

An
Bord
Pleanála

Board Order
ABP-312953-22

Planning and Development Acts 2000 to 2021

Planning Authority: Waterford City and County Council

Planning Register Reference Number: 21/1131

Appeal by Krista Meade care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny against the decision made on the 8th day of February, 2022 by Waterford City and County Council to refuse permission.

Proposed Development: Permission for a single storey (with attic accommodation) fully serviced detached dwelling together with all associated site works to include new vehicular access/driveway, landscaping, boundary treatments, foul water treatment system and all other associated site works all at Newtown, Passage East, County Waterford.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.



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 H28, 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 H28, 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 L04 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 polices 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 ≤ 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.

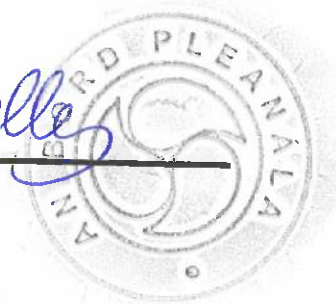
Eamonn Patrick Kelly

Eamonn Patrick Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this *12* day of *June* 2023