



**An  
Bord  
Pleanála**

**Board Direction  
BD-012373-23  
ABP-312953-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/06/2023.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

#### **Reasons and Considerations**

1. Having regard to the location of the proposed development in a Rural Area under Urban Influence according to the Waterford City and County Development Plan 2022-2028 (Map 6: Miscellaneous Map, The Rural Housing Classification), where in accordance with Policy Objective H 28, the provision of housing is based on the core consideration of demonstrable economic, social or local need, it is considered that, based on the information on the file, the applicant has not demonstrated an economic or social need to live in this rural area and that a proposed dwelling at this location would militate against the preservation of the rural environment, the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the provisions of the Waterford City and County Development Plan 2022-2028, specifically policy objectives H 28, CS 05 and CS 09 and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the coastal location of the site along designated Scenic Route number 15 in the Waterford City and County Development Plan 2022-2028 and in relation to which it is a particular objective of the planning authority under policy objectives L 04 and C&M 05 to protect the scenic value

of Waterford's scenic routes and coastal zone and manage development so it will not materially detract from the visual amenity of the views or coast, it is considered that the proposed development, by reason of its location between the public road and the coast, would seriously injure the visual amenities of the area, would adversely affect the amenity of this coastal zone and would contravene the policies of the said development plan, which policies are considered reasonable. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to the site conditions, proximity of the site to the foreshore, and proximity of the site to the River Barrow and River Nore Special Area of Conservation (Site Code: 002162), and to the provisions of the Environmental Protection Agency's Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) 2021, particularly Section 6.3 and Table 6.2 of the Code of Practice setting out minimum separation distances from a domestic waste water treatment system to various features, the Board is not satisfied, on the basis of the submissions made in connection with the planning application and the appeal, that effluent from the development can be satisfactorily treated or disposed of on site, notwithstanding the proposed use of a proprietary wastewater treatment system, and accordingly the Board cannot be satisfied that the proposed development, individually or in combination with other plans and projects, would not be likely to have a significant effect on this European site, in view of the site's conservation objectives. The proposed development would, therefore, be prejudicial to public health, would pose an unacceptable risk of environmental pollution and would be contrary to the proper planning and sustainable development of the area.

Board Member

  
Eamonn Patrick Kelly

Date: 08/06/2023