

An
Bord
Pleanála

Board Order ABP-318945-24

Planning and Development Acts 2000 to 2022

Planning Authority: Wexford County Council

Planning Register Reference Number: 20231318

Appeal by Ben Haskins care of O'Leary Consulting Engineers of "Rathview", Rathmore, Broadway, County Wexford against the decision made on the 21st day of December, 2023 by Wexford County Council to refuse permission for the proposed development.

Proposed Development: Construction of three number residential dwellinghouses, upgrading of existing private access laneway and all associated site works at Drimagh, Rosslare, County Wexford.

Decision

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

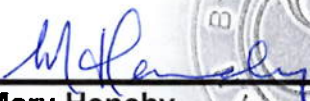
Reasons and Considerations

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 made in connection with the planning application and the appeal, it is evident that the proposed development is located 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 appeal includes correspondence from Uisce Éireann received by the planning authority received on the 1st day of September, 2023 that 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 plant's 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 wastewater treatment infrastructure in the village, and in the absence of such upgrades, the development would be prejudicial to public health and be contrary to the proper planning and sustainable development of the area. The Board concurred with the planning authority's reason for refusal.



Mary Henchy
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 18th day of July 2024