An Coimisiún Pleanála

Inspector's Report PL-501006-WX-26

Development	Retention permission for, (i) raising existing rear wall to building at 1st floor level and change from flat roof construction to a pitched slate roof construction; (ii) increased floor space to the original toilet block and new window and door opes for use as part of Apt. 4; and (iii) enclosure of open void between roofs and new window at 1st floor level on rear elevation (at Apt. 6). Permission for, (i) amendments to exempted development carried out under the Planning and Development Act (Exempted Development Regulations 2022) (S.I. 75 of 2022) including internal revisions to create 4 no. apartments at ground floor, 3 no. at 1st floor and 2 no. at 2nd floor; (ii) a landscape/public realm plan to provide communal open space, bike parking, and bin storage; and (iii) all associated works.
Location	Castleland, Ferns, Co. Wexford

Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20250320
Applicant	Blockford Limited
Type of Application	Retention & Permission
Planning Authority Decision	Grant Permission & Retention
Type of Appeal	Third Party
Appellant	Joyce Daly
Observer(s)	None
Date of Site Inspection	18th May 2026
Inspector	Ian Campbell

1.0 Site Location and Description

1.1. The appeal site has a stated area of 0.0581 ha. and is located at Castleland, on the southern side of the R772, in the centre of Ferns, Co. Wexford.

1.2. The site accommodates a recently renovated block consisting of a three storey building attached to a two storey building. An open paved area is located to the rear (south) of the block. The three storey building, formally a public house (known as O' Loughlins), previously accommodated a number of bedsits and apartments and was connected at first level to the two storey adjoining building. The two storey building was formally used as an office and apartments[1]. The block has been recently renovated and now comprises 9 no. apartments (i.e. 4 no. (3 bedroom) apartments at ground level, 3 no. (3 bedroom) apartments at first floor level and 2 no. (one bedroom) apartments at second floor level). The applicant states that the conversion of the block to 9 no. apartments was undertaken in accordance with exempt development provisions (i.e. S.I 75 of 2022).

1.3. Works have recently been carried out on the block, specifically the raising of the rear wall of the two storey building and provision of a pitched roof in lieu of a flat roof; an extension to a former toilet block at ground level to provide additional area (c. 11 sqm) for an apartment (i.e. Apartment no. 4) and the provision of window and door opes to serve Apartment no. 4; and the infilling of a void area at first floor level. Retention permission is sought for these works.

1.4. A single storey annex, indicated as a hairdressers, is attached to the western elevation of the three storey building. This unit is outside the red line boundary of the appeal site. A fuel store adjoins the site to the rear. South of the site is a small residential development 'The Grange', including a 3 storey apartment block.

2.0 Proposed Development

2.1. The proposed development comprises the following:

- Retention permission for -

[1] *Drawing no.'s 34-22-F, 34-22-G* and *34-22-H* indicate the 'original' floor plans for both buildings.

- raising the rear wall of the two storey building at 1st floor level and change from flat roof to a pitched slate roof;
- additional area/extension (c. 11 sqm) to the original toilet block and new window and door opes for use as part of Apartment 4;
- enclosure of void and new window at 1st floor level on rear elevation (at Apartment 6).

- Permission for –
  - amendments to exempted development carried out under the Planning and Development Act (Exempted Development Regulations 2022) (S.I. 75 of 2022). The particulars submitted with the planning application refer to amending Apartment no.'s 1, 2 and 7 from 3 bedroom units to 2 bedroom units, with no changes proposed to the other apartment units;
  - communal open space, bike parking, and bin storage;
  - associated works.

3.0 Planning Authority Decision

3.1. Request for Further Information

Prior to the decision of the Planning Authority (PA) to GRANT permission and retention for the proposed development, the Planning Authority requested Further Information (FI).

3.1.1. Further Information was requested on the 16th day of May 2025 as follows:

Item 1: justify the provision of 2 bedroom/3 person units within scheme/amend scheme accordingly.

Item 2: address non-provision of private amenity space.

Item 3: justify floor area of studio units, which at 32 sqm is below the required 37 sqm, or submit revised plans to address the issue/consider reduction in number of units.

Item 4: demonstrate provision of adequate bin storage.

Item 5: provide additional bike storage.

Item 6: submit details of surface water drainage, to include nature based solutions.

Item 7: submit Confirmation of Feasibility (CoF) from Uisce Éireann.

3.1.2. Further information[2] submitted on the 12th day of February 2026:

Item 1: the constraints of the building's footprint necessitates the unit typology proposed, inc. wall structures, stair locations, openings etc. The proposed mix should be deemed acceptable with reference to the Apartment Guidelines (2025) which provides that there should be no restrictions in relation to bedroom numbers within proposals.

Item 2: the Apartment Guidelines 2025 provides for a relaxation in standards on sites of a certain size/nature. This relaxation is appropriate in this case. A paved area is provided to the front of the block (i.e. 3 no. areas) and serves as private open space, bin and bicycle storage to Apartment no. 1, and private amenity space to Apartment no.'s 2 and 3. 8 sqm of the communal amenity space can be dedicated to serve Apartment no. 4. Upper floor apartments (i.e. 5 no.) will be served by the communal amenity space located to the rear of the block. A breakdown of each apartment is provided, including identification of shortfalls where they arise. The applicant states that shortfalls, including in storage provision, are compensated for through the provision of other living areas which are in excess of minimum requirements.

Item 3: as above (see Item 2).

Item 4: the site is constrained, being brownfield in nature and must be assessed in this context. Bin storage for Apartment no. 1 is provided to the front of this unit in an area of private amenity space, with bin storage for the remaining units provided to the rear of the block (see *Drawing no. P-00-01*).

Item 5: 10 no. bicycle standards are provided throughout the site, including within the areas of private amenity space to the front of Apartment no.'s 1 and 3, and within the area of communal amenity space.

Item 6: surface water details, including calculations submitted.

[2] Following a 3 month time extension.

Item 7: the building has always included a residential use (i.e. the building previously comprised 8 no. apartments, a public house and a retail unit) and therefore a CoF is not deemed to be required. Loadings are less than the previous situation. An application for a waste water connection was sent to Uisce Éireann but no response has been received. The applicant contends that a response has not been issued because a connection is not required.

3.2. Decision

3.2.1. Wexford County Council issued Notification of Decision to **GRANT** Permission and Retention on the 6th day of March 2026 subject to 13 no. conditions. The following conditions are of note (summarised below):

Condition no. 2 - requires omission of Apartment no. 4 and the provision of communal open space and bin storage in lieu.

Condition no. 6 – requires the submission of a landscape plan.

3.3. Planning Authority Reports

3.3.1. Planning Report

3.3.2. The initial report of the Planning Officer notes the following;

- the principle of the conversion of the building to apartments in acceptable, and accords with wider compact growth and regeneration objectives.
- private open space standards have not been met.
- 2nd floor apartments are substandard in area.
- adequate bin storage has not been indicated.
- the elevational changes are minor and the proposal will not affect the visual amenity of the area.
- no significant impact on archaeology anticipated noting the nature of the proposal, including the lack of significant groundworks.

The report recommends Further Information.

3.3.3. The second report of the Planning Officer notes the following;

- inadequate bin storge provision remains.
- communal open space provision is of poor quality as this area is also to serve bicycle storage and emergency vehicle parking.
- the proposal meets the standards set out in the Apartment Guidelines 2025.
- Apartment no. 4 should be omitted to provide for communal open space and bin storage, and noting the privacy and lighting issues which arise given the 1-2 metre separation distance. The omission of Apartment no. 4 requires giving over a portion of Apartment no. 4 to Apartment no. 1.
- the proposal results in direct overlooking between the habitable rooms of Apartment no. 1, 3[3] and 4.

The report of the Planning Officer recommends a grant of permission and retention consistent with the Notification of Decision which issued.

3.3.4. Other Technical Reports

Disability Access Officer – report notes requirement for Disability Access Certificate (DAC).

Roads Department – initial report recommends FI, specifically that details of surface water drainage be submitted, and notes that sightlines should be maximised. Subsequent report recommends standard planning conditions.

3.3.5. Prescribed Bodies/Government Departments

Transport Infrastructure Ireland (TII) – submission requests that the PA have regard to official policy, including Spatial Planning and National Roads Guidelines for Planning Authorities, DoECLG.

3.4. Third Party Observations

The report of the Planning Officer refers to a number of observations having been received in relation to the planning application. The issues in the observations may be summarised as;

[3] Given the layout of the ground floor apartments it is assumed that the PA's reference is to Apartment 2 and not Apartment 3.

- non-compliance with exempt development provisions.
- requirement for screening for AA and EIA not fulfilled.
- requirement for archaeological impact assessment/no consultation with National Monuments Service.
- proposal will place pressure on existing water and waste water services.
- absence of car parking.
- proposal poses fire risk to tyre depot to rear of site.
- drawings are inaccurate.
- reference to the proposal as refurbishment is so as to avoid other regulatory compliance.
- the amalgamation of the buildings has not been stated in the public notices.
- procedural issues re. site notice.
- the proposal does not comply with the CDP or Apartment Guidelines. The proposal does not provide private or communal amenity space.
- the density of the proposal is excessive.
- no Confirmation of Feasibility (CoF) submitted.
- alleged non-compliance with other regulatory codes.
- need for double yellow lines.

4.0 Planning History

Appeal Site (relevant/recent)

PA. Ref. 20034397 – Permission GRANTED for alterations to exiting dwelling, change of use of part of ground floor from residential to office and convert existing first floor to 3 no. apartments.

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework[4]

The following National Policy Objective (NPO) is of relevance to the proposed development;

National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

5.2. Ministerial Guidelines

5.2.1. Having regard to the nature of the proposed development and to the location of the appeal site, I consider the following Guidelines to be pertinent to the assessment of the proposal.

- Sustainable Urban Housing, Design Standards for New Apartments (2023)[5].
- Sustainable Urban Housing, Design Standards for New Apartments (2020)[6]
- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (2010).

5.3. Development Plan

5.3.1. The Wexford County Development Plan 2022-2028 is the relevant development plan. The appeal site is not subject to any specific land-use zoning under the Wexford County Development Plan 2022-2028. Ferns is identified in the Core Strategy of the CDP as a 'Level 3a Service Settlement'. The CDP states that it is intended to vary the CDP to include a Settlement Plan for Ferns. From reviewing the Wexford County Council website I note that there is currently no Settlement Plan in place for Ferns.

[4] First Revision 2025.
[5] As the planning application was lodged prior to the introduction of the 2025 Apartment Guidelines the 2023 Apartment Guidelines are the relevant guidelines for the purpose of this appeal.
[6] Section 3. 12, Volume 1 of (Development Management Manual) of the CDP states that in assessing proposals for multi-unit developments the Council will have regard to these Guidelines.

5.3.2. The provisions of the Wexford County Development Plan 2022-2028 relevant to this assessment are as follows;

Volume 1 'Written Statement'

Section 4.7.3. (Utilise Existing Stock)

Volume 2 'Development Management Manual':

Section 3.12.3 (Apartment Standards & Design)

5.4. Natural Heritage Designations

- Slaney River Valley SAC (Site Code: 000781) – c. 1.3 km east of site.

5.5. EIA Screening

(See Form 1 and Form 2 attached to this report) Having regard to the limited nature and scale of the development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The Commission received 1 no. third party appeal against the decision of Wexford County Council to grant permission for the proposed development. The issues raised in the appeal can be summarised under the following headings as follows:

EIA:

- The PA have not carried out EIA screening/preliminary screening for the proposal. Retention permission cannot be granted where EIA screening is required.

- The Commission are requested to carry out its own preliminary examination of the proposal, to record this, and if permission is granted to include a condition requiring archaeological monitoring.

Archaeology:

- The proposal entailed significant ground works in an archaeologically sensitive area.
- No Archaeological Impact Assessment or test excavation report was required and there was no evidence of consultation with the National Monuments Service.
- The PA did not adequately consider archaeological impacts arising from the proposed development.

Heritage:

- The property was previously a Protected Structure and retains architectural and archaeological interest.
- The PA failed to assess the impact of the proposal on the character of the structure, and did not engage heritage expertise to inform their decision.
- Other applications in the area, which were similarly not Protected Structures, were required to provide heritage assessments.

Material Contravention of CDP:

- The decision conflicts with the CDP with reference to the protection of architectural and archaeological heritage; development in sensitive environments; and prevention of unauthorised works that undermine the protection of heritage.

The appellant has appended a list of legal judgement which are stated as being of relevance to the case.

6.2. **Applicant Response**

The applicant submitted a response in respect of the appeal submission.

- The appellant is a single entity and her views do not represent other parties.
- The appellant's property has no relationship to the proposal.
- The appellant's concerns are not specific to her property, or herself.

- The appellant seeks to challenge expert reports without providing her own expert evidence.
- The proposal complies in full with planning law and appliable policy.
- EIA is not required given the scale of the proposal. The PA have excluded the requirement for EIA.
- Regarding archaeological impact, the proposal entails works to an existing structure, no significant new development is proposed. The property is not a Protected Structure and is not located within an ACA. There is no requirement to consult with statutory bodies.
- There is no basis for the appellant's assertion that the proposal materially contravenes objectives of the CDP.
- The legal judgements referred to are not relevant.

6.3. **Planning Authority Response**

A response was received from the PA which noted that EIA pre-screening was undertaken (signed and dated 26/03/25); that the site is located within Ferns Town WX: 051-003, that the proposal does not entail significant groundworks and that no significant impacts are anticipated as a result; that design was assessed, that the proposal does not represent a significant departure from the pre-existing buildings, and that the proposal would enhance the streetscape; and that no material contravention arises.

6.4. **Observations**

None received.

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Scope of appeal

- Archaeology/Heritage
- Impact on Residential Amenity
- Water Framework Directive
- Screening for Appropriate Assessment
- Issues Arising

The proposal was amended at FI stage and the PA's grant of permission is based on this revised proposal. I have based my assessment on this amended proposal, submitted to the PA on the 12th day of February 2026.

7.2. **Scope of Appeal**

7.2.1. The documentation submitted with the planning application/appeal refers to the block, which is the subject of this appeal, as having been converted to apartments under exempted development provisions, specifically S.I. 75 of 2022. The development description contained in the public notices relates to retention permission for a number of changes to the block, which the applicant states were made during the conversion of the block to apartments, and permission for alterations to the apartments, including the provision of bin and bicycle storage. The scope of this appeal is limited to the proposed development as contained in the development description contained in the public notices. The works undertaken on foot of exempted development provisions are therefore outside the scope of this appeal.

7.3. **Archaeology/Heritage**

7.3.1. The appellant raises concerns in relation to potential impacts on archaeological, and refers to the archaeological sensitivities of the area. I have reviewed the National Monuments Service (NMS) Historic Environment Viewer and note that the appeal property is not identified as a Recorded Monument. I note that there are a number of Recorded Monuments within Ferns, the closest of which are c. 100 metres east of the appeal site. There are also a number of Recorded Monuments to the south and west of the appeal site. The proposed development entailed a small area of subsurface works, i.e. confined to the footprint of the extension to the original toilet block (now Apartment no. 4), and not significant subsurface works as contended by the appellant.

Furthermore, excavation associated with the extension to the toilet block would not have been deep. Having regard to the nature and extent of the proposal, I do not consider that the proposed development resulted in any significant adverse impact on archaeology. Furthermore, noting the nature and extent of the proposal, with the only subsurface works relating to the toilet block extension, I do not consider that an Archaeological Impact Assessment or test trenching is/would have been required, or that consultation with the NMS would have been required in this instance. The appellant requests that if permission is granted that a condition requiring archaeological monitoring is included. I note that the proposed development, as it relates to the permission element of the proposal is primarily internal works within the existing block, and minor exterior works, e.g. bin and bicycle storage. These works would not give rise to any significant archaeological impacts, and as such I do not consider that a condition archaeological monitoring is necessary in this instance.

7.3.2. Regarding heritage impacts, the appellant notes that the appeal property was previously a Protected Structure, and that the impact of the proposed development on the character of the structure has not been adequately assessed by the PA. I note that the appeal property is not included on Wexford County Council's current Record of Protected Structures (RPS). Furthermore, I have reviewed the National Monuments Service (NMS) Historic Environment Viewer and note that the appeal property is not listed on the National Inventory of Archaeological Heritage (NIAH). Having regard to the nature, design and extent of the external works proposed, I am satisfied that the proposal satisfactorily integrates with the character of the building, and does not detract from the amenities of the adjacent area. In particular, I note the modest scale of the extension to the toilet block and infilling of the void, and that these changes are located to the rear of the property. Whilst the roof of the rear return projects marginally above the roof of the block, having inspected the site I do not consider that this is particularly visible when viewed in the context of the wider streetscape.

7.4. **Impact on Residential Amenity**

7.4.1. The proposed development comprises an extension to the original toilet block; the infilling at first floor level on the rear elevation; alterations to the rear return/roof, amendments to a number of the recently converted apartments, and the provision of

bin and bicycle storage. Having regard to the scale, design and relationship of the proposed development to adjacent property, I do not anticipate any significant adverse impacts on the amenity of adjacent property.

7.4.2. I have a number of concerns in relation to the amenity of future residents within the scheme arising from the proposed development. I will address these issue in turn below.

7.4.3. Overlooking: From reviewing the floor plans submitted I note that there is potential for overlooking to arise between the window ope serving the kitchen/living room in Apartment no. 4 (for which retention permission is sought) and the window ope serving the living room in Apartment no. 2 and also bedroom no. 2 in the same apartment unit. In the event of a grant of retention permission I recommend that this window is replaced with a high level window.

7.4.4. Location of Communal Amenity Space: The area between Apartment no. 1, 2 and 4 is indicated as communal amenity space, with a seating area indicated adjacent to a bedroom window. I consider that the use of this area as an amenity space would be detrimental to the residential amenity of Apartment no. 1, 2 and 4 given that their bedrooms and living spaces face directly into this area at ground level. In the event of a grant of permission I recommend that a revised landscape plan is submitted providing for the omission the pathway and seating area within the area between Apartment no. 1, 2 and 4. This narrow area between Apartment no.'s 1, 2 and 4 should be landscaped in a manner so as to discourage use by residents, thereby protecting the amenity of the apartments which face onto this area. The provision of suitable ground planting could be considered in this regard.

7.4.5. Bin Storage: Storage for 8 no. bins is indicated directly adjacent to the window serving the kitchen/living room in Apartment no. 4. In my opinion this would adversely affect the amenity of Apartment no. 4, both in terms of residents accessing these bins, and also by virtue of the bins being in close proximity to Apartment no. 4's kitchen window, for example odour, flies etc. In the event of a grant of permission I recommend that an alternative location for bin storage is agreed with the PA. In addition, I note that the proposal does not cater for a 3 bin system. This should be addressed with the PA.

7.5. Water Framework Directive

7.5.1. An assessment of the proposed development has been undertaken with regard to the objectives set out in Article 4 of the EU Water Framework Directive. Having considered the nature, scale, and location of the proposed development, it is concluded that the proposal will not result in any risk of deterioration in the status of any water body, including surface waters (rivers and lakes), groundwater, transitional waters, or coastal waters. This applies to both qualitative and quantitative status, and in respect of temporary and permanent effects. In addition, the proposed development will not adversely affect the achievement of established environmental objectives, including the protection, maintenance, and improvement of water body status, as required under the Directive. Accordingly, the proposed development is considered to be compliant with the requirements of Article 4.

7.6. Screening for Appropriate Assessment

7.6.1. I have considered the proposed development at Castleland, Ferns, Co. Wexford in light of the requirements S177U of the Planning and Development Act, 2000, as amended. The closest European Site to the subject site Slaney River Valley SAC (Site Code: 000781) c. 1.3 km east of the subject site. The proposed development comprises permission for alterations to existing apartments, bicycle parking and bin storage, and retention permission for a ground floor extension, the infilling of an area at first floor level and alterations to the rear return and roof of the building.

7.6.2. 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 based on the following;

- The distance from nearest European Site and absence of connectivity between the development site and European Site(s).
- The nature and scale of the proposed development.

7.6.3. 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. Likely significant effects are excluded and

therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act, 2000) is not required.

7.7. **Issues Arising**

7.7.1. Condition no. 2 - the PA's Notification of Decision to Grant Permission (i.e. Condition no. 2) omits Apartment no. 4 and stipulates that the area concerned is given over to communal amenity space and bin storage. The apartments, if proposed as a new development, would have a communal amenity space requirement of 54 sqm[7]. I note that the provision of communal amenity space is adequately met in the area to the rear of the block (i.e. c. 94 sqm of communal amenity space is located to the rear of the block). The proposal provides 10 no. bicycle stands throughout the site. Noting the nature of the proposal, that being alterations to 3 no. apartments within an existing apartment development, and to the level of bicycle parking indicated, I do not consider it necessary to omit Apartment no. 4 so as to provide additional bicycle parking.

7.7.2. Apartment Guidelines – the proposed development includes alterations to the existing apartments, including amending Apartment no.'s 1, 2 and 7 from 3 bedroom units to 2 bedroom units. No changes are proposed to Apartment no.'s 3, 4, 5, 6, 8 or 9. I note that the CDP requires compliance with the 2020 iteration of the Apartment Guidelines. In my opinion, the requirement to comply with the Apartment Guidelines 2020 only relates to the apartment units which the applicant is proposing to amend under the current proposal given that the other apartment units have been converted under exempted development provisions. The units concerned are therefore Apartment no.'s 1, 2 and 7. Apartment no. 1 accords with the internal standards and private amenity space standards set out in the Apartment Guidelines 2020. I note the following deficiencies in Apartment no.'s 2 and 7, when assessed against the 2020 Apartment Guidelines;

- Apartment 2 – storage is c. 3.8 sqm below the required quantum.
- Apartment 7 - storage is c. 6 sqm below the required quantum (i.e. 6 sqm is required). Private open space, at 3.6 sqm is below the required 7 sqm.

[7] If one of the second floor apartments is deemed to be a studio, of 55 sqm if deemed a 1 bedroom apartment.

7.7.3. Section 3.12.3 (Apartment Standards and Design), Volume 2 of the CDP requires '*all apartments, including the new concept 'Built to Rent' and 'Shared Living' residential accommodation, must comply with the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, DECLG (2020), in particular, the Specific Planning Policy Requirements (SPPR) set out therein*'. As noted above, Apartment no.'s 2 and 7 are deficient in terms of storage, with Apartment no. 7 also being deficient in private amenity space, in the context of the requirements of the Sustainable Urban Housing, Design Standards for New Apartments, 2020. The Apartment Guidelines (2020) provide that for building refurbishment schemes and on infill sites up to 0.25 ha both storage provision and private open space requirements may be relaxed in part or whole on a case by case basis, subject to overall design. Given the site area concerned, the nature of the proposal, that being the refurbishment of an existing building, I consider that, in principle, this dispensation applies to the proposal. I consider that the proposal is acceptable in this regard and complies with the Apartment Guidelines 2020. I do not consider that a material contravention arises in respect of this element of Section 3.12.3 (Apartment Standards and Design), Volume 2 of the CDP noting of the wording of the CDP, which requires that proposal must comply with the Guidelines, which in turn provide certain flexibilities.

7.7.4. The latter part of Section 3.12.3 of the CDP states*, 'Appendix 1 of the Guidelines sets out the following standards for apartments which must be complied with'*. Appendix 1 of the 2020 Apartment Guidelines sets out internal areas, storage and private amenity space standards. As noted above, Apartment no.'s 2 and 7 fall below the requirement of the Apartment Guidelines 2020 in terms of storage (no.'s 2 and 7) and private amenity space (no. 7). In my opinion this is a **material contravention** of Section 3.12.3, Vol 2, of the CDP given that the CDP specifically refers to part of the Guidelines, requiring compliance with same. I note that the Commission may grant permission for the proposal on the basis of Section 37 (2) (a) of the Planning and Development Act, 2000, as amended. In this instance, the infill nature of the site, the nature of the proposal, that being the refurbishment of an existing building, and flexibility in the Guidelines for such situations, permission should be granted in my view.

7.7.5. EIA and AA Screening: The appellant contends that the PA did not carry out preliminary screening for Environmental Impact Assessment (EIA) or screening for Appropriate Assessment (AA). Having reviewed the report of the Planning Officer I note that preliminary screening for EIA and screening for AA was carried out by the PA and is recorded in the Planning Officer's report. In the context of this appeal I have carried out a preliminary screening for EIA (see para. 5.5 and Appendix 1 of this report) and screening for Appropriate Assessment (see para. 7.6 above).

7.7.6. Sightlines: the report of the Roads Section refers to the issue of sightlines. I note that the property is not served by a vehicular access or car parking, nor is an access or car parking proposed. The issue of sightlines is therefore not applicable in this instance.

7.7.7. Material Contravention: the appellant contends, under the heading of material contravention, that the proposal conflicts with the CDP with reference to the protection of architectural and archaeological heritage; development in sensitive environments; and prevention of unauthorised works that undermine the protection of heritage. Having regard to the nature and extent of the proposed development I am satisfied that the proposal does not result in any material contravention of the CDP in respect of these issues.

8.0 Recommendation

Having regard to the above it is recommended that permission and retention is granted based on the following reasons and considerations and subject to the attached conditions.

9.0. Reasons and Considerations

Having regard to the provisions of the Wexford County Development Plan 2022-2028, and to the siting, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not adversely affect the character of the area, would not have a significant impact on archaeology or heritage, and would not have a significant impact

on ecology or on European sites in the vicinity, and, would be in accordance with the proper planning and sustainable development of the area.

10.0. **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information and particulars received by the Planning Authority on the 12th day of February 2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. **Reason:** In the interest of clarity.
2.	Within 1 month of this grant of retention and permission, the applicant shall submit the following to the Planning Authority for its written agreement. (i) The provision of a high level window serving the kitchen/living room in Apartment no. 4 in lieu of the existing window. (ii) A revised landscape plan providing for the omission the pathway and seating area within the area between Apartment no. 1, 2 and 4. Planting within this area shall be of a species which prevents the use of this area as open space. (iii) An alternative location within the communal amenity space for bin storage. Provision shall made for a 3 bin system. **Reason:** In the interest of residential amenity.
3.	Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the detailed requirements of the Planning Authority for such works and services. **Reason:** In the interest of public health.
4.	Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400

	hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority. **Reason:** In order to safeguard the amenities of property in the vicinity.
5.	The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the Planning Authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme. **Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Ian Campbell
Senior Planning Inspector

10th June 2026

Appendix 1 - Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	PL-501006-WX-26
Proposed Development Summary	Retention permission for, (i) raising existing rear wall to building at 1st floor level and change from flat roof construction to a pitched slate roof construction; (ii) increased floor space to the original toilet block and new window and door opes for use as part of Apt. 4; and (iii) enclosure of open void between roofs and new window at 1st floor level on rear elevation (at Apt. 6). Permission for, (i) amendments to exempted development carried out under the Planning and Development Act (Exempted Development Regulations 2022) (S.I. 75 of 2022) including internal revisions to create 4 no. apartments at ground floor, 3 no. at 1st floor and 2 no. at 2nd floor; (ii) a landscape/public realm plan to provide communal open space, bike parking, and bin storage; and (iii) all associated works.
Development Address	Castleland, Ferns, Co. Wexford

1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)	**Yes**	X
	No	

2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?

Yes	X	Part 2, Sch. 5, Class 10, (b) (iv)	Proceed to Q3.
No			

3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	X		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Class 10, (b), (iv) (threshold is 10 Ha.) – site area is 0.0581 ha.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	X	**Preliminary Examination required**
Yes		**Screening Determination required**

Inspector: Ian Campbell **Date: 10th June 2026**

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	PL-501006-WX-26
Proposed Development Summary	Retention permission for, (i) raising existing rear wall to building at 1st floor level and change from flat roof construction to a pitched slate roof construction; (ii) increased floor space to the original toilet block and new window and door opes for use as part of Apt. 4; and (iii) enclosure of open void between roofs and new window at 1st floor level on rear elevation (at Apt. 6). Permission for, (i) amendments to exempted development carried out under the Planning and Development Act (Exempted Development Regulations 2022) (S.I. 75 of 2022) including internal revisions to create 4 no. apartments at ground floor, 3 no. at 1st floor and 2 no. at 2nd floor; (ii) a landscape/public realm plan to provide communal open space, bike parking, and bin storage; and (iii) all associated works.
Development Address	Castleland, Ferns, Co. Wexford
The Commission carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.	

This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development comprises retention permission for an extension (c. 11 sqm) to the original toilet block; the infilling of a void at first floor level; and alterations to the roof of a rear return; and permission for amendments to existing apartments, including bin and bicycle storage. The site is located on a brownfield site within an urban area. The proposed development will not give rise to the production of significant waste, emissions or pollutants.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The development is located in an urban area on a brownfield site. The site is not proximate to any European Sites, with the closest, Slaney River Valley SAC (Site Code: 000781) c. 1.3 km from the site. Following screening for Appropriate Assessment, it has been ascertained 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. There are no Protected Structures or Recorded Monuments within or adjoining the site. The site is not at risk of flooding. Given the scale and nature of development there will be no significant environmental effects arising.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	During the construction phase noise, dust and vibration emissions are likely. However, any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts.

Conclusion		
Likelihood of Significant Effects	**Conclusion in respect of EIA**	**Yes or No**
There is no real likelihood of significant effects on the environment.	EIA is not required.	**Yes**

There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	**No**
There is a real likelihood of significant effects on the environment.	EIAR required.	**No**

Inspector: **Date:**

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)