

An  
Bord  
Pleanála

**Board Direction**  
**BD-017824-24**  
**ABP-319688-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/10/2024.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the provisions of the Wexford County Development Plan 2022-2028, and the nature, scale and design of the proposed development that would serve to bring an existing dwelling back into use, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and visual amenity and would otherwise be a sustainable form of development. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application and the further information received by the planning authority on the 28th day of March 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the

planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. The landscaping scheme shown on the plans and particulars received with the planning application shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

**Reason:** In the interest of visual amenity.

5. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** To prevent flooding and in the interest of sustainable drainage.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday, inclusive, between 0800 and 1400 hours on Saturdays, and not at all on Sundays or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Note:**

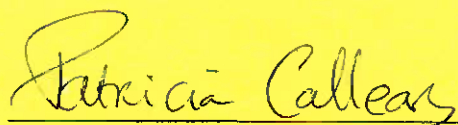
In deciding not to accept the Inspector's recommendation to refuse permission on grounds that there is constrained capacity and uncertainty regarding wastewater capacity by reference to Uisce Éireann Wastewater Capacity Register, the Board did not share the view of the inspector in this regard. The Board noted that the applicant/appellant has secured a connection agreement from Uisce Éireann and



also noted that evidence of payment to Uisce Éireann for the connection has been provided. Notwithstanding the capacity of the Rosslare Wastewater treatment plant is or maybe currently in amber status (noting the latest version is published in June 2023), the evidence on the appeal file indicates that the dwelling, as extended and altered can be facilitated with a connection to the Uisce Éireann network.

The Board specifically noted that 'Amber' status referred to in the inspector's report, is a status with the meaning of 'having potential spare capacity, applications to be considered on an individual basis considering their specific load requirements' as also set out in Uisce Éireann Wastewater Capacity Register and therefore the Board was satisfied that 'Amber' status does not imply capacity is not available for a development of the nature proposed. Of note, the 'Amber' status is to be differentiated from 'Red' status where a 'Red' status means no spare treatment capacity is available at present. The Board concluded that taking the totality of the information into account, it is reasonable to assume that the WWTP has capacity to treat effluent from a single house, including the extensions and alterations proposed to the house.

**Board Member**

  
Patricia Callear

**Date:** 09/10/2024