



An  
Bord  
Pleanála

**Board Direction**  
**BD-016835-24**  
**ABP-318945-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/06/2024.

The Board decided to refuse permission for the following reasons and considerations.

### **Reasons and Considerations**

It has not been demonstrated to the satisfaction of the Board that the proposed development would not cause overloading at the wastewater treatment plant, potentially impacting on receiving waters. The proposed development would therefore, be prejudicial to public health and be contrary to the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board considered the totality of the file. The Board did not concur with the Inspector's conclusion regarding access to services. The Board considered the proposal to construct three houses to be premature. Based on the submissions received with the application and the appeal, it is evident that the proposed development is in an area served by a constrained wastewater treatment plant, where certainty of availability of capacity to facilitate a future connection without future works has not been provided.

The report on file from Irish Water dated 01/12/23, Advisory Technical note to the Planning Authority states –

“The Rosslare Strand WWTP has an ‘amber’ status, it is a constrained WWTP as it does not consistently meet the requirements of its EPA Wastewater Discharge Licence, therefore under Regulation 43 of the Waste Water Discharge Authorisation Act the Planning Authority must complete a Combined Approach assessment for this

application to determine whether any impact on the environment and the receiving waters would occur as a result of this additional loading on the WWTP.”

The Inspector refers to the report of the Planning Authority that states the EPA are on record as having serious concerns relating to compliance with the plants discharge license as the WWTP is currently at or over capacity. The Planning Authority’s reason for refusal is that it considers the development to be premature pending the upgrade of waste water treatment infrastructure in the village, and in the absence of such upgrades, the development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

The Board concurred with the Planning Authority's reason for refusal.

**Board Member**

  
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Mary Henchy

**Date:** 26/06/2024