

28 November 2022

John Roche  
C/O John Roche  
St Leonards  
Ballycullane  
New Ross  
Co Wexford  
Y34 V294

**PLANNING AND DEVELOPMENT ACT 2000 (as amended)**  
**PLANNING AND DEVELOPMENT REGULATIONS 2001 (as amended)**

**Register No:** 20221465

**Applicant:** John Roche

**Proposal:** Permission for the proposed development of lands to be used for a camper, caravan & campsite and for the change of use of 2 no. agricultural buildings; shed A to be changed to a communal use building which includes toilet facilities and shed B to be changed to a covered area for seating and refreshments and a new treatment plant & percolation area, also included is a Natura Impact Statement

**Location:** Clonmines, Tintern

Dear Sir/Madam

The attached application received on 3 November 2022 does not comply with the following requirements of the Planning and Development Regulations 2001 (as amended). This application has been deemed an invalid application for the following reasons:

Article 26(4) states that where, on inspection of the land to which the application relates, the planning authority considers that the requirements of Articles 17(1)(b), 19 or 20 have not been met, or the information submitted in the planning application is substantially incorrect or substantial information has been omitted, the planning application shall be invalid.

A site inspection was carried out on 24 November 2022 which has indicated that the development is already carried out and the application has been advertised as seeking



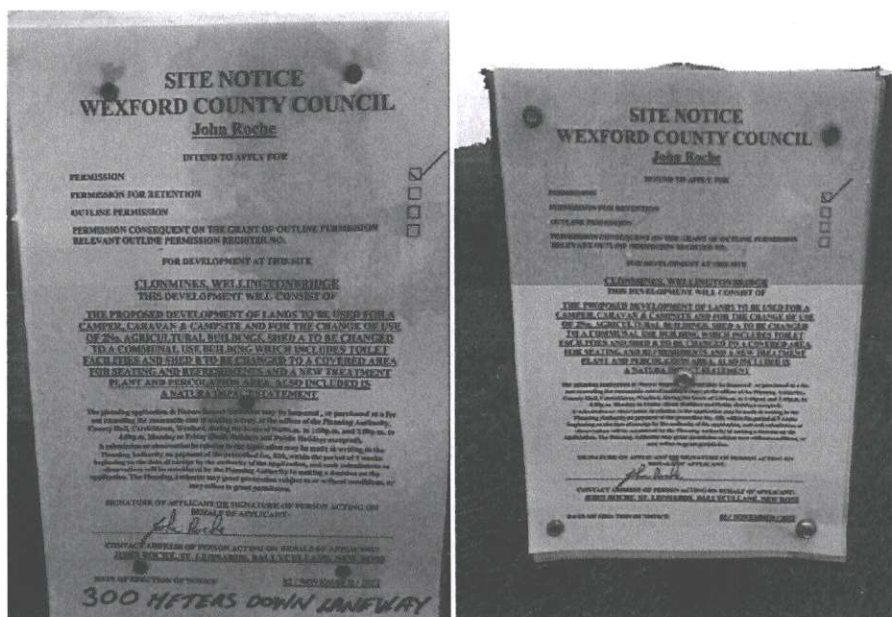
permission for the proposed development of lands to be used for a camper, caravan and campsite instead of retention.

The description of the application seeking permission is therefore not accurate and is insufficient to adequately indicate what is involved in the application. Nowhere in the advertised description does it make any indication that the development is already carried out. I note all the electrical points for the caravans etc. are in place, and the various access roads and surfaces are in place. There is a reception building and the structures seeking permission to change use are not agriculture and have signs such as wine bar etc. on them. There are various food and coffee trucks on site and picnic tables and barbeques stored on site etc.

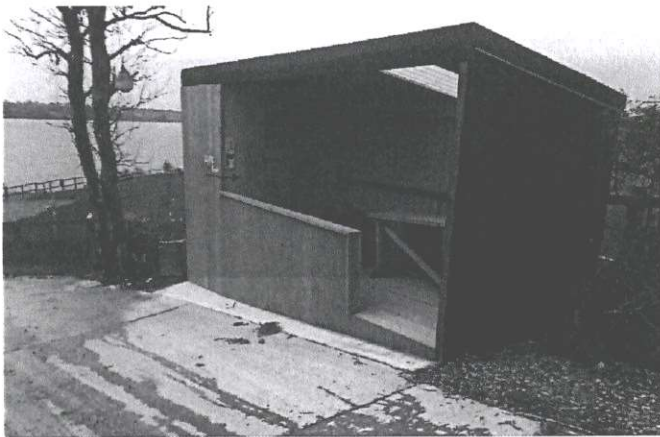
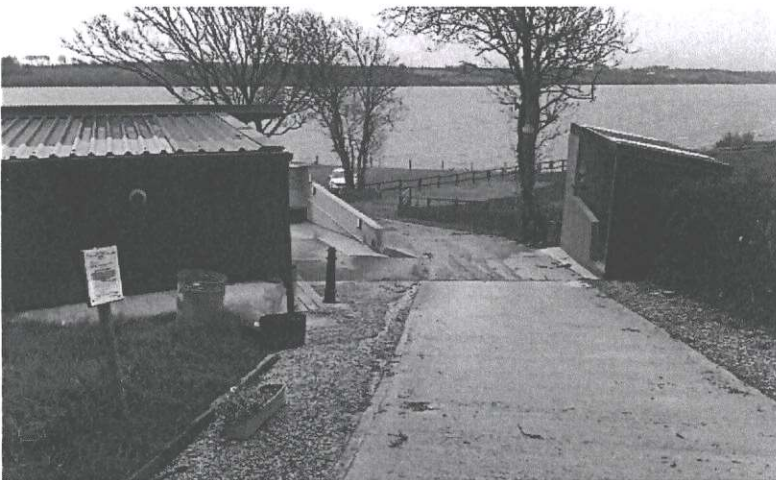
There are two enforcement cases noted in relation to the unauthorised developments, Enf. 0158/2022 (non-compliance with PP 20211928 and Enf. 0160/2020 unauthorised development of campervan camp site.

It is considered that the application submitted is invalid as it has omitted substantial information, and it is misleading to the planning authority and the public from the description what is involved in the application.

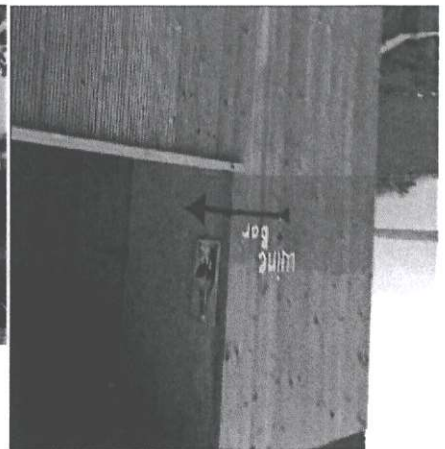
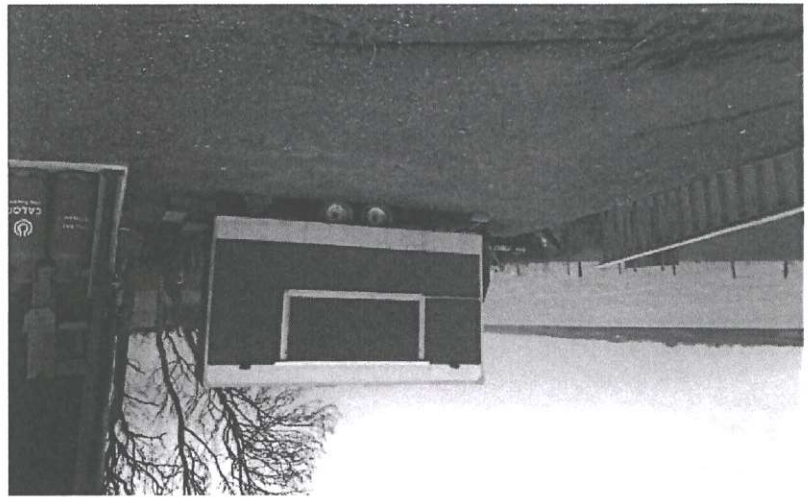
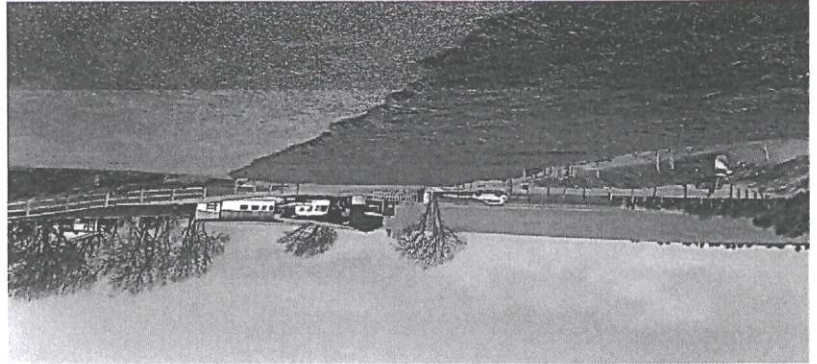
This application is therefore deemed invalid under Article 26(4) of the Planning and Development Regulations 2001 (as amended).

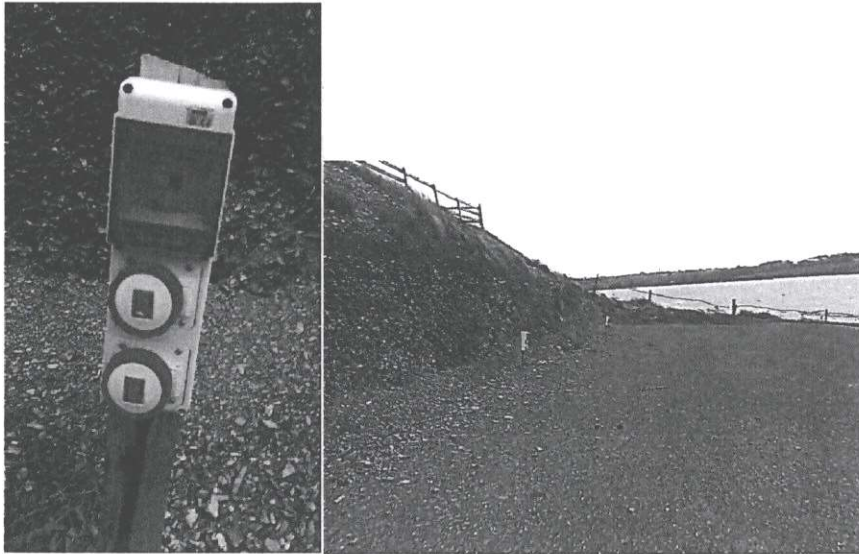


Site notices at site on 24 November 2022









**Parking bays surfaced and cutting into the landscape completed with electrical connection points for caravans**

I note previous planning application on this site Plan Ref: 20201366 - Permission for the retention of a communal use building which includes toilet facilities and the retention of a camper parking area and full planning permission for a new treatment plant and percolation area - which was withdrawn just before the issuing of a decision.



Having regard to the nature of the development which will be required to seek retention being located within the catchment of a designated Shellfish Protected Waters and construction of campervan parking area within the Bannow Bay SPA and Bannow Bay SAC, such works require the submission of a remedial Natura Impact Statement (NIS) and the planning authority in such instances is An Bord Pleanála.

In accordance with Section 34(12) of the Planning and Development Act 2000 (as amended) if an application is submitted for retention for these works and change of use accompanied by a NIS, the planning Authority will have no option but to return the application as a 'Refuse to Consider' in accordance with Section 34(12) of the Planning Act 2000 (as amended).

*Section 34 (12) A planning authority shall refuse to consider an application to retain unauthorised development of land where the authority decides that if an application for permission had been made in respect of the development concerned before it was commenced the application would have required that one or more than one of the following was carried out (a) an environmental impact assessment, (b) a determination as to whether an environmental impact assessment is required, or (c) an appropriate assessment.*

Attached please find all documentation submitted with the application. I am arranging for a refund of the fee paid.

Please ensure that the notice erected on site is removed from same with immediate effect.

Yours sincerely



Staff Officer  
Planning and Development



Invalid

Planning App. No. 20221465

WEXFORD COUNTY COUNCIL  
RECEIVED

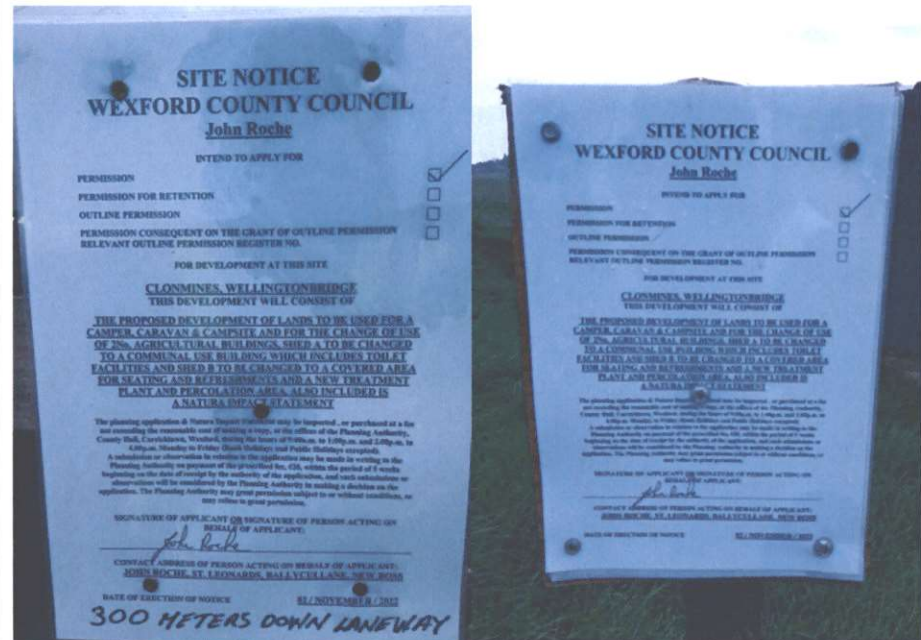
25 NOV 2022

**Wexford County Council  
PLANNING REPORT**

PLANNING SECTION

<b>Application No.</b>	20221465
<b>Applicant</b>	John Roche
<b>Location</b>	The site is located in the Townland of Clonmines, Tintern
<b>Description</b>	Permission for the proposed development of lands to be used for a camper, caravan & campsite and for the change of use of 2 no. agricultural buildings; shed A to be changed to a communal use building which includes toilet facilities and shed B to be changed to a covered area for seating and refreshments and a new treatment plant & percolation area, also included is a Natura Impact Statement
<b>Description Inadequate</b>	<p>Article 26(4) states that where, on inspection of the land to which the application relates, the planning authority considers that the requirements of articles 17(1)(b), 19 or 20 have not been met, or the information submitted in the planning application is substantially incorrect or substantial information has been omitted, the planning application shall be invalid.</p> <p>A site inspection was carried out on <b>24/11/22</b> which has indicated that the development is already carried out and the application has been advertised as seeking permission for the proposed development of lands to be used for a camper, caravan and campsite instead of retention.</p> <p>The description of the application seeking permission is therefore not accurate and is insufficient to adequately indicate what is involved in the application. Nowhere in the advertised description does it make any indication that the development is already carried out. I note all the electrical points for the caravans etc are in place, and the various access roads and surfaces are in place. There is a reception building and the structures seeking permission to change use are not agriculture and have signs such as wine bar etc on them. There are various food and coffee trucks on site and picnic tables and bbq's stored on site etc.</p> <p>There are 2 enforcement cases noted in relation to the unauthorised developments Enf 0158/2022 (non compliance with PP 20211928 and Enf 0160/2020 unauthorised development of campervan camp site.</p> <p>It is considered that the application submitted is invalid as it has omitted substantial information, and it is misleading to the planning authority and the public from the description what is involved in the application.</p>

This application is therefore deemed invalid under Article 26(4) of the Planning and Development Regulations 2001 (as amended).



Site notices at site on 24/11/22









**parking bays surfaced and cutting into the landscape completed with electrical connection points for caravans**

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Having regard to the nature of the development which will be required to seek retention being located within the catchment of a designated Shellfish Protected Waters and construction of campervan parking area within the Bannow Bay SPA and Bannow Bay SAC, such works require the submission of a remedial Natura Impact Statement (NIS) and the planning authority in such instances is Bord Pleanala.

In accordance with Section 34(12) of the Planning and Development Act 2000 (as amended) if an application is submitted for retention for these works and change of use accompanied by a NIS the planning Authority will have no option but to return the application as a 'Refuse to Consider' in accordance with Section 34(12) of the Planning Act 2000 (as amended).

*Section 34 (12) A planning authority shall refuse to consider an application to retain unauthorised development of land where the authority decides that if an application for permission had been made in respect of the development concerned before it was commenced the application would have required that one or more than one of the following was carried out— (a) an environmental impact assessment, (b) a determination as to whether an environmental impact assessment is required, or (c) an appropriate assessment.*

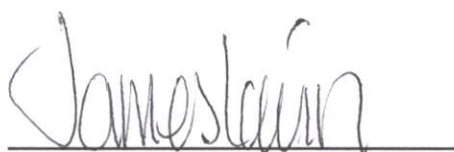


<b>Recommendation</b>	Invalid due to inaccurate description  Refuse to Consider <i>Section 34 (12)</i> An Application seeking retention with a NIS requiring an Appropriate Assessment.
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**Niamh Lennon**  
**Executive Planner**

**Date: 25/11/22**



**James Lavin**  
**Senior Executive Planner**

**Date: 25 November 2022**

