1st Party Appeal

Correspondence Coversheet

SCANNED

Case Number	Case Priority	Case Lodged On	Case EO	PA Reg. Reference
PL-500109-WX	Normal	21/10/2025	Cathy Carleton	20250962W

Case Details

Planning Authority
Wexford County Council

PA Reg. Reference
20250962W

Summary Description
10 year planning permission for development of an Integrated Tourism Resort Complex. A Natura Impact Statement (NIS) and Environmental Impact Assessment Report (EIAR) has been submitted with the application.

Site Location
Beak and Nemestown, Kilmore Quay, Co. Wexford.

Correspondence Details

Correspondence Type	Received From	Lodged On	Validity	Valid OH Req
1st Party Appeal	Robert Roche	31/10/2025	Valid	No

Issue
BP01M —

Participant
Robert Roche

Representative
SCA Planning & Development Consultants

Response Date Applicable	Number of Days Allowed	Keep Copy of Letter	Return Docs	Keep Envelope
☑	28	☐	☐	☐

Comments
—

Filing

Attach to File ☐

Return to EO ☐

Signatures

Signed Cathy Carleton

Cathy Carleton, Executive Officer

Date 03/11/2025

Signed LM

Lauren Simone Murphy, Administrative Assistant

Date 6/11/25

Correspondence Coversheet

Payment ID: **FEE-PAY-000255**

An Coimisiún Pleanála

Section:	Processing
PA Name:	Wexford County Council

Submission Reference:	—

Date:	31/10/2025
Name:	Simon Clear
Total:	€3,000.00 ✓

Attachments/Comment:	—

Created By:	Noeline Fitzpatrick
Channel:	By Hand

multiple

DOD : 6/10/25
LID : 3/11/25 ✓

1st PARTY APPEAL
v CONS.

Name + address ✓

SCA PLANNING & DEVELOPMENT CONSULTANTS

The Secretary,
An Coimisiún Pleanála,
64 Marlborough Street,
Dublin 1

AN COIMISIÚN PLEANÁLA
LDG- PGE PAY 000255
ACP-
31 OCT 2025
Fee: € 3000 Type: Card
Time: 14:24 By: Hand

31st October 2025

Re. First Party Appeal – Proposed Integrated Tourism Resort Development at Beak and Nemestown, Kilmore Quay, County Wexford. Wexford County Council Planning Reg. Ref. 20250962W

Dear Secretary,

On behalf of Robert Roche, Ballyseskin House, Kilmore, County Wexford, I wish to submit a First Party appeal to An Coimisiún Pleanala (ACP), against the inclusion of Condition No 2 attached to the welcome decision of Wexford County Council (WCC) to grant permission for the subject development dated 6th October 2025, WCC planning Reg. Ref.20250962W.

This 1st Party Appeal is made in the context of 3rd Party Appeal (s) that have set aside the decision of WCC and the proposed development will be considered *de novo* by ACP and in reaching a decision, if permission is to be granted, the Commission will draft its own conditions. In that context it is requested that a 10-year permission is allowed, as requested in the planning application notices. This 1st Party Appeal is not a response to other parties, which will be done under separate cover as per separate correspondence issued by ACP.

The appropriate fee of €3,000 has been paid.

Unit 217 Glencullen House
Kylemore Road
Dublin 10
D10 TK30

Simon Clear B.A. Dip. T.P. MIPI
Darran Quaile B.A. MRUP MSc BLUP MIPI
Paula Shannon B.A. MRUP MIPI

Phone: 00-353-1-456 9084
E-mail: admin@scaplanning.ie
Website: www.scaplanning.ie
VAT Number: 4092398PH

The issue is quite specific and relates to Condition 2, which limits the duration of the permission to 5 years as follows:

2 *This development shall be completed within 5 years of the grant of permission unless otherwise granted by An Coimisiun Pleanala or granted by an extension of duration under section 42 of the Planning and Development Act 2000 as amended.*
REASON: In the interests of clarity

In the interests of brevity, planning reports relating to Government, Regional and Development Plan strategies and policies, EIAR, NIS are not repeated in these grounds of appeal. They are on the WCC file and should be taken into account in establishing compliance with policies, objectives and residential standards.

Grounds of Appeal

Rather than facilitating the development, it is submitted the inclusion of a condition limiting duration to 5-years could jeopardise the development. Taking into account the: -

- Timescale required for securing compliance with conditions;
- Archaeological resolution of the lands;
- Other consents (Uisce Eireann, Building Regs etc.);
- Funder interactions – under funders risk analysis for this project it has been identified that there is an elevated risk to funding support surrounding a 5-year permission in the context of the new rules for extension of duration described in the following grounds of appeal;
- Tendering and construction, with the construction phase as 3-years in a single programme as indicated in the DNV CEMP;
- Planning and Development Act 2024 Section 140(8) - Issues affecting the availability of extension of duration with EIAR and NIS completed for the overall development.

Taking all of the above into account it is anticipated that the overall timeframe will inevitably range beyond 5-years and a 10-year permission should be granted as requested.

Provisions for Extension of Duration

As the development proposal was accompanied by a mandatory EIAR and also required NIS, it may not be possible for the Planning Authority to extend the duration of the permission in the future.

Currently, Section 42(8) of the Planning and Development Act 2000 (as amended) provides that *a planning authority shall not extend the appropriate period under this section in relation to a permission if an environmental impact assessment or an appropriate assessment would be required in relation to the proposed extension concerned.*

In the coming years, new extension of duration provisions under the Planning & Development Act 2024 will come into effect. An extension of duration requiring EIA or AA will be considered a 'material alteration' of the permission and such applications will be subject to:

- New environmental assessments;
- Public consultation and right to appeal;
- Assessment of consistency with the Development Plan in place at the time of the extension application.

This process will potentially be as burdensome as a full planning application and will be subject to considerable uncertainty of outcome.

Therefore, the duration should be 10-years as requested in the planning application and not 5-years as per the condition appealed. If the post-decision preparatory phase takes more than 2-years to complete, it may not be possible to complete the development within a 5-year duration. Therefore, a 10-year duration has been advised to the applicant so as to allow the development to be practically completed in a single phase as described in the CEMP, section 3.1 - *The programme for the construction phase of the development is approximately one phase over an estimated three-year period.*

Reason for inclusion of Condition 2

In short and as explained below, it is considered that the reason for the inclusion of the condition arises from a misunderstanding of some of the issues that could arise from a 10-year duration of permission, which lead WCC to decide to limit the duration of the permission to 5-years as explained in the WCC Planner's Report, as follows: -

The Planning Authority consider that a five year permission is more appropriate as this would enable future development on the lands if the tourist complex did not prove viable and would also avoid capacity in the WWTP been tied up for a lengthy period if the project fails to materialise.

WWTP above refers to the existing, recently constructed Kilmore Quay Wastewater Treatment Plant located adjoining the subject site. The scenario described in the WCC Planner's Report should be considered in the following context: -

- The grant of permission being requested does not preclude grants of permission for other developments should policy support other forms of development.
- If permission is granted for other development, on foot of a Variation of the Wexford County Development Plan (WCDPV) to reflect the National Planning Framework Revision 2025 (NPFR) for instance, another permission can be put into effect on part or all of the land and, if put into effect, the subject permission would be set aside regardless of duration still available.
- It is considered that, if additional population is added to Kilmore Quay in the WCDPV, in accordance with the Compact Settlement Guidelines, residential expansion would occur sequentially from the village core on lands that are available, suitable and serviced (with necessary upgrades, particularly to water supply infrastructure).

The following information relating to wastewater and water supply has been provided by DRA Consulting Engineers. In relation to WWTP capacity, as set out in the planning application documentation, this development triggers the modular expansion of the WWTP to its Phase 2 capacity of up to 1900 population equivalent (PE) under its existing 10-year permission, Ref WCC 2019633, granted on 9th March 2020, with permitted duration to 2030.

Phase 1 of the Kilmore Quay WWTP Upgrade (new plant at Nemestown) has been completed and provides for a current PE of 850, with modular expansion available under the WWTP (Ref. 2019633) permission. The Uisce Eireann (UE) Wastewater Treatment Capacity Register currently indicates there is existing available spare capacity in the Kilmore Quay WWTP.

The UE confirmation of feasibility allows for a maximum reserve capacity use from the proposed development up to 744PE.

With the next phase triggered by the proposed development there will continue to be further capacity available for other developments in Kilmore Quay using wastewater treatment up to approximately 300PE. This is in addition to the spare capacity that remains following the Phase 1 works.

Furthermore, the UE confirmation of feasibility in respect of water supply indicates that a 1.6km upgrade of water supply network infrastructure would be required to support the development and the overall Kilmore Quay settlement area. This upgrade will improve the water supply and pressure in the area in addition to supporting the proposed development.

The water supply infrastructure upgrade is to be funded by the developer as per agreement with Uisce Eireann (UE), and will be to the overall benefit of Kilmore Quay. A standard, appropriate condition is requested relating to UE water supply and foul water drainage arrangements.

Without a planning permission that is viable, with adequate time to plan, fund and construct the development, it is unlikely that, without separate agreement, an upgrade to the Kilmore Quay WWTP will occur because upgrade to stage 2 is not in UE budgetary plans at present. Extant Stage 1 capacity is all there would be to accommodate future residential and other development in Kilmore Quay.

Future Village Expansion

The location of the development would not hinder compact and sequential residential development within the village envelope, as already explained in the Planning Context Report submitted with the application.

Request for 10-year duration permission

It is requested that permission be granted for the development as requested, for a 10-year duration, with the attachment of appropriate conditions.

Yours sincerely,

Simon Clear