



Inspector's Report

PL-500689-WX-26

Development	Construction of two-storey detached houses with detached domestic garages/stores, independent on-site wastewater treatment systems and all associated site works.
Location	Kilcavan Lower (E.D. Kilgorman), Gorey, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20251082W
Applicant(s)	Ben & Shane Kavanagh
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Nicola & Philip Doyle and Others
Observer(s)	None
Date of Site Inspection	27 th April 2026
Inspector	Patricia Byrne

1.0 Site Location and Description

- 1.1. The appeal site, comprising an area of 1.41 Ha. is located at Kilcavan Lower, located north-east of Gorey Co. Wexford and approximately 3km southwest of Castletown. The site is located within the settlement of Tara Hill, with the geographic feature of the same name located to the southwest.
- 1.2. The site is irregular in shape and is currently in pasture. A local road serving Tara Hill runs to the west, while to the north are sited a number of detached dwelling houses in linear formation. To the south lie agricultural lands which have the benefit of planning permission for a multi-unit residential development and for a community centre, with neither scheme yet commenced. St. Kevin's National School and an associated car park/drop off area lie to the southwest, while St. Kevin's church is situated further to the south.
- 1.3. Footpaths are in situ adjacent the school drop-off area and on the opposite side of the road, terminating at the 50kph road sign entering the settlement and approximately 66m short of the proposed entrance to the site.
- 1.4. Lands also within the applicants ownership/control lie adjacent the site to the east/south-east.

2.0 Proposed Development

- 2.1. The proposal seeks permission for the following:
 - The construction of 4 no. detached dwelling houses, each served with a separate garage and accessed off a spine road which runs to the north, with a single access off the public road to the west. A turning circle is provided to the eastern end of the road.
 - The four sites, referred to on Site Layout Plan Drawing Ref 21_275_P03 are titled A, B, D and E and extend to stated areas of 0.2Ha, 0.20Ha, 0.28Ha and 0.27Ha respectively. Two house types are proposed with Type 1 providing for a two-storey structure 9.4m in height with a floor area of 278.9 sq.m and House Type 2, also of two-storey design extending to 9.4m with a floor area of 282.5sq.m. Each of the four garages extend to 40sq.m.

- A proposed area of public open space extending to 0.21Ha is provided to the northern side of the estate road and the area is proposed to be lit by 6m high lighting columns. Boundary treatments comprise timber post and rail fencing with planting. Existing hedgerows will be retained and strengthened as necessary. All sites are to have biodiversity planting.
- Each dwelling will be served by an individual on-site wastewater treatment system and a private bore well. A footpath is proposed to the site's western boundary, tying into existing footpath infrastructure to the south.

3.0 Planning Authority Decision

3.1. Decision

Wexford County Council by Order dated 2nd January 2026 issued a decision to grant planning permission, subject to 17 no. conditions. Overall, in addition to financial contributions, the conditions attached to the decision are of a general nature with the following exception:

3.1.1. Conditions

Condition No. 2

Prior to the commencement of the development revised plans shall be submitted for written agreement to show a footpath connection from the footpath within the estate to the lands on the western boundary of the site. The development shall be carried out in accordance with the scheme and the footpath shall be provided prior to the first occupation of the dwellings.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning report dated 21st October 2025 refers to the location of the appeal site within the Rural Node of Tara Hill, providing a description, as well as outlining its

planning history and that of neighbouring lands. EIA pre-screening and Appropriate Assessment Screening were conducted, determining that the EIA and Stage 2 AA were not required. The report also examined the site in the context of national planning policy, Development Plan provisions, including in relation to the role and function of Rural Nodes and the settlement strategy for the county. The development was assessed in terms of design, layout and materials; development management standards; access; infrastructure provision and flood risk. The report refers to inter-departmental reports received and takes into consideration third party observations, before concluding with a recommendation to seek Further Information. Matters raised in the request included the requirement for a visual impact statement; a revised layout plan, including demonstration of hedgerow to be removed and works to achieve sight lines; provision of uncontrolled raised table in lieu of zebra crossing; provision of nature-based surface water solutions, public lighting and auto track analysis.

Planning report following submission of Further Information

A second and final planning report dated 22nd December 2025 concluded that the response to the Further Information request was acceptable and recommended a decision to grant permission.

3.2.2. Other Technical Reports

- Senior Executive Scientist (Environment)

Report dated 17th October 2025 refers to the planning history of the site and to the Phase II Hydrogeological Risk Assessment undertaken by Tetra Tech Consulting Ireland. The report also refers to the site layout plan, stating that minimum separation distances according with the Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) between each wastewater treatment system and private well has been achieved. The report also refers to the individual design of the waste-water treatment systems proposed for each site. While ultimately recommending a decision to grant permission subject to 12 no. conditions, the report states under the Section entitled Comments, that it cannot be guaranteed that the groundwater quality will not be impacted, given the number of systems

involved and number of existing dwellings in the immediate area which are served by private wells. **Note:** A number of the recommended conditions refer to condition codes rather than providing the full text of the condition.

- Roads Department

The initial report from the Roads Department dated 3rd October 2025 recommended Further Information in relation to matters including the setting back of roadside hedgerows to achieve sightlines; design of footpaths; replacement and relocation of the zebra crossing with an uncontrolled raised table crossing; requirement for a nature based surface water plan; SuDs calculations and location of outfall to watercourse/public drain from attenuation areas; provision of a lighting plan and sweep/track analysis for large vehicles.

A further report from the Department dated 22nd December 2025 indicated that the response to the request was satisfactory and recommended a grant of permission subject to conditions.

- Housing

Report dated 17th September 2025 confirms there is no Part V liability arising.

- Disability Access Officer

Report dated 17th September 2025 indicates that a Disability Access Certificate is not required, with compliance on Part M by Building Control.

3.3. Prescribed Bodies

None on file.

3.4. Third Party Observations

A third-party submission, signed by a number of parties was received. The issues of concern raised are as follows:

- Large number of septic tanks proposed in close proximity to each other. Concerns that Marl ground is incapable of absorbing this additional waste.
- Private wells will be vulnerable to contamination from proposed septic tanks.
- Wells are within 50ft of the proposed septic tanks and are down stream of the proposed dwellings.
- The local beach has lost its blue flag status. Over population of septic tanks in the area is a concern.
- House design and orientation is inconsistent with existing development.
- Overlooking, lack of privacy and light pollution arise. Proposal gives rise to overdevelopment in a rural area resulting in a change of character.
- Test results are disputed.
- Development will add to traffic concerns at the local school. The natural dip in the road and acute bend pose a hazard exiting the estate onto the main road.
- Reference to the purchase of field adjacent the development by the community is incorrect.
- No agreement with landowners to facilitate a footpath from the site to Castletown GAA grounds.
- Concern raised in relation to potential future development.
- Proposal is the 3rd application before the local authority with the two previous files withdrawn (Reg. Ref. 20240548 and Reg. Ref. 20241500)

4.0 Planning History

Appeal site

P.A. Reg. Ref. 20251082 (subject appeal)

Ref. HSE23-25

Social Housing Exemption Certificate GRANTED with respect to 4 no. two-storey dwellings at Kilcavan Lower Gorey Co. Wexford.

P. A. Reg. Ref. 20241500

Permission sought for the construction of 4no. two-storey detached dwellings with detached domestic garages/stores, independent on-site treatment systems and all associated site works. Application WITHDRAWN prior to decision.

P. A. Reg. Ref. 20240548

Permission sought for 4 no. two-storey detached dwellings with detached domestic garages/stores, independent on-site treatment systems and all associated site works at Kilcavan Lower Kilgorman. Application WITHDRAWN prior to decision.

It would appear that the recommendation of the Environment Department at that time was to refuse permission owing to the multiplicity of wastewater treatment systems in the settlement and consequent risk to groundwater. (Report referenced in Tetra Tech report submitted 29th August 2025)

To South-West

P. A. Reg. Ref. 20241118

Permission GRANTED for a split level, single storey community centre building and associated facilities. The development provides for a private on site well and on-site wastewater treatment system.

To South

P. A. Reg. Ref. 20250966W

Permission GRANTED to erect 4no. detached two-storey serviced dwelling houses with detached domestic garage/stores and individual domestic wastewater treatment systems and all associated ancillary siteworks. The scheme was determined to be sited within the Rural Node.

P. A. Reg. Ref. 20240522

Permission REFUSED to erect 4 no. detached two-storey serviced dwelling houses with detached domestic garage/stores and individual wastewater treatment systems and to carry out all associated ancillary site works. Reason for Refusal:

The proposed development would result in the multiplicity of domestic wastewater treatment systems in an existing settlement, and consequent risk to groundwater quality. The development would also lead to a multiplicity of private wells in the area and have regard to the number of domestic wastewater treatment systems discharging to ground water, it is considered that the proposed development would be prejudicial to public health and the proper planning and sustainable development of the area.

P.A. Reg. Ref. 202341605

Application to erect 4 no. detached two-storey serviced dwellings with detached domestic garages and individual wastewater treatments systems was WITHDRAWN.

To North-East

P.A. Reg. Ref. 20230948

Permission GRANTED for 4 no. detached two-storey dwelling houses, each with domestic storage buildings, the provision of services including individual wastewater treatment units and ancillary works.

The scheme was determined to be located within the confines of Tara Hill Rural Node.

To North

P.A. Reg. Ref. 20051385

Permission GRANTED to erect a domestic workshop with first floor storage area and permission for retention of bio-cycle treatment system.

P.A. Reg. Ref. 20030087

Permission GRANTED for change of house type from that granted under 990598 (Permission for dormer bungalow with services).

P.A. Reg. Ref. 20200607

Permission REFUSED for a change of use from domestic storage shed/garage to self-contained living unit (granny flat).

P.A. Reg. Ref. 990514

Permission GRANTED for a dormer bungalow.

To West

P.A. Reg. Ref. 20241076

Permission GRANTED for (1) retention of alterations to dwelling, (2) permission to demolish first floor rear sun room extension and make alterations to the rear facade, (3) permission for retention of tennis court slab and associated fencing, (4) permission to upgrade existing sewage facilities to current EPA standard and (5) permission for replacement site entrance and all associated site and ancillary works.

P. A. Reg. Ref. 20011245

Permission GRANTED for a prefabricated building to comprise three classrooms at Tara Hill National School and to provide for new effluent treatment plant located adjoining the site to the north to serve existing and future school developments.

5.0 Policy Context

5.1. Wexford County Development Plan 2022-2028

5.1.1. The Wexford County Development Plan 2022-2028 is the operational Plan for the county and came into effect on the 25th July 2022.

5.1.2. Volume 1 Written Statement

Chapter 3: Core Strategy

Table 3-2 County Wexford Settlement Hierarchy

The Settlement Hierarchy comprises seven levels with Tara Hill located within Level 6- Rural Nodes.

Section 3.5 Core Strategy Settlement Hierarchy

The Settlement Hierarchy is developed around seven levels. While each level serves a different strategic role, together they will achieve a balanced, spatial planning settlement framework which supports our urban and rural areas. All settlements, regardless of their level, have an important role and contribution to make to the environmental, economic and social life of the county.

The allocation of settlements to the different levels had regard to a range of factors including:

- The guiding principles outlined in section 3.4.
- Scale of existing population and its existing performance.
- Rate and pace of past development and the extent to which there are outstanding requirements for infrastructure and amenities.
- Environmental and infrastructural capacities and the need for a plan-led approach for investment in key infrastructure, e.g. water services.

Section 3.6.7 Rural Nodes

Tara Hill is one of 35 no. Rural Nodes within the county.

Role and Function

Rural Nodes are defined as *'unstructured' settlements best described as rural areas where a collection of one-off rural dwellings and/or local community or social services, such as a church, school, public house or a shop are clustered around a focal point, such as a crossroads. These settlements will be considered suitable for very limited new rural development, with the main purpose of the designation being to direct rural generated housing into these rural settlements rather than the open countryside'*.

Development Approach

The level of development in these rural settlements will be strictly controlled to ensure that the development is in keeping with the character of the settlement and the settlement has the infrastructural capacity to accommodate the additional development.

Individual houses will be considered at these locations provided that the layout respects the form and structure of the village and subject to complying with all planning, traffic safety and environmental criteria. A permanent residence condition shall be attached to any permission.

In general, the guiding principle is that development must be commensurate to the scale of the node and no more than 5 houses will be permitted in a smaller rural node and no more than 5-8 houses will be permitted in a larger node during the period of this Plan. An exception to this may be considered where it is demonstrated that an additional dwelling(s) can be accommodated without detracting from the rural character of the node.

Objective CS24

To ensure that Rural Nodes throughout the county maintain their existing character and provide only very small scale growth appropriate to their character.

Chapter 4 Sustainable Housing:

Section 4.7.2 Housing Land Management

Section 4.7.2.1 Density of Residential Developments

Level 6 Rural Nodes

In general, the guiding principle is that development must be commensurate to the scale of the node and no more than 5 houses will be permitted in a smaller rural node and no more than 5-8 houses will be permitted in a larger rural node during the period of this Plan. The houses should preferably be located on individual sites and respect the form and structure of the village with care taken to avoid any ribbon development. An exception to this may be considered where it is demonstrated that an additional dwelling(s) can be accommodated

without detracting from the rural character of the node. A permanent residence condition shall be attached to planning permissions.

Chapter 8 Transportation Strategy

Objective TS78

To facilitate new accesses, or the intensified use of existing accesses to the local road network having regard to:

- The characteristics of the site.
- The likely level and characteristics of traffic associated with the development /use proposed.
- The Primary or Secondary/Tertiary designation of the road.
- The condition, alignment and capacity of the local road at that location.
- Public safety and the need to avoid an undue proliferation of access points at that location.
- The avoidance of undue loss of significant existing natural and built features at the road edge.
- Where the speed limit is less than 60kmh the Design Manual for Urban Roads and Streets (DTTS 2013/2019) and the promotion of convenient, safe and attractive cycling and walking; and
- Compliance with all other relevant objectives and development management standards including those relating to the provision of sightlines. This objective also applies where access to the local road is proposed via an existing private lane.

Section 8.8 Sightlines which Require Works

The Council will ensure that all developments are served by safe accesses onto public roads in accordance with the standards contained in Volume 2 Development Management Manual.

Objective TS79

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

-The necessary works to achieve the required sightlines must be indicated within the site edged red submitted with the planning application.

-No construction of the dwelling shall take place until the sightlines are in place.

Chapter 9 Infrastructure Strategy

Table 9-2 Proposed Irish Water Public Water Projects 2020-2024.

Table 9-5 Irish Water Investment Plan Public Wastewater Projects 2020-2024.

Section 9.6.4 Individual private Waste Water Systems in Rural Areas.

Section 9.6.5 Wastewater Treatment Systems and Private Wells.

Objective WW09

To ensure that development proposals comply with the standards and requirements of the Irish Water: Code of Practice for Wastewater Infrastructure, December (2020), and any updated version of this document during the lifetime of the Plan.

Objective WW11

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

Chapter 12 Coastal Zone Management and Marine Spatial Planning

Section 12.7 Development within Settlements in the Coastal Zone

Objective CZM80

To ensure that development is in keeping with the scale and character of the coastal settlement and that the design positively contributes to and enhances the coastal landscape setting.

5.1.3. Volume 2 Development Management

Section 2 Common Principles for All Developments.

Section 3 Residential Developments.

Section 8 Infrastructure and Environmental Management.

Section 8.3 Wastewater

Where a private on-site wastewater treatment system is required to serve an individual dwelling house:

- The subject site shall have a minimum area of 0.2ha

5.1.4. Volume 7 Landscape Character Assessment

The county is divided into 4 no. Landscape Character Units (LCU's) within which are located Distinctive Landscape Features which, for policy purposes, are also treated as a LCU. Map 7.1: Landscape Character Units indicates the appeal site located north-east of Tara Hill (a Distinctive Landscape Feature) and within the Coastal LCU, although in close proximity to the confluence of this LCU and the Lowlands LCU. This area is defined as a having a high landscape sensitivity rating to change and limited ability to absorb new development. Proposed development within these areas must be shown not to impinge in any significant way upon their character, integrity or uniformity.

5.1.5. Variation No. 1 Wexford County Development Plan

Variation 1 provides inter alia updates to the Core Strategy so as to align the Development Plan with the NPF Implementation: Housing Growth Requirements Guidelines for Planning Authorities issued under Section 28 of the Planning and Development Act 2000, as amended, to give effect to the National Planning Framework First Revision 2025. The Variation incorporates an updated Core Strategy table and associated changes.

Table 3-3 of the Development Plan – Allocation of Population to the Settlement Hierarchy is intended to be deleted and replaced with Revised Table 3-3, detailing census records for 2022, Population Allocation Target for 2034 and anticipated population for 2034. These categories, including projected 2034 values, are not contained within the current table. Notwithstanding the grouping of Level 5, 6 Settlements and Open Countryside within a single category, the broad categorisation is not accompanied by individual numerical allocations for the levels and there is no corresponding amendment to the existing policy relating to these settlements, including Rural Nodes within Variation No. 1. As such, Variation No. 1 does not materially alter current policy within the Development Plan with regard to Rural Nodes.

5.2. Natural Heritage Designations

The site is not within or bounding an area subject to natural heritage designations. The following designations in the surrounding environs are noted:

Kilpatrick Sandhills SAC (Site Code 001742) c. 4.0km

Slaney River Valley SAC (Site Code 000781) c.8.1km

Kilgorman River Marsh pNHA (Site Code 001834) c.1.96km

Kilpatrick Sandhills pNHA (Site Code 001742) c.4.0km

Ballymoney Strand pNHA (Site Code 000745) c. 2.8km

Courtown Dunes and Glen pNHA (Site Code 000757) c. 5.0km

6.0 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 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.

7.0 The Appeal

7.1. Grounds of Appeal

The decision of the Planning Authority made on the 2nd January 2026, is the subject of a Third-Party appeal by Nicola and Phillip Doyle and others. The appeal is also supported by a technical report prepared by John M. Molloy Engineering Limited. The matters raised in the appeal and in the accompanying engineering report are set out below:

- Clear and substantive failures in the assessment such that the decision cannot be supported and should be overturned.
- Development poses clear and unacceptable risks to ground water quality and human health. The assessment fails to demonstrate that groundwater contamination can be avoided, contains material inaccuracies in the identification and location of neighbouring wells and percolation areas (excluding 7 no. wells), resulting in the incorrect assessment of minimum separation distances.
- The private drinking water well of the Doyle household is incorrectly illustrated and is located at a distance of less than 50m from the percolation area intended to serve House No. 1.
- Concerns were raised by the planning authority's Senior Environmental Scientist to a development for 4 no. houses on an adjoining site as wells were located downslope of domestic wastewater systems giving rise to risk of contamination and threat to human health.
- Risk is compounded by 8 no. houses approved within 150m radius of the site.

- Wexford Co. Co. has formally notified one household in the area of drinking water contamination from E-Coli and Coliforms. Independent testing of another well has recorded an exceedance of Coliform levels.
- The operation and effectiveness of the reed bed system serving the National School has not been adequately assessed.
- The development results in a 67% increase in dwelling houses within a 500m radius, exceeding the level which could reasonably be accommodated within a Rural Node.
- Proposal is not in keeping with the established scale, character and function of Tara Hill as a Rural Node and fails to demonstrate that the development can be absorbed.
- Failure to assess landscape and visual impacts arising from the location within the Coastal Zone.

Molloy Engineering Report

- Serious failures are contained within the assessment relating to environmental matters, groundwater protection and public health.
- Risks are compounded by the existence of 2 no. permitted schemes on adjoining lands, resulting in a total of eight additional houses.
- The proposal fails to meet EPA Code of Practice requirements.
- The report of the planning authority's Senior Environmental Scientist's for Reg. Ref. 20241500 recommended refusal based on significant risks to drinking water quality, referring to wells downslope of treatment systems facing extreme risk of contamination. The subject development is downslope of multiple sewage treatment systems/ percolation areas and the same risks as identified in this earlier report apply.
- Reg. Ref. 20250966W was approved despite issues of concern raised by the environmental scientist. The risks identified in the report leading to refusal was based on 4 no. houses. The issue is now compounded as 8 no. houses have been approved in a 150m radius. Illustrative graphic appended.
- No evidence to conclude that the development can be safely accommodated and that the cumulative risk to groundwater and public health is not acceptable.

- The location of the Doyle household well is not correctly indicated in the WJG Consulting report and is located to the southern side of the house along the boundary, close to the percolation areas. The separation is expected to be under 50m distance.
- The location of the percolation area serving the Kershaw/Ivers house is not correctly indicated, is closer to the proposed development than shown and has a reduced separation distance. Planning permission was sought for the relocation of the percolation area under Reg. Ref. 20241076.
- 7 no. wells have not been correctly identified or represented in the WJG report (wells within a 250m radius). This undermines the reliability of the Phase II Hydrogeological Risk Assessment conducted. Figure 8 illustrates wells not included.
- The incorrect and omitted information regarding wells and percolation areas means that required distances have not been properly assessed and the Hydrogeological Risk Assessment is based on flawed baseline data.
- There is no credible evidential basis to demonstrate that the scheme can be carried out without unacceptable risk to ground water quality and human health.
- Current contamination of wells within the area. Reference to notification to an individual by Wexford Co. Co. advising of water supply contamination and presence of E-Coli and Coliforms in July 2025. (Copy of notification email and water test result appended). Also, reference to testing conducted by a local household in April 2024 where an exceedance of Coliform levels was recorded. (Copy of test results appended). Both households have commenced corrective action to address water supply contamination.
- Risk of contamination to other houses given the number of private treatment systems and private wells.
- Concerns are raised in relation to the operation and management of the sewage treatment plant, including reed bed, serving the national school and potential risk to wells. The reed bed is located up-slope of the development, and the proposal does not address the risk of pollution.
- The Hydrogeological Risk Assessment Phase II prepared by Tera Tech refers to a development of 9 no. houses rather than 4 no. as proposed.

- The Tincurragh stream is identified as having a WFD status of Under Pressure resulting from domestic wastewater. A visual inspection of the site by Tetra Tech was conducted in summer and the stream may have altered course or temporarily dried up.
- Appeal refers to remedial works undertaken to the well head at the GAA pitch. A single compliant sample test does not confirm that concerns have been addressed and sampling over a sustained period is required to confirm.
- Discrepancy between the final effluent standard achieved by Corcoran Precast tank in the proposal dated 18th August and the associated PIA certificate for the same treatment plant.
- The development contravenes Section 3.6.7 Rural Nodes of the Wexford County Development Plan.
- The Visual Impact Assessment (VIA) fails to demonstrate that larger units can be accommodated without dominating the landscape or can integrate with the established pattern of development and not result in an erosion of character and scale of the Rural Node. The VIA does not reference the coastline and fails to address coastal views. The development is in contravention of Section 12.7 and Objective CZM80 of the Development Plan.
- The scheme, cumulatively with other permitted development results in 8 no. dwellings, with a further scheme comprising 4 no. units within 250m, resulting in 12 no. units in total and a 67% increase in the number of dwellings in a 500m radius. This exceeds the 5-8 houses permitted for larger Rural Nodes under the County Development Plan.
- Tara Hill is a designated Rural Node in the Development Plan and does not have a defined village core or urban form. Use of village-based terminology and urban style pedestrian infrastructure is misleading and seeks to overstate the role and capacity of the settlement to justify the proposal.
- The footpath proposal is not deliverable as no agreement has been reached with landowners. Proposal relies on infrastructure outside of the applicant's control which contravenes Section 3.6.7 and Chapter 15 of the Development Plan regarding Rural Nodes.

- Proximity of the development to Tara Hill national school gives rise to additional traffic generation and congestion at peak times. The dip and acute bend in the road give rise to a traffic hazard and contravene Chapter 6 and access and road safety provisions of Chapter 15 of the Development Plan, requiring safe access arrangements, particularly in the vicinity of schools.
- Light spill to neighbouring properties and introduction of lighting into a rural area, in contravention of Chapter 15 Development Management Standards Chapter 4 Rural Development.
- Recommended conditions have been omitted from the final decision.
- The development is contrary to the Wexford County Development Plan 2022-2028, fails to comply with the EPA Code of Practice for Domestic Waste Water Treatment Systems (2021) and does not represent proper planning and sustainable development. The Commission is requested to refuse.

7.2. Applicants Response to Third Party Appeal

A response from the First Party to matters raised in the Third-Party appeal is summarised below:

- A comprehensive Site Suitability Assessment was undertaken in accordance with the EPA Code of Practice for Domestic Wastewater Treatment systems. The findings confirm the site is suitable for wastewater treatment systems, subject to compliance with recommended design parameters.
- Refusal of permission on an adjoining/nearby site does not automatically imply the unsuitability of a site for development.
- Permission granted with respect to Reg. Ref. 20250966W demonstrates the planning authority is satisfied development can occur where supported by site assessment and design.
- The EPA Code of Practice does not impose arbitrary limits on development based solely on numbers of dwellings within a given radius.
- No technical evidence is submitted demonstrating a lack of capacity in the receiving environment or that contamination is likely or unavoidable.

- Site assessment and accompanying documentation was prepared on the basis of information available at the time of the application. The methodology is consistent with standard professional practice and requirements of the Code of Practice.
- The location of the well serving the Doyle household has been obtained from planning application data which shows the feature located as per the WJG Consultants Report. The well may have been relocated without planning permission.
- Percolation area serving site A is inaccurately shown in the Molloy Engineering Report Fig 4. resulting in an incorrect separation distance. The well has been included in Drawing 21_275-BP01 with a separation distance of 56.2m achieved.
- Regarding the percolation area on the Kershaw/Ivers household, no confirmation is provided that the relocation of the treatment system has been completed or that the current owners intend to carry out the works. Notwithstanding, the separation as shown in the appellant's engineering report, does not breach the requirements of the Code of Practice. It does not alter the methodology used in the Site Characterisation form and design of the treatment system undertaken.
- Rural ground water contamination may arise from a variety of sources including agricultural practices, poor maintenance /legacy septic tanks, surface water ingress, or hydrogeological conditions.
- With references to E-Coli and Coliform detections in wells within the wider area, dwellings referenced were designed/constructed over 25 years ago to different treatment system specifications. Permission being sought to relocate/revise specifications for the treatment system point to the feature not being fit for purposes.
- The treatment systems proposed are modern proprietary systems to EPA performance standards.
- Speculation as to the possible source of historical contamination does not constitute substantive technical evidence that the development poses a risk to groundwater
- The National School's wastewater treatment system is a separate and independently regulated installation subject to statutory oversight and compliance requirements. Its operational performance is not materially relevant to the appeal site.
- The Tomaheely stream does not flow through the site and is likely to source instead to the north and flow in a northerly direction before joining the Tincurragh stream which discharges to the Irish Sea. In the absence of a proximate surface water feature, it has been determined that there is no connectivity to the identified receptors.

- It is not the responsibility of the applicant to confirm the pollution status of any and all nearby public drinking water supplies. Remedial works at the GAA pitch are over 300m from the site.
- The First Party is not in a position to comment on reported contamination at third party wells or the operation of the sewage treatment plant serving the national school. In the absence of site assessment, borehole logs and laboratory testing, the scale, nature and cause of the reported contamination cannot be confirmed.
- The overburden is not considered to be water bearing. Bedrock groundwater has been discounted as a receptor as the base of overburden is of extremely low permeability materials. As such the bedrock aquifer has been deemed to be protected from surface inputs and proximity of wastewater treatment systems is not of critical importance in terms of potential impact to private water supply wells.
- There is precedent for two-storey dwellings with recent permission including 4 no. two-storey dwellings and a community building.
- The planning authority found the Landscape Visual Impact Assessment to demonstrate a low impact on views.
- The area is well served by local amenities.
- The proposal for 4 no. dwellings will not pose an additional road safety concern for the school. Sightlines of 65m are indicated and the speed limit of the road is 60kph. The site entrance is 75m from the parking area.
- Parking arrangements serving the school are a matter for the facility.
- A full lighting design has been completed by Redmond Analytical Management Services Ltd. to ensure the scheme will not have a negative effect on the local area.
- Most of the omitted conditions recommended by the Senior Executive Scientist (Environment) have been addressed with revised wording

7.3. Planning Authority Response

None on file.

7.4. Observations

None on file.

8.0 Assessment

8.1. This is a Third-Party appeal against the decision of Wexford County Council to grant planning permission in respect of Reg. Ref. 20251082W. I am satisfied having examined the details of the application and having visited the site, that the main issues for consideration relate to the following:

- Principle of Development
- Waste Water Disposal
- Visual Impact and Design
- Access and Road Traffic Safety
- Other Matters

8.2. Principle of Development

8.2.1. The appeal site at Kilcavan Lower is located within the Rural Node of Tara Hill, Co. Wexford- Level 6 of the County's Settlement Hierarchy. These *'unstructured settlements'* as referred to in the Development Plan, have a role and function best described as *'a collection of one-off rural dwellings and/or local community or social services, such as a church, school, public house or a shop clustered around a focal point, such as a crossroads'*. The Plan considers such settlements suitable for *'very limited new rural development'*, with the main purpose of the designation being an alternative to housing in the open countryside.

8.2.2. The Development Plan stipulates that the level of development within such centres will be strictly controlled in order to ensure it is in keeping with the character of the settlement and that infrastructural capacity is available to accommodate it. I note in this regard, no more than 5 houses will be permitted in a smaller Rural Node, while no more than 5-8 houses will be permitted in a larger Node during the period of the Plan. The Written Statement does not otherwise provide clarity as to the characteristics of a small versus a large Rural Node but does stipulate that an exception to 5-8 permissible houses may be considered where it is demonstrated that an additional dwelling(s) can be accommodated without detracting from its rural character.

- 8.2.3. Recent planning applications permitted within Tara Hill, and which have relied in the first instance on their location within the Rural Node, include P. A. Reg. Ref. 20250966W for 4 no. detached dwellings (Final Grant date 14th January 2026) and P.A. Reg. Ref. 20230948 which also permitted 4 no. dwellings (Final Grant date 2nd September 2024). I note also that permission was granted under P.A. Reg. Ref. 20241118 for a split level, Community Centre of stated floor area 1340sq.m and for associated facilities (Final Grant date 16th April 2025). All of the above dwellings as well as the Community Centre rely on individual wastewater treatment systems and on water supply from individual private wells.
- 8.2.4. I refer the Commission to the planning report prepared for P.A. Reg. Ref. 20250966W which stated that *'if the subject application is granted, it will exhaust almost all possible future development the rural node for the remainder of the development plan'*. Having regard to the quantum of development permitted within Tara Hill Rural Node in recent years, and since the coming into operation of the Development Plan, I am of the view that the proposed development, providing for a further 4 no. dwelling units, would be contrary to the Development Approach for Level 6 Settlements -Rural Nodes as set out in the Development Plan which requires that *'no more than 5-8 houses will be permitted in a larger node during the period of this Plan'*.
- 8.2.5. I am not satisfied based on the documentation before me, that the case for additional dwelling(s) above the limitation specified may be invoked, noting that additional numbers can be considered where they can be accommodated without detracting from the rural character of the node. Furthermore, I refer the Commission to Section 3.6.7 of the Development Plan and to the requirement under the Development Approach which stipulates *'the level of development in these rural settlements will be strictly controlled to ensure that the development is in keeping with the character of the settlement and the settlement has the infrastructural capacity to accommodate the additional development'*. I note in this regard that no public water supply or public wastewater collection/disposal system serves the area and I am not aware of imminent plans for such infrastructure to be provided. I contend that the requirement for individual on-site wastewater treatment systems gives rise to concerns regarding the multiplicity and proliferation of such infrastructure within the settlement, with consequent risk to ground and surface waters and to public health. This concern is further exacerbated by the requirement for new development to also provide its own private water supply. I conclude therefore that the proposed development would be

contrary to Objective CS24 of the Development Plan which seeks to ensure that Rural Nodes throughout the county maintain their existing character and provide only very small-scale growth appropriate to their character.

8.3. Waste Water Disposal

- 8.3.1. I refer to concerns raised in the appeal relating to the disposal of wastewater and related issues, including concentration of on-site wastewater treatment systems in the area, omissions and inaccuracies within the assessment conducted, contamination of water supplies and risk to public health. Concerns are raised that there is no evidence to conclude that the development can be safely accommodated without cumulative risk to groundwater and public health.
- 8.3.2. I refer the Commission to the report of the Executive Scientist Environment which, while ultimately recommending a decision to grant permission subject to conditions, states that *'it cannot be guaranteed that the groundwater quality will not be impacted, given the number of systems involved and number of existing dwellings in the immediate area which are served by private wells'*.
- 8.3.3. In support of the application, individual site assessments for wastewater treatment were conducted for each of the four sites by WJG Consultants. In summary, P-value ranges of between 48-50 and T-values of between 67-70 were obtained across all four sites. Given the ground conditions encountered, a tertiary treatment system -Corcoran Precast Batchpur SBP Certified secondary wastewater treatment system with a drip dispersal area specifically tailored to each site is proposed. Individual water borewells will also be provided.
- 8.3.4. In addition, Tetra Tech Consulting Ireland Ltd was commissioned by the applicants (and by the applicants for the 4no. unit housing scheme to the south permitted under P. A. Reg. Ref. 20250966W) to prepare a Phase II Hydrogeological Risk Assessment (HRA) in support of both schemes. The recommendations of a Phase I Desk Study Hydrogeological Risk Assessment (HRA) was to undertake intrusive site investigation (Phase II) to refine the Site Conceptual Site Model (CSM) and provide the parameters required to complete a detailed hydrogeological risk assessment. I note the focus within the report on baseline groundwater

quality with reference to groundwater sampled collected from the surrounding area, including at the GAA club to the northeast. Initial water sampling at this location is stated to have detected Coliform content and the test was repeated following upgrade works to the well head. No Coliform was then detected. I refer also to references within the appeal to contamination of private water wells in the vicinity of the site, with notification by the local authority and by private analysis.

8.3.5. The Phase II HRA cover letter dated 17th July 2025 states that the *'baseline water quality has been confirmed to be good underlying the proposed development site, and in the area immediately surrounding the site'*. The report also states that the *'predicted downgradient water quality following discharge from the proposed treatment units has been determined to be below the EQS threshold values for BOD, ammonium, orthophosphate and nitrate. In the absence of a direct hydrogeological connection to groundwater underlying the site, it can be confirmed that the installation of the proposed wastewater treatment system has been determined to not significantly contribute to the existing domestic wastewater pressure to the WFD status of the Tincurragh stream.'*

8.3.6. Additionally, I note on page 33 of the report relating to Subsoils/Overburden Permeability that *'in conclusion, the overburden has been confirmed through testing to be low permeability material however, there is permeability noted in the upper 3-4 metres via preferential flow paths. These indicate that there is some horizontal groundwater flow. The lower portion of the overburden can largely be thought of as impermeable'*. Section 7.3.1 of the HRA found the calculations indicate *'there is limited capacity for dilution in the overburden due to the low permeability nature of the material, as shown by permeability testing. This correlates with the T-test results provided by WJG'*. The HRA goes on to state that the *'calculations show that there will be a small additional loading, however no exceedance of relevant water quality standards has been predicted to occur at the Tomnahealy 11 stream. As such, the Tincurragh Stream at a greater distance of 400m southeast of the site is predicted to not be impacted'*.

8.3.7. While there is some dispute as to the presence of a watercourse adjacent the site, the Tetra Tech Phase II HRA letter states on page 2 under paragraph titled Surface Water Features, that *'based on EPA mapping, the Tomnahealy stream was reported previously to flow from the central part of the site and travel in a northerly direction before turning to the east and*

joining the Tincurragh'. However, the report states that no surface water feature was detected flowing within the boundary of the site and the Phase II HRA has been updated to indicate that the Tomnahealy stream is an offsite water feature, likely to source instead in the land north of the proposed development site and flow in a northerly direction before turning east and joining the Tincurragh stream. The First Party contends that the visual assessment conducted in the summer of June 2025 may have contributed to the stream being altered or having temporarily dried up.

8.3.8. I note further under Section 8.2 Recommendations of the Phase II Hydrogeological Risk Assessment that *'as a precautionary measure, the section of the Tomnahealy 11 watercourse which is on the site can be piped/culverted so that it does not interact with shallow groundwater at the site'*. I note also that the water course is shown plotted on drawings provided in the Phase II HRA, including in Figure 10 which indicates the percolation test locations and results. The feature is also depicted in EPA mapping.

8.3.9. While I note reference within the appeal documentation to contamination of wells, I agree with the First Party that contamination may arise from a variety of sources including agricultural practices, age and design of the treatment system, poor maintenance /legacy septic tanks, surface water ingress, or hydrogeological conditions. Nonetheless, previous identification of contamination in the immediate vicinity, coupled with the initial test readings from the GAA well are a matter of concern.

8.3.10. In reference to inaccuracies and omissions from the baseline data with respect to wells, I note commentary by the First Party that the site assessment and accompanying documentation was prepared on the basis of information available at the time of the application and that the methodology is consistent with standard professional practice and requirements of the Code of Practice. Reference is also made to locating wells based on planning application data, and that any relocation may have been carried out without permission. Notwithstanding, it is incumbent on the applicant to ensure that all water sources are clearly and accurately plotted.

8.3.11. While I have had due regard to the assessments conducted under the Hydrogeological Risk Assessment and Site Assessments for Wastewater Treatment, I am nonetheless concerned that the proposal would further exacerbate the reliance on individual wastewater treatment

systems in this settlement, which when coupled with the requirement for individual water supply arrangements, does not constitute a sustainable pattern of development.

8.4. Visual Impact and Design

- 8.4.1. The appellants raise concerns in relation to the appropriateness of large-scale, two-storey dwellings and that the Visual Impact Assessment (VIA) undertaken in response to the planning authority's Further Information request is insufficient to demonstrate appropriate integration without loss of character to the settlement. Concerns are also raised that the VIA does not reference the coastline and fails to address coastal views. As such, it is contended that the scheme is in contravention of Section 12.7 and Objective CZM80 of the Development Plan.
- 8.4.2. The development comprises 4no. units and 2no. House Designs- House Type 1 is stated as 278.9 sq.m in floor area comprising 4 no. bedrooms, 9.4m in height and located on Sites A and D. House Type 2 is 282.5 sq.m in area, with 4no. bedrooms and 9.4m in height. Type 2 relates to Sites B and E.
- 8.4.3. I agree with the appellants that the Visual Impact Assessment undertaken is limited in its extent providing for just two views in total- from the north approach road and from the south. The Assessment does not provide an in-depth analysis of the site in relation to its proximity to Tara Hill – a Distinctive Landscape Feature or its location within the Coastal Landscape Character Unit which has limited ability to absorb new development. The First Party refers to the precedent for two-storey dwellings in the area citing recent permissions for two-storey design as well the permitted spilt level community building. It is further contended that the planning authority determined that the Visual Impact Assessment demonstrated a low impact on current views.
- 8.4.4. The Commission is referred to recently permitted development south of the appeal site where 4 no. two-storey detached dwellings and a large community building were permitted under P.A. Reg. Ref 20250966W and P.A. Reg. Ref 20241118 respectively. Upon construction, these schemes would largely screen the proposed development from view to

the south. Assimilation into the landscape would also be assisted by the retention of existing hedgerows, the topography of the site falling from west to east and by existing hedgerows.

8.4.5. In a local context, the proposed two-storey dwelling on site A to the western boundary of the site commands a prominent position when viewed from the northern approach road, particularly given the topography of the site, its height at 9.4m and the limited setback afforded from the road edge. The visualisation of the structure as contained within the Visual Impact Assessment gives rise to concerns that the dwelling would have a visually jarring impact on approaching Tara Hill and detract from long range views. If the Commission is minded to award permission for this development, consideration could be given to omitting Dwelling A or seeking revised design proposals such as may include a reduction in height or provision of a split-level unit so as to afford a higher degree of site integration.

8.4.6. While noting the limited extent and range of the Visual Impact Assessment, I am not of the opinion that the design of the development is such as would have a significant negative impact on the Coastal Landscape Character type. Equally, I do not agree that the orientation of the dwellings would have a significant negative visual impact at this location. Notwithstanding concerns in relation to the dwelling unit proposed on Site A, I do not agree that the scheme would otherwise contravene Section 12.7 and Objective CZM80 of the Development Plan.

8.5. Access and Road Traffic Safety

8.5.1. I note concerns raised by the appellants in relation to the delivery of a footpath where no agreement has been reached with the landowners to deliver this infrastructure. While I take this concern to relate to footpath connectivity to the GAA pitch to the north, such infrastructure does not form part of the application and is not referred to in the public notices.

8.5.2. The proposal does provide for a new footpath to the western site boundary, and I note Site Layout Plan Drawing No. 21_275_P03 which illustrates a 2m wide connection tying the scheme along its western boundary to the existing public footpath opposite the school which currently terminates at the speed limit sign. I refer also Condition No. 2 of the decision which requires revised plans to be submitted for written agreement providing a connection from

the footpath within the estate to the lands on the western boundary of the site. Also, Condition 6 specifies a contribution towards the expenditure to be incurred by the local authority in respect of works to the existing footpath network within the settlement with such works to be commenced within 5 years of the date of payment of the contribution and which will facilitate the development. I consider such conditions to be reasonable and do not agree that the development would be in contravention of Section 3.6.7 (Rural Nodes) or Chapter 15 Development Management Standards with regard to this aspect.

8.5.3. Furthermore, given the limited scale of the development, I do not agree that its proximity to Tara Hill national school gives rise to additional traffic generation, such as to contribute significantly to levels of congestion occurring at peak school times. In this regard the operation and management of traffic associated with the school facility is a matter for the school authorities.

8.5.4. I note also the report from the planning authority's Roads Department confirming that appropriate sight visibility is provided to the north and south of the proposed access. Additionally, the site is within a speed limited area on the approach to the settlement and will provide for an extension of the footpath network. Accordingly, I do not agree that the development would give rise to a traffic hazard or that the proposal would contravene the Development Plan in relation to Transportation and Mobility or contravene access and road safety provisions of Chapter 15, particularly as they relate to development in the vicinity of schools.

8.6. Other Matters

8.6.1. Lighting Impact

While I note concerns raised in relation to the inappropriateness of public lighting in a rural area and the potential for loss of privacy, I am of the view that the limited number of lighting standards proposed would be unlikely to give rise to significant levels of light intrusion. I note also the lighting report prepared by Redmond Analytical Management Services Ltd in this regard, and Condition No. 13 of the planning authority's decision which required the level of illumination on site and external light sources to be designed so as to minimise overall light

emission and to prevent glare or dazzle to the adjoining access road, public road or adjoining properties.

I do not hold therefore that the introduction of such lighting would have a significant negative impact on the receiving rural environment or on third party properties and I do not agree that the proposal would contravene provisions of the Development Plan relating to Development Management Standards in Chapter 15 or those relating to Sustainable Housing as set out in Chapter 4.

8.6.2. Third Party Wastewater Treatment Systems

While concerns are raised as to operation and management of the wastewater treatment system serving the national school, such matters are outside the scope of this appeal. The planning authority is the appropriate regulatory agency for investigating such concerns.

8.6.3. Omission of Conditions

I refer to concerns raised in relation to the omission of conditions from the decision of the planning authority. In regard, I note that a number of the conditions referenced in the appeal documents were contained in the report of the Senior Executive Scientist Environment Department and were nonetheless captured in the decision or were a duplication of other conditions such as in relation to the planting scheme/compliance with landscaping proposals. I note also that a Construction and Environmental Management Plan is required under Condition No. 9. While a limited number of the conditions within the report of the Environment Department refer to condition codes rather than provide for the full text of the conditions intended, I am satisfied that there are no material omissions in the conditions attached.

9.0 Appropriate Assessment Screening

9.1. Refer to completed Screening Determination in Appendix 3.

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) or Slaney River Valley SAC (site Code 000781) in view of the conservation objectives of these sites and are therefore excluded from further consideration. Appropriate Assessment is not required. This determination is based on:

- Nature and scope of the proposed development.
- The separation between the appeal site and the nearest European Site, together with absence of ecological pathways or hydrological connection.
- Taking into account the Determination by the Planning Authority.

10.0 Water Framework Directive

- 10.1. The appeal site is located at Kilcavan Lower Gorey Co. Wexford and relates to the construction of 4 no. two-storey detached houses with detached domestic garages /stores, independent on-site wastewater treatment systems, individual private on-site wells and all associated site works.
- 10.2. The site is located immediately adjacent the Tomnahealy 11 ID IE_SE_11B490430. The Irish Sea is located 1.75km to the east. The Tomnahealy stream appears to be a feeder stream in the Inch (Wexford)_020 or Ballymoney_010.
- 10.3. The site is within the Owenavorrigh Water Framework Directive Catchment ID 11.
- 10.4. I have assessed the development seeking permission and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks 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 the works concerned providing for 4 no. dwellings with on-site wastewater treatment systems, private bore wells and associated works.

- Distance from nearest water bodies and/or lack of hydrological connections.

10.5. Appendix 4 contains a WFD Impact Assessment Stage 1 Screening.

10.6. 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 a decision to refuse permission for the reasons and considerations set out below.

12.0 Reasons and Considerations

- (a) The provisions of the Wexford County Development Plan 2022-2028, in particular Chapter 3 Core Strategy Section 3.6.7 Rural Nodes and Chapter 4 Sustainable Housing, Section 4.7.2.1 Density of Residential Developments– Level 6 Rural Nodes;
- (b) Development Plan Objective CS24 in relation to the control of growth within Rural Nodes;
- (c) The requirement for new development to align with the character of the settlement and to ensure infrastructural capacity to accommodate additional development.
- (d) The unserviced nature of the lands and the requirement for individual wastewater treatment systems and private bore wells to serve each dwelling unit, together with the multiplicity of extant wastewater treatment systems and private bore wells in the surrounding area and;
- (e) The design and scale of the units:

It is considered that the proposal would contravene the provisions of the Wexford County Development Plan 2022-2028 with respect to Rural Nodes where it is adopted policy that the level of development in such settlements be strictly controlled to ensure it is in keeping with the character of the settlement, and that the settlement has the infrastructural capacity to accommodate the additional development. Furthermore, having regard to the number of additional dwelling units permitted since the adoption of the Development Plan, the proposal would not be commensurate with the scale of the Rural Node where no more than 5-8 houses will be permitted in a node during the period of the Plan, except in exceptional cases and would be contrary to Objective CS24 that such settlements will be considered suitable for only very limited growth appropriate to their character. Further, the Commission is not satisfied that the scheme, necessitating individual water supply and wastewater treatment systems for each dwelling, would, given the proliferation of such infrastructure locally, provide for a sustainable pattern of development aligned with the infrastructure capacity of the settlement as required by Development Plan. Accordingly, the development as proposed would be contrary to the provisions of the adopted Wexford County Development Plan 2022-2028 and would be contrary to 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 me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Patricia Byrne

Planning Inspector

11th May 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PI-500689-WX-26
Proposed Development Summary	Construction of 4 no. two-storey detached dwelling houses with detached domestic garages/stores, independent on-site wastewater treatment systems and all associated site works.
Development Address	Kilcavan Lower Gorey 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?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(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)	
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.	State the Class here

<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, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	Class 10(b) Part 2 Schedule 5 Infrastructure Projects Construction of more than 500 dwelling units.
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"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____

Appendix 2: Form 2 - EIA Preliminary Examination

Case Reference	PL-500689-WX-26
Proposed Development Summary	Construction of 4 no. two-storey detached dwelling houses with detached domestic garages/stores, independent on-site wastewater treatment systems and all associated site works.
Development Address	Kilcavan Lower Gorey Co. Wexford.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(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>	<p>Construction of 4 no. detached dwelling houses with detached garages/stores. Each dwelling is provided with an independent on-site wastewater treatment system. The site extends to 1.401Ha and the proposed gross floor area is stated as 1122sq.m. with the 4 no. garages extending to a combined area of 160sq.m. of floor space</p> <p>The development requires site clearance and creation of a formal vehicular access. The scheme does not require the use of substantial natural resources or gives rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural</p>	<p>The development is located within an unserved rural area, requiring each of the 4 no. dwelling units to be served by an independent on-site wastewater treatment system and private bore well.</p> <p>The site does not impact protected views and is situated within the Coastal Landscape Character Area, north of</p>

<p>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>	<p>Tara Hill (a Distinctive Landscape Feature) Landscape Character Unit.</p> <p>No cultural or historic impacts arise.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development -4no. two-storey detached dwelling units and its location, removed from sensitive habitats/features; likely limited magnitude and spatial extent of effects; and absence of in-combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
<p>Conclusion</p>	
<p>Likelihood of Significant Effects</p>	<p>Conclusion in respect of EIA</p>
<p>There is no real likelihood of significant effects on the environment.</p>	<p>EIA is not required.</p>

Inspector: _____ **Date:** _____

Appendix 3: Standard AA Screening Determination

Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Case Reference Number: PL-500689-WX-26	
Step 1: Description of the project and local site characteristics	
Brief description of project	<p>The site is located within an unserviced Rural Node where no public wastewater or water supply services are in place. The site extends to a stated area of 1.401Ha. The development proposes 4no. detached dwelling houses with detached garages. The combined gross floor area is stated as 1122sq.m. with the 4no. garages extending to a combined area of 160sq.m. Each dwelling is provided with an independent on-site wastewater treatment system and private well.</p>
Brief description of development site characteristics and potential impact mechanisms	<p>The subject site is unserviced and rises from south to north and falls from west to east. The geographic feature of Tara Hill is located to the south. The site is positioned approximately 4.0km from Kilpatrick Sandhills SAC and is approximately 8.1km from Slaney River Valley SAC.</p>
Screening report	<p>No</p>
Natura Impact Statement	<p>No</p>
Relevant submissions	<p>The Planning Authority undertook an Appropriate Assessment Screening report, concluding that there was no potential for significant effects to Natura 2000 sites and that a Stage 2 Appropriate Assessment was not required.</p>

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Kilpatrick Sandhills SAC (Site Code 001742)	<p>Annual vegetation of drift lines</p> <p>Embryonic shifting dunes</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes)</p> <p>Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>)</p>	c.4.0km	No direct hydrological/ecological link between the appeal site and Kilpatrick Sandhills SAC	N
Slaney River Valley SAC (Site Code 000781)	<p>Estuaries</p> <p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)</p>	c.8.1km	No direct hydrological/ecological link between the appeal site and Slaney River Valley SAC	

	<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>)</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel)</p> <p><i>Petromyzon marinus</i> (Sea Lamprey)</p> <p><i>Lampetra planeri</i> (Brook Lamprey)</p> <p><i>Lampetra fluviatilis</i> (River Lamprey)</p> <p><i>Alosa fallax fallax</i> (Twaite Shad)</p>			
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	Salmo salar (Salmon)			
	Lutra lutra (Otter)			
	Phoca vitulina (Harbour Seal)			

¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report.

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³ if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Kilpatrick Sandhills SAC (Site Code 001742)	Direct: None Indirect None	The development would not require significant excavations, save for limited groundworks associated with the construction of the dwelling houses and access road. I consider that best practice construction measures will serve to protect groundwater. The nature, scale and extent of the proposed works, the absence of a direct hydrological/ecological link, the implementation of standard construction techniques and distance from receiving features connected with the SAC make it highly unlikely that the proposed

<p>Slaney River Valley SAC (Site Code 000781)</p>	<p>Direct: None Indirect: None</p>	<p>development could generate impacts of a magnitude that could affect species within the SAC for the QI's listed.</p> <p>The development would not require significant excavations, save for limited groundworks associated with the construction of the dwelling houses and access road. I consider that best practice construction measures will serve to protect groundwater.</p> <p>The nature, scale and extent of the proposed works, the absence of a direct hydrological/ecological link, the implementation of standard construction techniques and distance from receiving features connected with the SAC make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect species within the SAC for the QI's listed.</p>
	<p>Likelihood of significant effects from proposed development (alone) No</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p>	
	<p>Impacts</p>	<p>Effects</p>
<p>*Where a restore objective applies it is necessary to consider whether the project might compromise the objective of restoration or make restoration more difficult.</p>		

Step 4: Conclude if the proposed development could result in likely significant effects on a European site

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:

- Nature of the works e.g. small scale and nature of the development.
- Distance from nearest European sites.
- Taking into account Appropriate Assessment Screening Determination of the 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.

No further assessment is required for the project.

No mitigation measures are required to come to these conclusions.

Overall Conclusion-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 Kilpatrick Sandhills SAC (Site Code 001742) or on Slaney River Valley SAC (Site Code 000781) in view of the conservation objectives of the sites and are therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature and scope of the works- small scale nature of the development.
- Distance from the European site.
- Taking into account the Appropriate Assessment Determination of the Planning Authority.

Appendix 4:

WFD IMPACT ASSESSMENT STAGE 1: SCREENING

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

An Bord Pleanála ref. no.	500689-WX-26	Townland, address	Kilcavan Co. Wexford
Description of project	Construction of 4 no. 2-storey detached dwelling houses and garages, wastewater treatment systems, on site wells and associated works.		
Brief site description, relevant to WFD Screening,	<p>The appeal site has a stated area of 1.401Ha and is located at Kilcavan Lower, north-east of Gorey Co. Wexford and approximately 3km southwest of Castletown. The site is located within the settlement of Tara Hill, with the geographic feature of the same name located to the south west.</p> <p>The appeal site is in pasture, is irregular in shape and comprises mature hedgerows to its boundaries.</p> <p>The Tomnahealy11 watercourse (River Water Body Code IE_SE_11B490430) (EPA Code 11T09) is indicated to the east/south-eastern boundary of the site and appears to be a feeder stream of the Inch (Wexford)_020 or Ballymoney_010</p> <p>The Tincurragh watercourse (River Water Body Code IE_SE_11B490430) (EPA Code 11T10) flows further to the south and connects with the Tomnahealy before flowing into the Irish Sea c.2.6km to the east.</p>		

Proposed surface water details	Nature-based storm water disposal system. Surface water will be collected, attenuated, and disposed of in accordance with SuDS. A proprietary petro-interceptor will be used to filter the storm-water collected from the access road within the development.
Proposed water supply source & available capacity	Private borewells are proposed for each dwelling house.
Proposed wastewater treatment system & available capacity, other issues	Tertiary wastewater treatment system -Corcoran Precast Batchpur SBP Certified Secondary Wastewater Treatment System with a drip dispersal area proposed for each site.
Others?	Not applicable

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface runoff, drainage, groundwater)

Tomnahealy_11	adjacent	Tomnahealy11 (River Water Body Code IE_SE_11B490430) (EPA Code 11T09	No monitoring stations on Tomnahealy_11 and Tincurragh watercourses as per EPA data.			<p>The proposed development will provide a tertiary wastewater treatment system. (Certified secondary Wastewater Treatment System with a drip dispersal area) for each site designed to EPA Code of Practice standards.</p> <p>The presence of the Tomnahealy_11 to the east/south east of the site is disputed in the Phase II Hydrogeological Risk Assessment (HRA) undertaken. Section 8.2. Recommendations states that <i>'as a precautionary measure, the section of the</i></p>
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						<i>Tomnahealy_11 watercourse which is on the site can be piped/culverted so that it does not interact with shallow groundwater at the site'.</i>
Groundwater waterbody	Underlying site	Inch IE_SE_G_075		Not at Risk		The proposed development will provide a tertiary wastewater treatment system (Certified secondary Wastewater Treatment System with a drip dispersal area) designed to EPA Code of Practice standards.
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.	Stream	Tomnahealy11 (River Water Body Code IE_SE_11B490430) (EPA Code 11T09)	Adjacent east/south-eastern boundary	Silt/Hydrocarbons /Cement products spillages discharging	None – Standard Construction Practice CEMP (required by Condition No. 9 of the P.A Decision)	No	Screened out
2.	Ground	Inch IE_SE_G_075	Drainage into groundwater	Hydrocarbons /Cement products spillages discharging to groundwaters	None Standard Construction Practice CEMP	No	Screened out
OPERATIONAL PHASE							

3.	Surface	Tomnahealy11 (River Water Body Code IE_SE_11B490430) (EPA Code 11T09)	Adjacent east/south- eastern boundary	Provision of a tertiary wastewater treatment system (Certified secondary Wastewater Treatment System with a drip dispersal area) designed to the requirements of the Code of Practice for Domestic Waste Water Treatment Systems 2021, would provide appropriate mitigation		No	Screened out
4.	Ground	Inch IE_SE_G_075	Underlying	Provision of a tertiary wastewater		No	Screened Out

				treatment system (Certified secondary Wastewater Treatment System with a drip dispersal area) designed to the requirements of the Code of Practice for Domestic Waste Water Treatment Systems 2021, would provide appropriate mitigation			
DECOMMISSIONING PHASE							
5.	N/A						