



An  
Coimisiún  
Pleanála

## Inspector's Report

**PL-500329-WX-25**

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### Development

The retention of works consisting of a revised access driveway route and permission to complete entrance in a revised position from that granted under 20231381 and all associated site works.

### Location

Clonganny, Cahore, County Wexford.

### Planning Authority

Wexford County Council

### Planning Authority Reg. Ref.

20251186

### Applicant

Jack Doyle.

### Type of Application

Permission.

### Planning Authority Decision

Permission.

### Type of Appeal

Third Party

**Appellants**

Karina and Kevin Humphrey

**Observers**

None

**Date of Site Inspection**

12<sup>th</sup> February 2026.

**Inspector**

Derek Daly

## 1.0 Site Location and Description

- 1.1. The development is located in a rural area approximately 4 kilometres north of Kilmuckridge and 10 kilometres northeast of the town of Enniscorthy in County Wexford.
- 1.2. The site is located with frontage onto a public road which defines the southwestern boundary and a private laneway on the eastern boundary which serves as the trade/service entrance to Clonganny House located to the north east and also to other lands. The site is well screened with trees at the south and southeastern sides of the site and at the rear (north) of the site is agricultural lands. At the time of inspection there was a dwelling house currently under construction on the site.
- 1.3. The site has a stated area of 0.40 hectares.

## 2.0 Proposed Development

- 2.1. The proposed development as received by the planning authority on the 19<sup>th</sup> September 2025 was for;
- 2.2. Permission for retention of works to date consisting of a revised access driveway route and permission to complete entrance in a revised position as a change from that granted under 20231381 and all associated site and ancillary works.
- 2.3. The revised access location is closer to the junction of the public road and the laneway. The access granted permission under Planning Authority Ref. No.20231381 was further away from the junction.

## 3.0 Planning Authority Decision

### 3.1. Decision

- 3.1.1. The decision of the Planning Authority was to grant retention of planning permission subject to 2 conditions.

### 3.2. Planning Authority Reports

- 3.2.1. Planning Reports

The planning report dated the 4<sup>th</sup> November 2025 refers to the planning history, development plan provisions, a third party submission received and an assessment of the development.

The report refers to the new location as acceptable care would need to be taken at this new entrance/intersection as there is a risk of occasional crossover traffic coming from the west with vehicles entering the trade/service entrance of Clonganny House.

The report notes that the new location of the site entrance to which this application applies has led to a reduced loss of biodiversity than had it been constructed in the originally granted location

The report concluded that new location of the site entrance is deemed acceptable.

Permission was recommended.

- 3.3. The roads department report dated the 14<sup>th</sup> October 2025 indicated no technical objection to the development.
- 3.4. A third party submission was received which refers to breach of planning laws and unauthorised development, traffic hazard, visual impact and impact on biodiversity

## 4.0 Planning History

- 4.1.1. P.A. Ref. No. 20231381 Permission to erect a dwelling with services and domestic garage Granted subject to conditions on the 02/16/2024.

## 5.0 Policy and Context

### 5.1. Development Plan

- 5.1.1. The statutory development plan is the Wexford County Development Plan 2022-2028

Volume 2 refers to Development Management and outlines requirements and standards on a range of criteria including access

Clonganny House is a protected structure and is located 100m north west of the site.

## 5.2. Natural Heritage Designations

- 5.2.1. The subject site is not located within a site designated as a Natura 2000 site or NHA/pNHA.

## 6.0 EIA Screening

- 6.1. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The appellants grounds of appeal in summary refer to;

- The current retention application arises from a serious breach of a planning permission.
- The appellants did not object to the original application as it appeared to protect existing mature trees and screening and the proposed entrance location would maintain the character of the area.
- Reference is made to the removal of protected trees and hedgerow and the creation of an unauthorised entrance.
- The current decision is a material contravention of an approved planning application and condones planning breaches.
- The entrance as constructed is positioned dangerously close to the main junction creating a traffic hazard to road users.
- Reference is made to impact on the visual amenity and character of the area by the removal of mature trees.
- There is a loss of biodiversity arising.
- It is considered that the planning authority did not give adequate assessment and consideration of the development.

- The development creates precedent in relation to the breach of planning laws.
- The appellants' property is directly and adversely affected by the unauthorised works through the removal of mature screening.
- Previous documentation to the planning authority is submitted.
- An oral hearing is requested.

## 7.2. **First Party Response**

The first party in a response indicates,

- The site and area does not have any special designations in the current CDP.
- The decision to alter the entrance was informed by the extent of trees required to be removed and the health of trees along the laneway and will require the removal of less trees and favours removal of dead and unhealthy trees and preservation of larger healthy trees.
- The alteration is considered minor and the purpose of the current application is to regulate same.
- The reference to a significant loss of trees is not supported by any ecological assessment of expert advice. The planning report in assessing the development has referred to a reduced loss of biodiversity if it had been constructed in the original location.
- The planning authority deemed the revised location as acceptable.
- The roads department did not raise a technical objection to the revised location.
- The planning authority in assessing the development did not consider that development injured the amenities of the area.
- The planning acts provide for retention application to be submitted.

## 7.3. **Planning Authority Response**

- 7.3.1. The planning authority has not submitted a response to the appeal submission.

## 8.0 Assessment

8.1. The main issues in this appeal relate to the principle of the development, and to the matters raised in the grounds of appeal. Appropriate Assessment also requires to be considered. I am satisfied that no other substantive issues arise.

### 8.2. The principle of the development

8.2.1. The proposal as submitted is as indicated in public notices and is primarily for a revised entrance in a different location to what was previously granted planning permission. The principle of the development given the planning history of the site is acceptable.

### 8.3. Grounds of appeal

8.3.1. The grounds of appeal refers to breach of the planning laws and unauthorised development and in noting the issues raised the issue of enforcement is a matter for the planning authority and not for An Coimisiún Pleanála but I would note that the planning legislation does provide for the submission of retention of planning permission and a revision of a permitted development which applies in relation to the current development under appeal.

8.3.2. Reference is made to the removal of protected trees and hedgerow to the impact on the visual amenity and character of the area by the removal of mature trees and that there is a loss of biodiversity arising.

In the response it is contended that the site and area does not have any special designations in the current CDP; that the decision to alter the entrance was informed by the extent of trees required to be removed and the health of trees along the laneway and will require the removal of less trees and favours removal of dead and unhealthy trees and preservation of larger healthy trees. The reference to a significant loss of trees is not supported by any ecological assessment of expert advice and the planning report in assessing the development has referred to a reduced loss of biodiversity if it had been constructed in the original location.

In consider this issue there is no specific provision in the CDP in relation to the preservation of the trees, the reference to protection may arise from reference to 20% biodiversity planting being provided in the location of the revised entrance now being considered when the initial planning application location was submitted.

The frontage along the laneway appears to have had a row of mature trees and vegetation along the laneway prior to the construction works commencing. The creation of an entrance no matter where it is located on the laneway would result in a loss of trees and there is no compelling evidence to consider that an increased loss arises from the relocation of the entrance or that an increased loss of biodiversity arises. The issue of loss of visual amenity arises in the context of the loss of trees and vegetation in closer proximity to the public road but the impact on visual amenity is minimal and the extent of visual impact is immediate to the site and not the wider area.

- 8.3.3. Reference is made to the entrance as constructed is positioned dangerously close to the main junction creating a traffic hazard to road users. The entrance will be closer to the junction but the laneway onto which it fronts is a minor laneway carrying a low of traffic. There is sufficient distance from the junction to permit traffic entering the laneway to have vision of the traffic entering and exiting the revised entrance and for traffic exiting the entrance to have visibility of other traffic users on the laneway and to manoeuvre to a position to view traffic movement on the public road. I would have no objection in relation to traffic hazard.
- 8.3.4. The access is located onto a laneway which serves as the trade/service entrance to Clonganny House located to the north east and also to other lands. Clonganny House also has its own separate individual access from the public road. The removal of mature screening arises both in relation to the original proposed entrance and the revised entrance currently under appeal. The revised entrance would impact less on the Clonganny House site and property which is set back a considerable distance from the public road in relation impact from headlights and in relation to privacy given the level of screening which occurs on the eastern side of laneway between appeal site and Clonganny House and adverse impacts in relation to the amenities of Clonganny House do not I consider arise.
- 8.4. It is noted that the grounds of appeal state that an oral hearing was requested. I note however that no valid request was made to the effect that while a request was cited in the grounds of appeal, not fee was paid in respect of a request for an oral hearing.

## 9.0 AA Screening

- 9.1. I have considered the proposal for the retention of works to date consisting of a revised access driveway route and permission to complete entrance in a revised position as a change from that granted under 20231381 and all associated site and ancillary works. The subject site is located on a site where planning permission was granted for a dwelling which is in an advanced stage of construction.
- 9.2. The development comprises in effect a relatively minor development as outlined in section 2 in the Inspectors report. 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 European Site. The reason for this conclusion is as follows; the nature of the development, the distance to designated sites and the absence of pathway to these sites.
- 9.3. I conclude that 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 and likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## 10.0 Water Framework

- 10.1. The subject site is located within a rural area and is not located immediate to a waterbody. The proposed development comprises the retention of works consisting of a revised access driveway route and permission to complete entrance in a revised position from that granted for a dwelling previously granted under 20231381 and all associated site works as referred to in section 2 of this report. No water deterioration concerns were raised in the planning appeal.
- 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 and 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:

- Nature of works regarding the nature and scale of the development.
- The context of the surrounding area.
- Location and distance from nearest Water bodies and lack of hydrological connections.

## **Conclusion**

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**

11.1. I recommend that permission be granted.

## **12.0 Reasons and Considerations**

12.1. Having regard to the nature of the development; the planning history of the site; the existing permitted residential use on the site; the design, nature and scale of the proposed development and the pattern and character of development in the vicinity; and to the provisions of the Wexford County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have a significant adverse effect and would not detract from the character of the area, would not seriously injure the amenities of adjacent residential property, would not contribute to a loss of diversity and would be acceptable in terms of traffic safety and convenience. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1.	<p>The development shall be retained and completed in accordance with the drawings and particulars as received by the Planning Authority on the 19<sup>th</sup> day of September 2025 except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the Planning Authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity</p>
2.	<p>Surface water drainage collection and disposal, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health and to ensure a proper standard of development.</p>
3.	<p>The entrance to the development shall be completed in accordance with the site layout plan as received by the Planning Authority on the 19<sup>th</sup> day of September 2025.</p> <p><b>Reason:</b> In the interest of clarity</p>

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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way

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Derek Daly  
Planning Inspector

25<sup>th</sup> February 2026

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	500329-WX-25
<b>Proposed Development Summary</b>	The retention of works consisting of a revised access driveway route and permission to complete entrance in a revised position from that granted under 20231381 and all associated site works.
<b>Development Address</b>	Clonganny, Cahore, County Wexford.
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>	<input type="checkbox"/> <b>X No</b> , it is a 'Project'. Proceed to Q2.
<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"/> , it is a Class specified in Part 1.	<b>No</b>
<input type="checkbox"/> <b>X Yes</b> ,	
<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>	
<b>x No</b> , the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	
<b>No</b> , the proposed development is of a Class and meets/exceeds the threshold.	
<b>No</b> , the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>	

Yes	
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<b>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)?</b>	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: Derek Daly      Date: 25<sup>th</sup> February 2026