management.

- 8.4.1. Concerns have been raised over the impact of construction traffic on the laneway and the adjoining agricultural lands located to the north. It is contended that no reference made to heavy machinery or trucks associated with the development are made within any of the planning conditions.
- 8.4.2. Condition no. 7 of the grant of permission requires that the applicant submit a construction management plan for the written agreement of the Planning Authority. This requires details to be included relating to on-site car parking, hours of operation and routing of construction traffic. Therefore, I am of the opinion that a condition of planning can overcome the concerns raised in this instance.

8.5. Other Issues.

8.5.1. *Water Pressure*

The appellants within their appeal have raised concern over the impact the proposed development may have upon the already reduced level of water pressure serving the existing dwellings located along the laneway. The applicant has indicated on the planning application form that water supply will be obtained to serve the proposed development from the public mains.

I note from undertaking a review of Uisce Éireann's Capacity register ([Wexford | Water Supply Capacity Register | Uisce Éireann \(formerly Irish Water\)](#)) on the 4th June 2024 that there is capacity available for Coolgreany and this was confirmed with the confirmation of feasibility submitted as part of the application documentation. Any further concerns with water supply being experienced within the area is an issue to be addressed by Uisce Éireann.

8.5.2. Validity of 3rd Party Appeal

The applicant has questioned the veracity of the appeal lodged on behalf of the Knockgreany Residents given that it does not provide for any names, addresses or signatures of members of Knockgreany residents and as such fails to accord with Section 127(b) of the Planning and Development Act 2000 (as amended). I note that this appeal was submitted care of Faye Smyth of Elysium, Knockgreany, Coolgreany, Co. Wexford.

Having examined this third-party appeal, I am satisfied that it complies with the appropriate provisions for planning appeals as set out in Section 127 of the Planning and Development Act 2000, as amended, and that it is valid.

8.5.3. Planning Process

Concern has been raised over the role taken by the senior planning officer during the assessment of the application by the Planning Authority. I note that the Senior Planners Role is to ensure that any recommendation on a planning application is in line with both national, regional and local planning policy and also is in keeping with the proper planning and sustainable development of the area. I consider that the input provided by the Senior Planner was acceptable and within the remit of their function within the Planning Authority.

9.0 AA Screening

- 9.1. See Appendix 3 of this report for Appropriate Assessment Screening Determination. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Kilpatrick Sandhills SAC (site code 001742), Slaney River Valley SAC (Site Code 000781), or any other European site, in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.
- 9.2. This determination is based on:
- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
 - Distance from and weak indirect connections to the European sites.
 - Taking into account screening determination by LPA
- 9.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

10.0 Water Framework Directive

- 10.1. The subject site is located within the townland of Knockgreany, Coolgreany, Co. Wexford. The proposed development comprises of the construction of a 2-no. detached dwelling, site entrance and all associated site works. No water deterioration concerns were raised in the planning appeal. The Askinch Stream upper and the Clonlough river flows approximate c.398m to the north of the subject site.
- 10.2. I have assessed the proposed 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.

10.3. The reason for this conclusion is as follows:

- Nature of works regard the scale;
- Location-distance from nearest Water bodies and/or lack of hydrological connections.

10.4. 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.

11.0 Recommendation

I recommend that the Board overturn the decision of Wexford County Council and refuse planning permission for the reasons set out below.

12.0 Reasons and Considerations

1. Based on the information submitted, the developer has failed to demonstrate that they have sufficient legal interest to undertake the works to provide for the required sightlines at the junction of the private laneway and the L-1006-1 which would therefore result in a traffic hazard due to limited sightlines which are impeded upon by mature hedging. It is considered, therefore, that the proposed development would be prejudicial to public safety and contrary to the proper planning and sustainable development of the area.
2. Having regard to the above and the substandard nature of the lane in terms of its widths, alignment, lack of turning facilities, lack of public lighting and lack of pedestrian footpaths which already serves 6 no. dwellings, to permit any further dwellings on the deficient laneway would give rise to a conflict between pedestrian and vehicular movements and would therefore constitute a traffic hazard. It is considered, therefore, that the proposed development would be

prejudicial to public safety and contrary to the proper planning and sustainable development of the area.

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

Kathy Tuck
Planning Inspector

18th June 2025

Appendix 1

EIA Pre-Screening

Case Reference	ABP-322088-25
Proposed Development Summary	Permission to erect 2 no. dwellings with connection to existing public services and all associated site and ancillary works.
Development Address	Knockgreany, Coolgreany, Co. Wexford.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (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.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>S. 5 P.2 10(b)(ii) 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)?	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

Appendix 2

EIA Preliminary Examination

Case Reference	ABP-322088-25
Proposed Development Summary	Permission to erect 2 no. dwellings with connection to existing public services and all associated site and ancillary works.
Development Address	Knockgreany, Coolgreany, Co. Wexford
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (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 proposed development is for 2 no. dwelling houses. The subject site is greenfield in nature but located within the development boundary of Coolgreany where connection to the Uisce Eireann facilities area available. There are a number of dwellings located in the immediate proximity of the subject site. The proposed development would not be exceptional in the context.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants.</p>
Location of development (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 reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>The development would not have the potential to significantly impact on an ecologically sensitive site or location. There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The proposed development would not give rise to waste, pollution or nuisances that differ significantly from that arising from other rural developments.</p> <p>There are no other locally sensitive environmental sensitivities in the vicinity of relevance.</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent,	There would be no significant cumulative considerations.

nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	
Conclusion	
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

Appendix 3

Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Construction of 2 no. house and all associated site works.			
Brief description of development site characteristics and potential impact mechanisms	<p>Permission is sought for construction of 2 no. dwelling house, entrance and all associated site works.</p> <p>Water supply and waste-water treatment will be from connection to public mains. Surface water is proposed to discharge to soakpits.</p> <p>There are no water courses or other ecological features of note on the site that would connect it directly to European Sites in the wider area.</p>			
Screening report	<p>No</p> <p>Wexford County Council Screened out the need for Appropriate Assessment</p>			
Natura Impact Statement	No			
Relevant submissions	None			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
<p>The European sites potentially within a zone of influence of the proposed development are listed in the table below. No screening report was submitted by the applicant. The Planning Authority has considered the same 5 sites in their screening.</p>				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N

<p>Kilpatrick Sandhills SAC (site code 001742)</p> <p>Kilpatrick Sandhills SAC National Parks & Wildlife Service</p>	<p>Annual vegetation of drift lines [1210]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) [2150]</p>	c.6.7km	No direct connection	n
<p>Slaney River Valley SAC (Site Code 000781)</p> <p>Slaney River Valley SAC National Parks & Wildlife Service</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion</i>)</p>	c.6.8km	No direct connection	n

	<p>incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twait Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>			
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Step 3 Conclude if the proposed development could result in likely significant effects on a European site

I conclude that the proposed development alone would not result in likely significant effects on Kilpatrick Sandhills SAC (site code 001742) and the Slaney River Valley SAC (Site Code 000781). The proposed development would have no likely significant effect in combination with other plans and projects on any European sites. No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Screening Determination

Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Kilpatrick Sandhills SAC (site code 001742) and the Slaney River Valley SAC (Site Code 000781) or any other European site, in view

of the Conservation Objectives of those sites and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- Distance from and weak indirect connections to the European sites.
- Taking into account screening determination by LPA

No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.