

An Coimisiún Pleanála
64 Marlborough Street
Dublin 1

17th September 2025

RE: ACP-322985-25 – Application for substitute consent under Section 177E of the Planning and Development Act 2000 (as amended) for a camping / camp site enterprise (remedial NIS submitted with application) at Clonmines, Wellingtonbridge, Co. Wexford

A Chara,

Further to your correspondence dated 09 July 2025 (received 11 July 2025) advising that the Commission had received an application for substitute consent for development at Clonmines, Wellingtonbridge, Co. Wexford, and the requirement under Section 177I(2) of the Planning and Development Act 2000 (as amended) for the Planning Authority to furnish a report to the Commission, please find details below as required by this section of the 2000 Act.

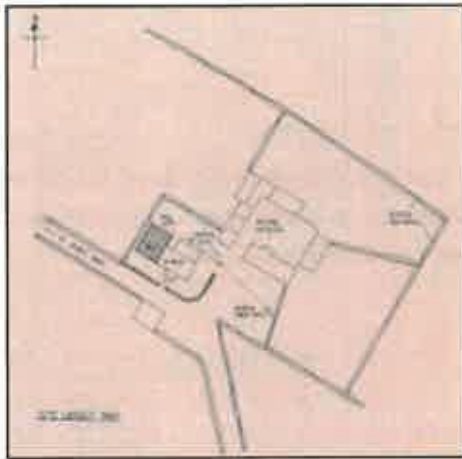
The report is broken down into the following sections, which correspond to the requirements for details as per Section 177I(2) of the Planning and Development Act, 2000 (as amended).

- 177I(2)(a) – Planning history pertaining to the subject site
- 177I(2)(b) – Enforcement case(s) pertaining to the subject site
- 177I(2)(c) – Development Plan Policy provision pertaining to the subject site and nature of development concerned
- 177I(2)(d) – Significant Effects on the Environment or European Site in respect of the development for which substitute consent is sought
- 177I(2)(e) – Chief Executive's Opinion regarding the recommendation on whether substitute consent should be granted, and applicable conditions in the event of a grant of substitute consent being issued

Appendices are also included with this report, with Appendix 1 consisting of copies of enforcement notices issued in respect of the development, an enforcement inspector's report dated 22/11/2024, and Appendix 2 containing a catalogue of photographs taken on 15/09/2025 indicating the extent of development on the site.

The application site is located at Clonmines, Tintern (ED), about 2.1km southwest of Wellingtonbridge village.

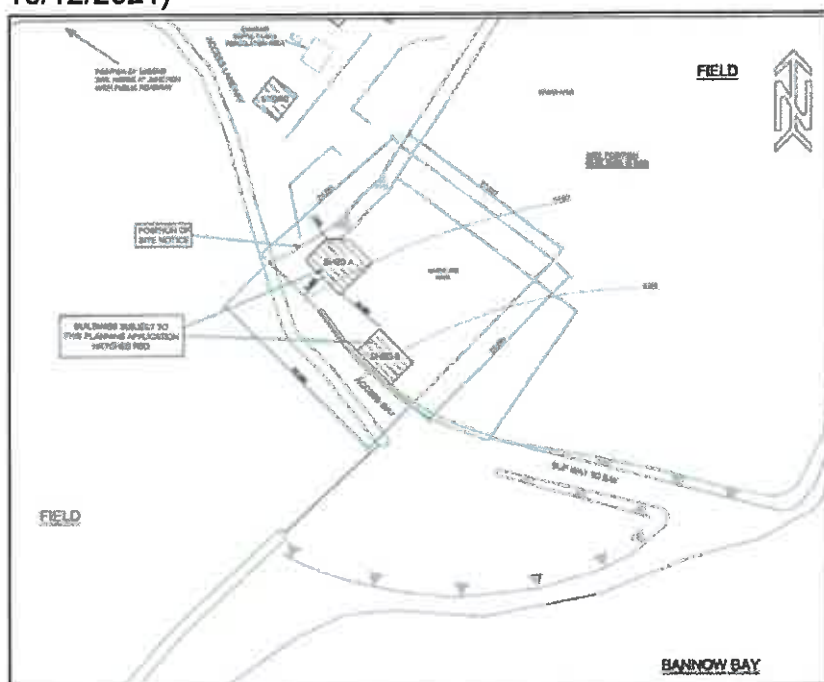
- 901198 – John Roche – Retain two-storey extension to house – Granted subject to conditions, December 1990



- [illegible]

Site layout for planning application reference 20201366

- **20211928** – John Roche - Permission for retention of 2 no. agricultural storage buildings – Granted subject to conditions, April 2022 (application lodged 10/12/2021)



Site layout for planning reference 20211928

Planning Register No. 20211928

Having regard to provisions of the Wexford County Development Plan 2013-2019, the relevant responses received and all other material considerations, it is considered that subject to compliance with the following conditions, the proposed development would not seriously injure the amenity of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

CONDITIONS AND REASONS THEREFOR

1. This retention permission relates to the 2 structures as identified on the submitted plans (Shed A and Shed B) only.

The structures for which retention permission is granted shall be used for dry agricultural storage only.

Permission is not granted through this application for any other development or uses on the site or landholding.

REASON:

For the avoidance of doubt, to ensure the development accords with the permission and in the interests of protection of the environment.

2. Within 1 month of final grant of permission, all features and equipment which do not have a dry agricultural storage use (including toilets, sinks, washing facilities, seating and refrigeration facilities) shall be permanently removed from the structures.

REASON:

In the interests of protection of the environment.

3. Unless as otherwise agreed with the planning authority, the external walls of Shed A shall be painted a dark green colour.

REASON:

In the interests of visual amenity.

4. The Developer shall pay to Wexford County Council a contribution in respect of works, consisting of the provision or improvement of public roads in the functional area of the Planning Authority. The contribution shall be payable within 2 months of the date of the final grant of permission and the amount shall be one hundred and twenty one euro (€121.00) as stated in Appendix 1 of this document.

REASON:

In accordance with the Development Contribution Scheme as provided for under the Planning and Development Acts 2000 (as amended).

5. The Developer shall pay to Wexford County Council a contribution in respect of works, consisting of the provision or improvement of community facilities in the functional area of the Planning Authority. The contribution shall be payable within 2 months of the date of the final grant of permission and the amount shall be one hundred and twenty one euro (€121.00) as stated in Appendix 1 of this document.

REASON:

In accordance with the Development Contribution Scheme as provided for under the Planning and Development Acts 2000 (as amended).

Conditions attached to planning permission 20211928

- **20221363** - John Roche - 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 – **Invalid application**

- **20221465** – John Roche - 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 – **Invalid application**

Reason for invalidation: inaccurate description where the development requires retention rather than permission to carry out development



No other planning applications pertain to the subject site of the development for which substitute consent is sought. Please note the following map extracts indicating the location of the site, and the general location.



Historic 6" map (1964-1987) indicating presence of a farmyard complex at the location of the subject site including linkage down to Bannow Bay coastline



Location of subject site (circled generally in red)



Aerial photography of the subject site [blue lines / dots represent planning application boundaries mapped to the site as detailed earlier in this report]

177I(2)(b) – Enforcement case(s) pertaining to the subject site

There are 2no. enforcement cases pertaining to the subject site, 0160-2020 and 0158-2022.

- **0160-2020 – Possible unauthorised development of campervan and camp site**

This enforcement file was opened in August 2020 following receipt of complaints regarding possible unauthorised infilling of lands within / adjoining the Bannow Bay SAC, SPA and pNHA, and use of the lands for commercial purposes (being that of a campervan / camp site). A warning letter was issued to the alleged offender on 25th August 2020 in respect of possible unauthorised development comprising of 'the construction of a toilet block and an apartment, and use of land for campervan parking / camping' at Clonmines, Wellingtonbridge.

A response was received from the alleged offender's agent on 11th September 2020 indicating that a planning application would be prepared to regularise the "outstanding planning issue", and that such an application would be submitted to the Planning Authority within 5-6 weeks from the date of the response letter. A further response from the alleged offender was received by the Planning Authority on 18th November 2020 indicating that a planning application was being submitted that week, and the alleged offender's agent confirmed that there was no apartment at this location, but the communal toilet block and campervan parking area were included within the application for retention permission. A planning application was submitted on 18/11/2020, however was withdrawn prior to a decision being made (withdrawal date of 19/01/2021).

An inspection was carried out by Planning Enforcement on 12/05/2021, and an enforcement notice was subsequently issued on 19th August 2021. This enforcement notice ordered the cessation of the unauthorised use of land as a caravan / campervan park, and removal of two unauthorised steel framed sheds from the site within a period of two weeks from the date of the notice. A map was included with the enforcement notice highlighting the site.

Prior to the enforcement notice issuing, complaints were received from the HSE (10/08/2021) and Inland Fisheries Ireland (17/08/2021) expressing concern about the impacts of the unauthorised development and use on the receiving environment, particularly regarding shellfish farming within the area, and citing high levels of E.Coli in waters tested at this location.

Correspondence from the alleged offender's agent dated 01/09/2021 indicated that a planning meeting had been arranged for 02/09/2021 to discuss how to progress with regularising the planning status of the site, and that a planning application would be prepared after that meeting.

Another inspection was carried out by Planning Enforcement on 03/11/2021 which found that further unauthorised works had been carried out, and recommended that a second enforcement notice be issued to the alleged offender to include additional unauthorised structures and development works. A second enforcement notice was issued on 18/01/2022 which ordered the following within six weeks of the date of the notice:

- Cessation of the unauthorised use of land as a campervan, camper and caravan park from the site outlined in red on the attached map
- Removal of five unauthorised buildings from the site (namely two steel framed sheds, the metal clad reception structure, and two metal clad shower and toilet blocks)
- Removal of the unauthorised concrete jetty and access road, the surfaced parking area, the walking trails and fencing, under the guidance of the National Parks and Wildlife Service to establish appropriate methods for the removal work in the interests of protecting the habitats and environment of the Bannow Bay Special Area of Conservation (Site Code 000697) and Bannow Bay Special Protection Area (Site Code 004033)

The alleged offender's agent response to this second enforcement notice (received by the Planning Authority on 09/02/2022) stated that the use of the lands as a campervan park had ceased, and that a planning application was under consideration by the Planning Authority [20211928] which had included an AA Screening Report. The response also claimed that the existing jetty was not unauthorised as it had been present on site for hundreds of years providing access for lifeboat, right of way access to marshland and wildlife officers / rangers, and its resurfacing was to ensure continued access that was otherwise threatened by coastal erosion.

Further concerns were raised by Bord Iascaigh Mhara in April 2022 regarding impacts of the continued use of the lands for campervan parking on the shellfish farming in the area. Test results for E.Coli were also indicated to the Planning Authority by email on 25/07/2022 which indicated high E.Coli levels within testing locations which appeared to coincide with "considerable camper park activity" when water testing was taking place.

Another site inspection by Planning Enforcement on 17/06/2022 found that the site was continuing in use as a campervan / caravan / camp site, and none of the unauthorised structures had been removed from the site as was ordered by the enforcement notice dated 18/01/2022. Legal proceedings were initiated by the Planning Authority in August 2022, with the first mention of the case in the Wexford District Court taking place on 28/11/2022. Subsequently the case was adjourned a number of times pending the outcome of application(s) to the Board [as it was at time of application] for leave to apply for substitute consent.

The alleged offender pleaded guilty to the prosecution at a District Court hearing on 23/06/2025. This plea has been formally recorded and the case has been adjourned again until September 2025 court sitting to advise on progress of the substitute consent application process.

Please note that Planning Enforcement inspections on 19/05/2023, 10/05/2024 and 22/11/2024 found that continued unauthorised use of the site for campervan / camping was occurring and unauthorised structures and development works remained on site.

As of 12/09/2025, the planning enforcement case remains at “legal” stage, whereby the case will be for mention at the September 2025 sitting of Wexford District Court to allow for an update on the substitute consent application.

Please note that copies of both enforcement notices issued are appended to this report, together with the most recent inspector’s report for same (dated 22/11/2024).

- **0158-2022 – Possible non-compliance with conditions no. 1 & 2 of PP 20211928**

This enforcement file was opened in August 2022 following further complaints regarding potential non-compliance with conditions attached to planning permission reference 20211928 (which restricted use of permitted sheds to agricultural storage use only). A warning letter was issued to the alleged offender on 19/08/2022 regarding the possible non-compliance, to which the alleged offender’s agent informed the Planning Authority on 31/08/2022 that a planning application would be prepared to regularise the planning status of the site.

The nature of this enforcement is directly related to the other enforcement case on the site (0160-2020 detailed above) and the substitute consent application that is under consideration by the Commission.

177I(2)(c) – Development Plan Policy provision pertaining to the subject site and nature of development concerned

The Wexford County Development Plan 2022-2028 is the plan currently in place within the area of the subject site. The following are key sections within the CDP which pertain to the development concerned:

Volume 1 – Written Statement:

- Chapter 6 – Economic Development Strategy
 - Objective ED11: To protect the natural resources, amenities and heritage of our county and ensure that economic development does not significantly impact on this heritage, the environmental capacity or on the amenity of the residents of the county.
 - Objective ED51: To ensure that, where economic development uses bound sensitive uses such as residences, natural and built heritage assets or community and education uses, that an appropriate buffer is maintained to protect the sensitive use.
 - Objective ED83: To ensure that adequate measures are taken to protect designated shell fish areas as an important economic and employment sector.
 - Chapter 6.7.6 – Rural Economy
 - Objective ED91: To facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.
 - Objective ED96: To support and facilitate the development of vibrant rural areas with a diverse rural economy and to ensure that economic development in rural areas protects the natural and built heritage and environment of the area.
 - Objective ED98: To ensure all developments permitted in rural areas in accordance with Objective ED49, including agricultural, horticultural and rural diversification do not impact negatively on the quality of the environment or character of the rural area or rural settlement. Applications for all such developments will be required to submit details to demonstrate that the proposed development:
 - Will not result in the contamination of potable water, surface or ground waters, or impact on natural or built heritage;
 - Is appropriate in terms of scale, location, design and that the character of the farm or settlement is retained and enhanced where possible;
 - When located on a farm, it is located within, or adjacent to, existing farm buildings, unless the applicant has clearly demonstrated that the building must be located elsewhere for essential operational or other reasons;

- Is appropriately sited so as to benefit from any screening provided by topography or existing landscaping and does not seriously impact on the visual amenity of the area;
 - Will not result in an unacceptable loss of residential amenity by reason of noise, odour or pollution;
 - Will not result in a traffic hazard,
 - Will provide for adequate waste management; and
 - Where possible will restore and/or enhance built and/or natural heritage.
 - The Council will monitor and report on the number, nature and impacts of applications for economic development granted in rural areas outside of settlements. Reporting will take place as part of the 2 year review of the County Development Plan and as part of SEA.
- Chapter 6.7.6.2 – Rural Diversification including Agri-food
- Chapter 6.7.6.6 – Commercial Development in Rural Areas
- Chapter 7 – Tourism Development
 - Chapter 7.4 – Tourism Product
 - Objective TM03: To facilitate the development of a sustainable diversified tourism industry at appropriate locations and at a suitable scale, subject to compliance with the objectives of this chapter and normal planning and environmental criteria.
 - Chapter 7.6.2 – Rural Based Tourism
 - Chapter 7.6.3 – Tourism in Coastal Areas
 - Objective TM21: To consider proposals for tourism in the coastal zone subject to compliance with the Habitats Directive and in accordance with the locational and other objectives in Chapter 12 Coastal Zone Management and Marine Spatial Planning and Chapter 6 Economic Development and normal planning and environmental criteria.
 - Objective TM22: To prohibit tourism development that would significantly diminish the natural heritage, scenic and recreational amenity and economic value of the county's coastline and coastal areas.
 - Objective TM23: To ensure that tourism development or activity does not significantly impact on coastal habitats, species and features such as wetlands and vegetated dunes which play an important role in flood relief and in protecting from coastal erosion and are important in their own right.
 - Objective TM27: To carefully consider tourism developments which would interact with other maritime activities and uses, and to prohibit development which would unduly impact on fisheries, seafood, transport or other important marine uses.
 - Chapter 7.7.5 – Tourist Accommodation

Camping, Motorhome Parks, Glamping and Caravan Parks

The Council recognises the importance of this type of accommodation in developing the tourism industry in the county. The development of these facilities should generally be located within or nearby existing settlements with pedestrian and cycle linkages provided. Consideration will be given to camping/glamping and motor home parks in the rural area where it can be demonstrated that the development would not significantly impact on the rural character of the area and have no significant impact on the surrounding environment. The Council will support community groups and sports clubs to develop short-term stay zones for motor homes.

The development of extensions to existing “static” caravan parks within settlements will be assessed based on the wastewater treatment plant capacity and the need to provide permanent housing. Such developments will require a higher standard of amenities such as play areas, biodiversity areas, screen planting, walkways and cycle paths.

- **Objective TM55: To facilitate the development of sites for camping and glamping and campervans/ touring caravans/motor homes subject to site suitability and normal planning and environmental considerations.**
- **Chapter 9 – Infrastructure Strategy**
 - **Chapter 9.5 – Water Supply**
 - **Chapter 9.6 – Wastewater**
 - **Chapter 9.6.4 – Individual Private Wastewater Systems in Rural Areas**
 - **Objective WW10: To consider the development of private wastewater treatment systems to serve commercial and tourism uses (employment generating developments) outside of serviced settlements and in rural areas where the system is in single ownership and 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 Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centre and Hotels, EPA 1999’, and any updated versions of these documents during the lifetime of the Plan, the Water Framework Directive, the National River Basin Management Plan 2018-2021, the Habitats and Shellfish Waters Directives and relevant Pollution Reduction Programmes.**
 - **Chapter 9.11 – Flood Risk and Surface Water Management**
- **Chapter 10 – Environmental Management**
 - **Objective EM01: To ensure that proposed projects/developments comply with the requirements of EIA Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014, amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, and as transposed into Irish law under national legislation, including in Schedule 5 Part 1 and Part 2 of the Planning and Development Regulations 2001 (as amended). In accordance with Article 3 of Directive 2014/52/ EU, where EIA is required the environmental impact assessments presented in the Environmental Impact Assessment Report (EIAR) shall identify, describe and assess in an appropriate manner, the**

direct, indirect and cumulative significant effects of a project on the following factors: population and human health; biodiversity (with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC); land, soil, water, air and climate, material assets, cultural heritage, and the landscape, and the interaction between the foregoing factors.

- Objective EM02: To ensure that planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, will not have a significant effect on a European site, or where such a development proposal is likely or might have such a significant effect (either alone or in combination), the planning authority will, as required by law, carry out an appropriate assessment as per requirements of Article 6(3) of the Habitats Directive 92/43/EEC of the 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as transposed into Irish legislation. Only after having ascertained that the development proposal will not adversely affect the integrity of any European site, will the planning authority agree to the development and impose appropriate mitigation measures in the form of planning conditions. A development proposal which could adversely affect the integrity of a European site may only be permitted in exceptional circumstances, as provided for in Article 6(4) of the Habitats Directive as transposed into Irish legislation.
- Chapter 10.5 – Water Quality
- Objective WQ11: To take actions to reduce chemical and biological pollution of water sources and to also consider this when assessing planning applications.
- Objective WQ15: To ensure that development permitted would not negatively impact on water quality and quantity, including surface water, ground water, designated source protection areas, river corridors and associated wetlands, estuarine waters, coastal and transitional waters.
- Chapter 10.7 – Noise
- Chapter 10.8 – External Lighting
- Objective EL02: To ensure that external lighting and lighting schemes are designed so that light spillage is minimised thereby protecting the amenities of nearby properties and wildlife, including protected species.
- Chapter 11 – Landscape and Green Infrastructure
 - Chapter 11.6 – Landscape Character Assessment – Coastal, Distinctive Landscape
- Chapter 12 – Coastal Zone Management & Marine Spatial Planning
 - Objective CZM01: To ensure the sustainable development of the county's coastal areas and the maritime area for the long term benefit of coastal communities and the economic well-being of these areas and the county whilst protecting and enhancing environmental quality and managing and restoring biodiversity.
 - Objective CZM03: To maximise the economic development potential of the county's coastal and maritime areas subject to compliance with the objectives of the County Development Plan with regard to the location of economic development, the protection of the scenic amenity and views

associated with coastal areas and the maritime area which is crucial to the tourism industry, the protection of the amenity, livelihood and cultural well-being of coastal communities, the protection and restoration of coastal features, habitats and species, compliance with the Habitats Directive and normal planning and environmental criteria and the proper planning and sustainable development of these areas.

- Chapter 12.5.9 – Water Quality
- Objective CZM40: To protect the environmental quality of our coastal and maritime areas by ensuring that new developments do not detract from water quality and ensuring that wastewater treatment and non-point sources are appropriately located.
- Objective CZM41: To apply an ecosystem approach to planning in the coastal and maritime areas to ensure the protection of biodiversity habitats and species and marine protected areas to ensure that development or activity in the coastal zone or maritime area does not give rise to displacement or disturbance of species, or does not adversely impact on coastal habitats, species and features such as wetlands and vegetated dunes which play an important role in flood relief and in protecting from coastal erosion, and are important in their own right.
- Objective CZM44: To protect water quality in our coastal and maritime areas and to ensure that development proposals would not result in adverse impacts on water quality in order to comply with objectives of the EU Water Framework Directive (2000/60/EC) and the associated National River Basin Management Plan 2018-2021, the EU Shellfish Waters Directive (2006/113/EC) and associated Pollution Reduction Programme, the Marine Strategy Framework Directive and the Habitats Directive.
- Objective CZM45: To maintain, conserve and restore marine ecosystems in existing and future designated Marine Protected Areas in order to achieve or maintain good environmental status of the maritime area.
- Chapter 12.6.8 – Tourism and Recreation in the Coastal Zone
- Chapter 12.8 – Development outside of Existing Settlements in the Coastal Zone
- Objective CZM83: To restrict development outside the boundaries of existing coastal settlements to that which is required to be located in that particular location such as:
 - Development to support the operation of existing ports, harbours, marinas, fisheries and aquaculture.
 - Agricultural development.
 - Tourism development appropriate to the particular coastal location (other than new build holiday home accommodation) where there is a demonstration of a location or resource based need in accordance with the objectives set out in Chapter 7 Tourism Development.
 - Other developments where an overriding need is demonstrated. The development must comply with Objective CZM46, Objective CZM36 relating to coastal erosion and demonstrate that it will not give rise to adverse patterns of erosion or deposition elsewhere along the coastline.
- Chapter 13 – Heritage and Conservation

- Chapter 13.2 – Natural Heritage
- Chapter 13.2.2 – Natura 2000 Sites
- Chapter 13.2.3 – Natural Heritage Areas and County Geological Sites
- Chapter 13.2.4 – Ramsar Sites (Bannow Bay = Ramsar site no. 840)

* Ramsar Site no. 840: Bannow Bay. The site supports an important range of wintering waterbird species.

- Chapter 13.2.7 – Shellfish Area
- Objective NH02: To protect and enhance the rich qualities of our natural heritage in a manner that is appropriate to its significance.
- Objective NH03: To promote biodiversity protection, restoration, and habitat connectivity both within protected areas and in the landscape through promoting the integration of green infrastructure and ecosystem services, including landscape, heritage and biodiversity and management of invasive and alien species in the plan making and development management processes.
- Objective NH04: To protect the integrity of sites designated for their habitat and species importance and prohibit development which would damage or threaten the integrity of these sites. Such sites include Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), Natural Heritage Areas (NHAs) and proposed NHAs, Nature Reserves, Refuges for Fauna and RAMSAR sites. To protect protected species wherever they occur.
- Objective NH05: In assessing planning applications located in and/or in proximity to Natura 2000 sites, whether hydraulically linked or otherwise linked or dependent (such as feeding, roosting or nesting grounds) to a designated site, regard shall be had to the detailed conservation management plans and data reports prepared by NPWS, where available, to the identified features of interest of the site, the identified conservation objectives to ensure the maintenance or restoration of the features of interests to favourable conservation status, the NPWS Article 17 current conservation status reports, the underlying site specific conditions, and the known threats to achieving the conservation objectives of the site.
- Objective NH08: To ensure that any plan/project and any associated works, individually or in combination with other plans or projects, are subject to Screening for Appropriate Assessment to ensure there are no likely significant effects on any Natura 2000 site(s) and that the requirements of Article 6(3) and 6(4) of the EU Habitats Directive are fully satisfied. Where a plan/project is likely to have a significant effect on a Natura 2000 site or there is uncertainty with regard to effects, it shall be subject to Appropriate Assessment. The plan/project will proceed only after it has been ascertained that it will not adversely affect the integrity of the site or where, in the absence of alternative solutions, the plan/project is deemed by the competent authority imperative for reasons of overriding public interest.
- Chapter 14 – Recreation and Open Space Strategy
 - Chapter 14.8 – Walking and Cycling Routes
 - Objective ROS42: To provide and maintain new/improved coastal access points and right-of-ways subject to compliance with the Habitats Directive and normal planning and environmental criteria.

- Chapter 14.9 – Public Rights of Way
- Chapter 14.10 – Natural Amenities

Volume 2 – Development Management Manual:

- Section 2 – Common Principles for All Developments
- Section 5 – Enterprise and Employment Developments
 - Section 5.1 – Requirements for All Developments
 - Section 5.1.1 – Details to be submitted with Planning Applications
 - Section 5.7 – Tourism
 - Section 5.7.3 – Caravan, Camping and Glamping Developments:

5.7.3 Caravan, Camping and Glamping Developments

Where the principle of a static/touring caravan development has been accepted at a particular location (as set out in Volume 1 Chapter 7 Tourism Development), the layout and design of the development should have regard to the following standards:

- The design and layout must be of a high standard with an emphasis on innovation to provide an integrated design concept linking pitches to well-located communal areas, on site facilities and amenities.
- Sites should normally be accessible to existing local services and public utilities, but should not adversely affect them.
- The overall level of development in any one area should not detract from the privacy and amenity presently enjoyed by local residents. No such sites should be located immediately adjacent to existing residential properties and sites should be developed so that residential properties are not overlooked.
- High quality and extensive landscaping and tree planting will be required around all boundaries and throughout the site. A comprehensive landscaping scheme must form an integral part of the site development. New planting should be designed to reinforce existing landscape features including hedgerows, woodlands, trees and shrubs. Landscaping proposals should provide for generous planting in groups and zones using indigenous species. The landscaping scheme should be prepared by an appropriately qualified professional.
- Development should be provided with adequate roads and parking areas with at least one parking space per pitch and an appropriate number of additional spaces for visitors. Reception/entrance areas should be provided with adequate parking and turning facilities.
- Public lighting should be on low level posts and of low intensity.

- Compliance with the Registration and Renewal of Registration Regulations for Short-Term Tourism Accommodation Rental (Fáilte Ireland, 2018)
- Where connection to the public wastewater network is not possible it must be demonstrated that the proposed wastewater treatment system is suitably designed to cater for the development without negatively impacting on water quality. The capacity of the system should be designed in accordance with Table 3 of the EPA's Wastewater Treatment Manual - Treatment Systems for Small Communities, Business, Leisure Centres and Hotels. Consideration should be given to the selection of a wastewater treatment system that can adequately deal with periods of inactivity (i.e. when unoccupied for long periods such as outside the summer period).
- The minimum separation distances from caravans and other habitable structures to an on-site Wastewater Treatment System shall comply with Table 4 of the EPA's Wastewater Treatment Manual - Treatment Systems for Small Communities, Business, Leisure Centres and Hotels.

Where required a caravan and camping development must hold a Section 4 discharge licence for the discharge of treated effluent to either surface or groundwater in accordance with the Local Government (Water Pollution) Acts 1977-1990.

- **Section 7 – Heritage and Landscape**
 - **Section 7.4 – Landscape and Biodiversity**
- **Section 8 – Infrastructure and Environmental Management**
 - **Section 8.2 – Water**
 - **Section 8.2.1 – Surface Water Management**
 - **Section 8.2.2 – Ground Water Management**
 - **Section 8.3 – Wastewater**
 - **Section 8.3.1 – Private On-Site Wastewater Treatment Systems**
 - **Section 8.5 – Lighting**
 - **Section 8.8 – Waste Management**

177I(2)(d) – Significant Effects on the Environment or European Site in respect of the development for which substitute consent is sought

The subject site is located adjacent to, and partially within, the following designated Natura 2000 sites:

- Bannow Bay Special Area of Conservation (Site code: 000697)
- Bannow Bay Special Protection Area (Site code: 004033)

The site is also partially within the Bannow Bay proposed Natural Heritage Area (pNHA; Site code 000697) and the Bannow Bay County Geological Site (CGS039).

The qualifying interests for both the SAC and SPA are set out hereunder:

Bannow Bay SAC (Site code: 000697)

Qualifying Interests	
* Indicates a priority habitat under the Habitats Directive	
000697	Bannow Bay SAC
1130	Estuaries
1140	Mudflats and sandflats not covered by seawater at low tide
1210	Annual vegetation of drift lines
1220	Perennial vegetation of stony banks
1310	<i>Salicornia</i> and other annuals colonizing mud and sand
1330	Atlantic salt meadows (<i>Glaux-Puccinellietalia maritima</i>)
1410	Mediterranean salt meadows (<i>Juncetalia maritimi</i>)
1420	Mediterranean and thermo-Atlantic halophilous scrubs (<i>Sarcocornetea fruticosi</i>)
2110	Embryonic shifting dunes
2120	Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes')
2130	*Fixed coastal dunes with herbaceous vegetation ('grey dunes')
Please note that this SAC overlaps with Bannow Bay SPA (004033) and is adjacent to Hook Head SAC (000764). See map 2. The conservation objectives for this site should be used in conjunction with those for overlapping and adjacent sites as appropriate.	

Conservation objectives for the Bannow Bay SAC are detailed in the following link from the NPWS: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000697.pdf [accessed 12/09/2025]

Bannow Bay SPA (Site code: 004033)

Qualifying Interests

*** indicates a priority habitat under the Habitats Directive**

004033 Bannow Bay SPA

A046	Light-bellied Brent Goose <i>Branta bernicla hrota</i>	wintering
A048	Shelduck <i>Tadorna tadorna</i>	wintering
A054	Pintail <i>Anas acuta</i>	wintering
A130	Oystercatcher <i>Haematopus ostralegus</i>	wintering
A140	Golden Plover <i>Pluvialis apricaria</i>	wintering
A141	Grey Plover <i>Pluvialis squatarola</i>	wintering
A142	Lapwing <i>Vanellus vanellus</i>	wintering
A143	Knot <i>Calidris canutus</i>	wintering
A149	Dunlin <i>Calidris alpina</i>	wintering
A156	Black-tailed Godwit <i>Limosa limosa</i>	wintering
A157	Bar-tailed Godwit <i>Limosa lapponica</i>	wintering
A160	Curlew <i>Numenius arquata</i>	wintering
A162	Redshank <i>Tringa totanus</i>	wintering
A999	Wetlands	

Please note that this SPA overlaps with Bannow Bay SAC (000697) and Hook Head SAC (000764). See map 2. The conservation objectives for this site should be used in conjunction with those for the overlapping sites as appropriate.

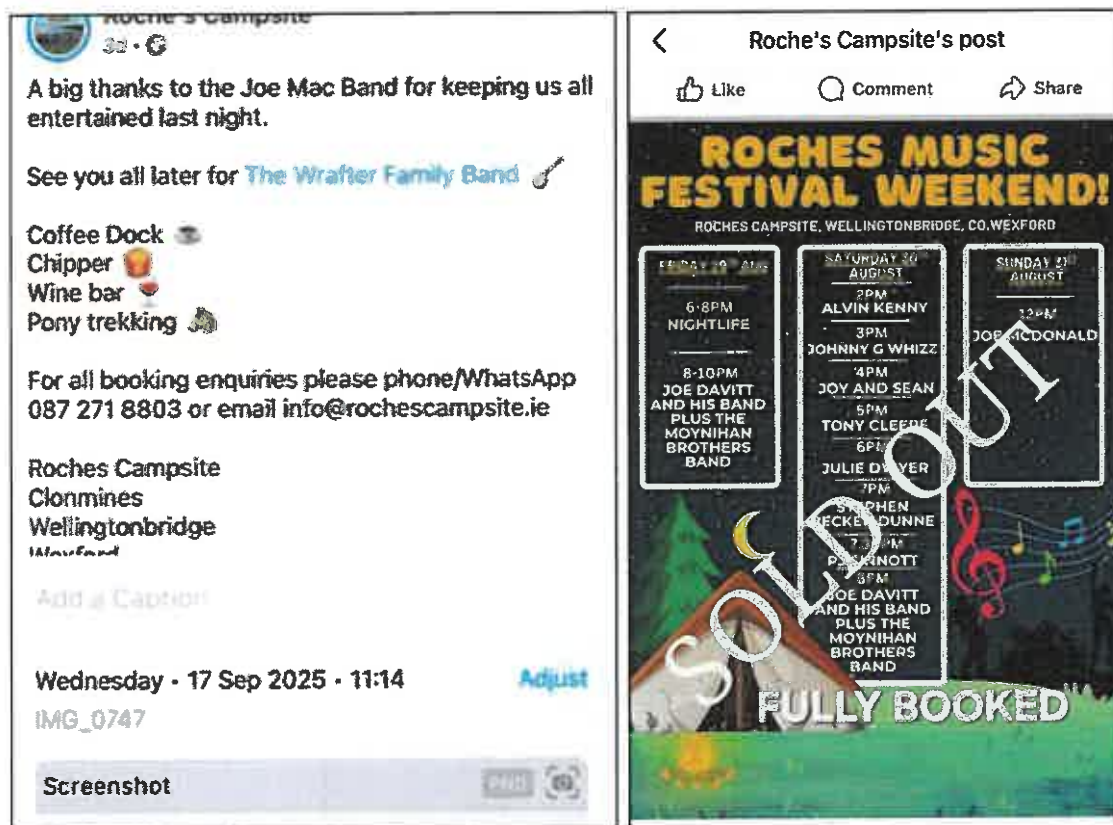
The conservation objectives for the Bannow Bay SPA are detailed in the following link from the NPWS: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004033.pdf [accessed 12/09/2025]

The Planning Authority was notified of concerns via the planning enforcement process from the Senior Executive Scientist (WCC Environment Section), the HSE and Bord Iascaigh Mhara / Fisheries Board regarding potential impacts to water quality and shellfish farming within Bannow Bay which may have arisen due to the development for which substitute consent is sought.

Noted within enforcement files pertaining to the site are complaints in August 2021 which expressed concern about the impact of the unauthorised development and unauthorised use on the subject site to the receiving environment, where high levels of E.Coli within water samples were observed. The potential for impacts to shellfish farming were also highlighted as a result of the poor water quality results in this area. Further complaints of a similar nature and expressing continued concern for shellfish farming were made in April 2022.

While not forming part of the planning enforcement cases, the impact of noise and external lighting on the receiving environment is also a consideration for the substitute consent process, where there are frequently advertised "outdoor concert" type events on the subject site, and where artificial lighting is evidenced to be excessive (please see

screenshot from the social media page of Roche's Campsite below which indicates the extent of artificial lighting coming from the site when occupied, and also confirms continued unauthorised use of the site over recent weeks)[screenshots taken 17/09/2025].



While no additional or updated information has been provided to the Planning Authority to contribute to the preparation of this report, the following extract from the Senior Environmental Scientist (WCC) in an email to the Planning Enforcement section dated 27/04/2022 stated:

'the shellfish area downstream [of subject site] has had a number of bacteriological exceedances and there have been a number of reported discharges from the site including one from a person who said they had been camping at the site last year [2021]. This shellfish area is important as it is one of the larger ones in the County and according to BIM is worth in excess of €3 million to the local economy. We

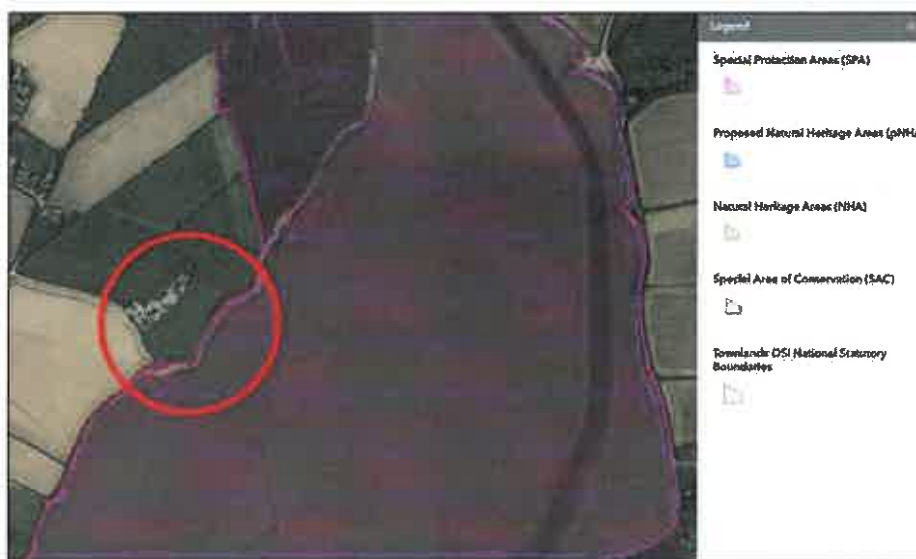
have carried out surveys of the surrounding catchments and of waste water treatment plans in the area and our evidence appears to indicate the unauthorised site is having a deleterious impact on the shellfish water quality via its disposal of sewage and wastewaters from the operation.'

It is noted that the Bannow Bay area had a 'Coastal Waterbody WFD Latest Status 2015-2021' of 'Moderate' as per the EPA website and mapviewer [accessed 12/09/2025]. Furthermore, the WFD risk 2016-2021 for this catchment is "At Risk".

Based on the site boundaries and the extent of development on the site, it is apparent that unauthorised works have been carried out within the site boundary of the Bannow Bay SAC and SPA, notably the "infilling" of lands to create a caravan / campervan parking area on the shoreline of the SAC and SPA, and the renewal of the jetty at this location also. It is further noted that the "fill" material used appears to largely consist of construction and demolition waste which further compounds the concerns of impact and damage caused to the SAC and SPA. Walking trails also appear to have been formed along the coastline adjacent to / within the SAC boundary. There are also concerns in respect of effluent / wastewater generated on site and its disposal, noting that from site inspection there are several toilet and shower facilities available, as well as hazardous waste (from campervans) which appears to consist of a capped hole in the ground adjacent to some toilets. No information is available as to where the waste is being discharged to and what, if any, level of treatment is being carried out to that wastewater. This is most concerning.

The Planning Authority is not aware of any remedial measures that have been undertaken by the developer in respect of the development carried out.

Remedial measures that would be required for this site include ensuring that effluent is treated to the required standard, and should be discharged to ground only. Surface water attenuation is also required on site to avoid direct discharge to surface waters within Bannow Bay; surface water attenuation measures will also require measures to prevent silts, oils and other pollutants from discharging to the waterbody. The camping areas must be set back by a minimum of 50m from the water's edge to create a buffer zone (suitably landscaped) to avoid possible risks also.



Screenshot from NPWS mapviewer with designated sites in the area of the subject site (circled red generally) for which substitute consent is sought

177I(2)(e) – Chief Executive’s Opinion regarding the recommendation on whether substitute consent should be granted, and applicable conditions in the event of a grant of substitute consent being issued

The principle of providing tourism accommodation (campervan / camping accommodation and ancillary services) at this location generally is acceptable to the Planning Authority, and there are extensive policies contained within the Wexford County Development Plan 2022-2028 which pertain to the development under consideration for substitute consent as detailed heretofore within this report. Tourism and rural development are key contributors to the local and regional economy, particularly within County Wexford which benefits from a wide range of attractive natural, cultural and built heritage amenities which enhance the tourism product within the county, and which are essential for promotion of a strong, sustainable economy while ensuring that developments within the rural economy afford protection to the amenities that the county enjoys.

However, all developments must be subject to ensuring compliance with the Habitats Directive and all other legislative provisions to ensure that the natural heritage and habitats and species therein are protected. It is apparent that the existing tourism accommodation enterprise has been carried out adjacent to, and partially within, a designated Natura 2000 site, without the benefit of planning permission for same, and without the necessary environmental assessments of the potential for impacts to the qualifying interests and conservation objectives of the Bannow Bay SAC and Bannow Bay SPA.

It is apparent that the developer in this instance has continued to expand the existing unauthorised use and unauthorised development of this site, while failing to have cognisance to the designated and protected status of the receiving environment within which the site is situated. In light of the continued unauthorised use and unauthorised development that has taken place at this location adjacent to, and partially within, a designated Natura 2000 site, it is the opinion of the Planning Authority and the Chief Executive (by whom I am delegated to carry out the functions assigned to them in accordance with the Local Government Act 2014) that substitute consent for the development under consideration should not be granted given the applicant’s past failure of compliance with planning permissions and enforcement notices.

This opinion has been formed having regard to the designated status of the Bannow Bay SAC & SPA (including qualifying interests and conservation objectives of these Natura 2000 sites); the policies and objectives of the Wexford County Development Plan 2022-2028 as they pertain to the nature of the development under consideration; the relevant planning history and planning enforcement cases relating to the site; the nature, location and scale of the unauthorised works and use on the site; and the continuation of this unauthorised use and expansion of unauthorised works despite ongoing planning enforcement proceedings. Furthermore, the damage that has been carried out by the unauthorised works within the Bannow Bay SAC and SPA may have already caused, and continue to cause, negative impacts to the qualifying interests of these Natura 2000 designated sites, with particular reference to the impacts on water quality and impacts on the sensitive shellfish habitats within the Bannow Bay area, and the continued unauthorised works and unauthorised use on and of the subject site have not been

demonstrated to contribute to the conservation objectives that are in place for the SAC and SPA.

If the Commission is minded to issue a grant of substitute consent in respect of the development at this location, the Planning Authority would recommend that conditions be attached to any grant which require mitigation in respect of the development that has taken place, particularly the removal of unauthorised works that are located within the boundary of the SAC and SPA subject to assessment of the impact(s) that such removal may have on these designated sites and if the removal of the works would not give rise to additional harm and negative impact on the SAC and SPA. Remedial measures are also recommended (as specified within the previous section of this report).

I trust that this report satisfies the requirements of Section 177I(2) of the Planning and Development Act 2000 (as amended), however if the Commission require any further details, please do not hesitate to contact the Planning Authority.



Elizabeth Hore



Director of Services for Economic Development, Planning, Property Management and with responsibility for the Gorey-Kilmuckridge Municipal District

Delegated official of Eddie Taaffe, Chief Executive of Wexford County Council

Appendix 1 – Copy of Enforcement Notices issued to the alleged offender in respect of development for which substitute consent is now sought

First Enforcement Notice – issued 19th August 2021

REGISTERED POST

ENFORCEMENT NOTICE NO.: 0160/2020

Wexford County Council

(Planning Authority)

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

ENFORCEMENT NOTICE (Section 154 of the Act of 2000 as amended)

TO: John Roche
Clonmines
Wellington Bridge
Co Wexford

WHEREAS YOU, John Roche, Clonmines, Wellington Bridge, Co Wexford, have caused or permitted to be carried out, development of land (being neither exempted development nor development commenced before the appointed day) after the appointed day and/or without the grant of planning permission required in that behalf under Part III of the Planning & Development Acts, 2000 (as amended), which land is located at Clonmines, Wellingtonbridge, Co. Wexford.

AND WHEREAS by Order dated the 18th August 2021, Wexford County Council as the Planning Authority having jurisdiction within the said area at Clonmines, Wellingtonbridge, Co. Wexford has decided that it is expedient to serve this Notice (under Section 154 of the said Act of 2000 as amended), on you, John Roche, as the developer and or owner and or occupier of the said land;

AND WHEREAS in deciding that it is expedient to serve this Notice upon you, John Roche, the Wexford County Council Planning Authority has restricted itself to considering the proper planning and development of the area of such Authority (including the preservation and improvement of the amenities thereof) and has had regard to the provisions of the County Development Plan 2013 - 2019.

AND WHEREAS the said development consists of the unauthorised change of use of land to a caravan / campervan park, and the construction of two unauthorised steel framed sheds, in contravention of Section 32(2) of the Planning & Development Act 2000 as amended;

TAKE NOTICE that if within the specified period of this notice or within such extended period as the Planning Authority may allow, the steps specified in the notice to be taken are not taken, the Planning Authority may enter on the land and take such steps, including the removal, demolition or alteration of any structure, and may recover any expenses reasonably incurred by them in that behalf.

AND WHEREAS you John Roche on whom the notice is being served, may be guilty of an offence that if within the period specified by the notice or such extended period as the Planning Authority may allow, the steps specified in the notice to be taken are not taken.

TAKE NOTICE the Planning Authority will require you John Roche on whom the notice is being served to refund to the Planning Authority the cost and expenses reasonably incurred by the authority in relation to the investigation, detection and issue of the enforcement notice concerned and any warning letter under section 152, including costs incurred in respect of the remuneration and other expenses of employees, consultants and advisers, and the Planning Authority may recover these costs and expenses incurred by it in that behalf.

TAKE NOTICE that pursuant to Section 154 of the said act of 2000 as amended and of all other powers thereunto enabling them, the Wexford County Council Planning Authority hereby requires you the said, John Roche

WITHIN THE PERIOD OF TWO WEEKS OF THE DATE OF THIS NOTICE
to:

- Cease the unauthorised use of land as a caravan / campervan park
- Remove the two unauthorised steel framed sheds from the site outlined in red on the attached map

Signed this the 19th day of August 2021

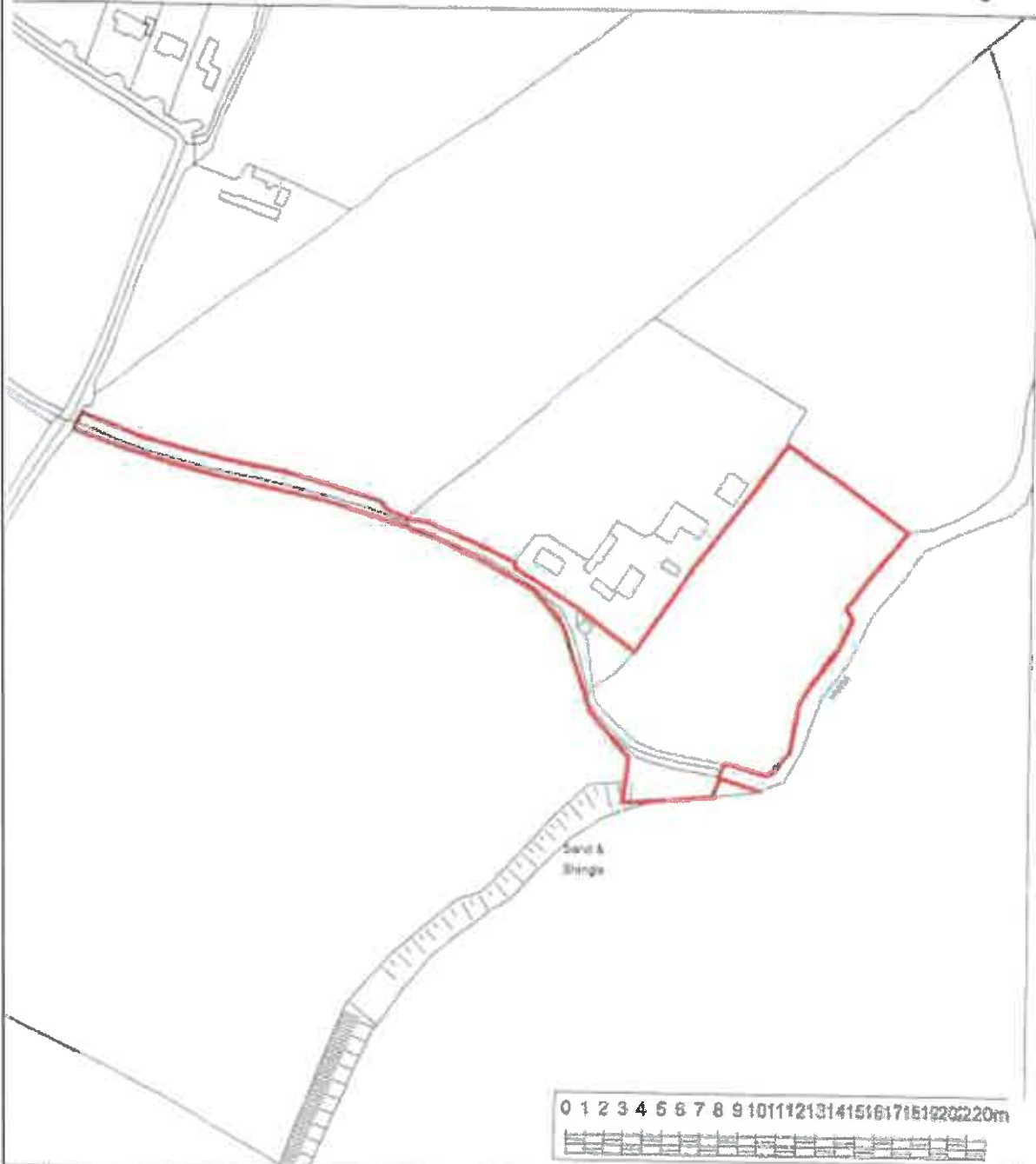
SIGNED:

Pauline Blane
FOR COUNTY SECRETARY

WEXFORD COUNTY COUNCIL
CARRICKLAWN
WEXFORD
Y35 WY93



Planning Department Wexford County Council



Printed On - 10:20 16/08/2021

CV000/2.20

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Disclaimer: While every care has been taken in the compilation of the information in this map, Wexford County Council will not be held responsible for any loss, damage or inconvenience caused as result of any inaccuracy or error within it.

REGISTERED POST

ENFORCEMENT NOTICE NO.: 0160/2020A

Wexford County Council

(Planning Authority)

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

ENFORCEMENT NOTICE (Section 154 of the Act of 2000 as amended)

TO: John Roche
Clonmines
Wellington Bridge
Co Wexford

WHEREAS YOU, John Roche, Clonmines, Wellington Bridge, Co Wexford, have caused or permitted to be carried out, development of land (being neither exempted development nor development commenced before the appointed day) after the appointed day and/or without the grant of planning permission required in that behalf under Part III of the Planning & Development Acts, 2000 (as amended), which land is located at Clonmines, Wellingtonbridge, Co. Wexford.

AND WHEREAS by Order dated the 17th January 2022, Wexford County Council as the Planning Authority having jurisdiction within the said area at Clonmines, Wellingtonbridge, Co. Wexford has decided that it is expedient to serve this Notice (under Section 154 of the said Act of 2000 as amended), on you, John Roche, as the developer and or owner and or occupier of the said land;

AND WHEREAS in deciding that it is expedient to serve this Notice upon you, John Roche, the Wexford County Council Planning Authority has restricted itself to considering the proper planning and development of the area of such Authority (including the preservation and improvement of the amenities thereof) and has had regard to the provisions of the County Development Plan 2013 - 2019.

AND WHEREAS the said development consists of the unauthorised change of use of land to a campervan, camper and caravan park, the construction of five unauthorised buildings, the unauthorised installation of a concrete jetty and access road, surfaced parking area, walking trails and fencing, in contravention of Section 32(2) of the Planning & Development Act 2000 as amended;

TAKE NOTICE that if within the specified period of this notice or within such extended period as the Planning Authority may allow, the steps specified in the notice to be taken are not taken, the Planning Authority may enter on the land and take such steps, including the removal, demolition or alteration of any structure, and may recover any expenses reasonably incurred by them in that behalf.

AND WHEREAS you John Roche on whom the notice is being served, may be guilty of an offence that if within the period specified by the notice or such extended period as the Planning Authority may allow, the steps specified in the notice to be taken are not taken.

TAKE NOTICE the Planning Authority will require you **John Roche** on whom the notice is being served to refund to the Planning Authority the cost and expenses reasonably incurred by the authority in relation to the investigation, detection and issue of the enforcement notice concerned and any warning letter under section 152, including costs incurred in respect of the remuneration and other expenses of employees, consultants and advisers, and the Planning Authority may recover these costs and expenses incurred by it in that behalf.

TAKE NOTICE that pursuant to Section 154 of the said act of 2000 as amended and of all other powers thereunto enabling them, the Wexford County Council Planning Authority hereby requires you the said, **John Roche**

WITHIN THE PERIOD OF FOUR WEEKS OF THE DATE OF THIS NOTICE to:

- Cease the unauthorised use of land as a campervan, camper and caravan park from the site outlined in red on the attached map.
- Remove five unauthorised buildings from the site (namely two steel framed sheds, the metal clad reception structure, and two metal clad shower and toilet blocks).
- Remove the unauthorised concrete jetty and access road, the surfaced parking area, the walking trails and fencing, under the guidance of the National Parks and Wildlife Service to establish appropriate methods for the removal works in the interests of protecting the habitats and environment of the Bannow Bay Special Area of Conservation (Site Code 00697) and Bannow Bay Special Protection Area (Site Code 004033).

Signed this the 18th day of January 2022

SIGNED:

Richard J. Donald
FOR COUNTY SECRETARY

WEXFORD COUNTY COUNCIL
CARRICKLAWN
WEXFORD
Y35 WY93

Site Map Enf No. 0160/2020



January 12, 2022

Override 1

1:2,260
0 0.02 0.04 0.06 0.07 mi
0 0.03 0.06 0.12 km
Scale

ArcGIS Pro Map Data

Enforcement Inspector's Report (most recent one available dated 22/11/2024)

22nd November 2024

MEMO TO JAMES PETHERBRIDGE
S. S. O. PLANNING ENFORCEMENT.

Ref 0160/2020A

Re: Possible unauthorised development at Roches Camper Parking,
Bannow, Clonmines, Co. Wexford

Site Visit:

I conducted a site inspection on the 22nd of November 2024 and noted the following:

The five unauthorised buildings had not been removed off the site namely:

The unauthorised Toilet / shower block (1) (see photo 1).
The unauthorised Toilet / shower block (2) (see photo 2).
Unauthorised Shed A being used as a recreational area (see photo 3).
Unauthorised Shed B being used as a coffee dock area (see photo 4).
The unauthorised metal clad reception structure (see photo 5).

The concrete jetty had not been removed from the site (see photo 6).

The site was still being used as a campervan, camper and caravan park as I observed a caravan on the premises (see photo 7) and there were numerous signs advertising the site as a Campervan Park (see photos 8 and 9).

The surfaced parking area had not been removed from the site (see photos 9 and 10).

The walking trail and fencing had not been removed from the site (see photo 11).

I met the owner John Roche on site, and he replied that he had re-submitted a new application with the Bord and that they had requested further information relating to it. He added that he was currently working with his agent to provide this information and reply back to the Bord regarding these matters.

Conclusion:

Enforcement Notice Number 0160/2020A had not been complied with, namely:

The site was still being used as a campervan, camper and caravan park.

The five unauthorised buildings (the two steel framed sheds, the metal clad reception structure and the two metal clad shower and toilet blocks) had not been removed off the site.

The unauthorised concrete jetty, access road, surfaced parking area, walking trail and fencing had not been removed.

Recommendation:

To continue with legal action.

Steve Gooden
Technician
Planning Department

Photo 1: Unauthorized Toilet / Shower Block (T)



Photo 2: Unauthorized Toilet / Shower Block (T)



Photo 3: Shed A being used as a recreational area



Photo 4: Shed B being used as a recreational area



Photo 5: Unauthorized metal clad reception structure



Photo 6: Unauthorized concrete jetty



Photo 7: Caravan on site on surfaced parking area



Photo 8: Sign at entrance onto public road advertising camping site



Photo 9: Burwood parking area and "Camper Parking" signage



Photo 8: Walking trail and fencing still present on site



Aerial Map



Appendix 2 – Photo Catalogue of extent of development on site
(photos taken on 15/09/2025)

View of subject site reception area from private laneway:



View from reception area down towards campervan parking area within the SAC and SPA (wine bar and other accommodation facilities in the foreground)



Structures permitted for agricultural use – being used for commercial purposes and includes welfare facilities for patrons of the site



Wine Bar on site (no information on whether this is a “bring-your-own” set-up or if the applicant holds a valid licence issued by the District Court)



View towards jetty, shoreline walk and camping areas from main commercial / recreation part of site





Access to shoreline walk (through fenceposts) and to jetty (straight on)



Jetty has been replaced / renewed in recent years with concrete



View from shoreline at jetty towards area of infill which is now used for campervan parking (fill material appears to largely be C&D waste material)



Campervan parking area located on “infilled” area within SAC; more camping / parking spaces available adjoining this area within part of the field



Large amounts of C&D waste material used for fill material within SAC and SPA for campervan parking





View southwest towards parking area in SAC and other agricultural sheds on site which are being used for commercial purposes





Grassed campervan parking / camping area to northeastern portion of site, welfare facilities adjoin farm sheds



Shoreline walk that is advertised on site, which skirts between camping areas and shoreline



2no. welfare huts on site adjoining the farm sheds (chemical / hazardous waste is located to rear of blue portacabin). No information on where the waste from these welfare huts is being discharged or collection arrangements if applicable



Hazardous Waste disposal arrangement appears to be a wavin pipe in the ground and no information available as to where the waste that enters same is being stored or discharged to (or any level of treatment to same).



Waste bins stored haphazardly at main entrance to the campsite from the private laneway

END