



An  
Bord  
Pleanála

## Inspector's Report PL26.248578

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| <b>Development</b>                  | Outline permission for the erection of a dwelling, garage and all associated site works. |
| <b>Location</b>                     | Newbay, Wexford.   |
| <b>Planning Authority</b>           | Wexford County Council.  |
| <b>Planning Authority Reg. Ref.</b> | 20170253   |
| <b>Applicant(s)</b>                 | Marc White   |
| <b>Type of Application</b>          | Permission   |
| <b>Planning Authority Decision</b>  | Refuse   |
| <b>Type of Appeal</b>               | First-v-Refusal  |
| <b>Appellant(s).</b>                | Marc White   |
| <b>Date of Site Inspection</b>      | 23 <sup>rd</sup> August 2017   |
| <b>Inspector</b>                    | Colin McBride  |

## 1.0 Site Location and Description

The appeal site, which has a stated area of 0.3 hectares, is located to the west of Wexford Town, a short distance west of the N25. The appeal site is located on a lower category county road. The site is a field located to the north east of an existing dwelling and is to be accessed using the existing driveway serving the existing dwelling. The site is currently not used for any particular use and falls in level moving east to west. The appeal site is part of the existing field with the remainder of the site subject to an application for outline permission under PL26.248575. The boundaries of the site are defined by existing hedgerow apart from the north eastern boundary which is open.

## 2.0 Proposed Development

- 2.1. Outline permission is sought for dwelling house, garage and all associated works. The site is accessed from an existing laneway serving a dwelling to the south.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission refused based on two reasons...

1. The proposed dwelling house and treatment system is located in an area which has a high risk of flooding. Furthermore, a site specific Flood Risk Assessment has not been included with the application. The proposed development would, therefore, be contrary to Objective FRM01, FRM04, FRM11 of the County Development Plan 2013-2019 and would pose a risk to public health.
2. T-tests conducted on site resulted in a T-value of >90 therefore the site is unsuitable for discharge to groundwater. The proposed wastewater treatment system if permitted would pose a risk to groundwater quality and to public

health, and would be contrary to the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. < 10).

### **3.2. Local Authority and External reports**

- 3.2.1. Environment Section (05/04/17): A number of points were raised regarding the percolation test results and the methods used to assess the site. Refusal was recommended.
- 3.2.2. Planning Report (18/04/17): It was noted percolation test results indicate the soil conditions are unsuitable for discharge to groundwater. It was also noted the site is within Flood A and that no Flood Risk Assessment was submitted. Refusal was recommended based on the reasons outline above.

## **4.0 Planning History**

- 4.1 PL26.248575: Current appeal concerning outline permission for a dwelling house garage and associated site works to the north east of the appeal site.
- 4.2 950981: Permission granted for a dwelling to the south west of the site.

## **5.0 Policy Context**

### **5.1. Development Plan**

- 5.1.1 The relevant Development Plan is the Wexford County Development Plan 2013-2019.
- 5.1.2 The site is located in an area under Strong Urban Influence under the Sustainable Rural Housing: Guidelines for Planning Authorities.

## 6.0 The Appeal

### 6.1 Grounds of appeal

6.1.1 A first party appeal has been lodged by O'Leary Surveying on behalf of Marc White, Newbay, Co. Wexford.

- In regards to flooding, it is noted the contour level of the site and finished floor level of the proposal is well above sea level with the possibility of flooding beyond remote. The appellant has submitted hydrogeological report that indicates the extent of flood Zone A is incorrect and should not include the site. The appellants note the CFRAM study maps are a more Accurate indicator of flood risk and show that there is no risk in the case of the appeal site.
- In relation the refusal reason concerning site drainage, the appellant notes that the EPA Code of Practice makes provision for site specific measures to address conditions (T test values >90) and that applicant has provided secondary treatment to address the existing drainage characteristics of the site.
- The appellant refers to the planning report and its critical assessment of the test procedure carried out on site, in particular regarding the procedure used to determine the percolation capacity of the bedrock. It is noted that the procedure used is an acceptable procedure and has been used on other sites and accepted by Wexford County Council.
- It is considered that the proposal is not subject to flood risk and that acceptable proposals for wastewater treatment have been provided. It is noted that principle of a dwelling in terms of housing need was accepted by the Council and that the Board should overturn the decision to refuse.

### 6.2 Responses

6.2.1 No responses.

## **7.0 Assessment**

7.1 Having inspected the site and examined the associated documentation, the following are the relevant issues in this appeal.

Principle of the proposed development/Development Plan policy

Design/visual amenity

Traffic

Wastewater treatment

Flood risk

Other issues

## **7.2 Principle of the proposed development/Development Plan policy:**

7.2.1 The proposal is for outline permission for a dwelling in the rural area of the county. Policy in regards to rural housing is set out under Section 4.3 of the County Development Plan. The site is located in an area classified as an Area Under Strong Urban Influence. Applicants in such areas need to comply with the criteria set down under Table 12 (attached), which includes 'local rural people', who reside within 7km of the site for a minimum period of 5 years. The applicant in this case is the son of the landowner who resides in the family home adjacent to the site to the south west. I would consider the applicant/appellant complies with rural housing policy as set out under the Wexford County Development Plan 2013-2019. I would also note that the Planning Authority also accepted that the applicant/appellant complied with such policy.

### **7.3 Design/visual amenity:**

7.3.1 The appeal site is currently part of the curtilage of an existing dwelling. The site is to be accessed using an existing laneway serving the existing dwelling and the site is located to the north east of the existing dwelling. As the proposal is for outline permission, there is no specific design. For the purposes of Landscape Character Assessment, the site is located in an area classified as 'lowlands'. The site itself is not located on an elevated site with levels on site and adjoining lands being relatively level. The site itself is located significant distance from the nearest public road and there are existing trees and hedgerows providing a relatively good level of screening. I would consider that based on such facts that the site could accommodate a dwelling of some kind without have a significant or adverse visual impact.

### **7.4 Traffic:**

7.4.1 The proposed dwelling is to located to the north east of an existing dwelling and is to use the existing access laneway and vehicular access serving such. The existing vehicular access onto the public road is of a good standard with a splayed entrance and sufficient level of visibility available in both directions along the public road. I am satisfied that the nature and scale of development would not generate traffic that would result in significant additional turning movements at this location and that the layout of the existing access is satisfactory. In this regard I am satisfied the proposal would be acceptable in the context of traffic safety and convenience.

### **7.5 Wastewater treatment:**

7.5.1 One of the two refusal reasons notes that the "T-tests conducted on site resulted in a T-value of >90 therefore the site is unsuitable for discharge to groundwater. The proposed wastewater treatment system if permitted would pose a risk to groundwater quality and to public health, and would be contrary to the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e.

< 10)". Having reviewed the information submitted with the application in regards to wastewater treatment it is notable that the water table was not encountered in the trial hole (trial hole depth of 1.2m). In regards to percolation tests the results indicate that percolation values on site are poor with a T value >90. The applicant intends to install a site specific design including removal of soil to a depth of 0.7m below ground level and replacing it with soil with a more suitable T value. The applicant/appellant notes that despite the existing soil conditions, the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. < 10) allows for remedial measures such as those proposed to deal with pre-existing soil conditions on site and that the proposal is in accordance with such guidelines.

7.5.2 There are a number of factors for consideration in this case. Firstly, I would note that it is clear from pre-existing soil conditions on site that such are not suitable for the operation of a wastewater treatment system. It is acknowledged that the applicant has proposed to install a site specific design proposal to deal with the existing soil conditions and that the EPA Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. < 10) does allow for such. I would note that this does not however automatically mean the site is suitable or should be approved for the operation of a wastewater treatment. I would note that the site currently is subject to poor and unsuitable drainage conditions. In addition, there is a concurrent proposal for outline permission for a dwelling immediately to the north east including another wastewater treatment system on lands with similar drainage characteristics and for an applicant with same circumstances as this case. In addition, there is significant amount of existing dwellings and wastewater treatment systems in the vicinity including the existing dwelling to the south west (family home). I would consider that based on the information on file, the soil characteristics and drainage conditions on site are unsuitable for the operation of a wastewater treatment system and that the proposal would in conjunction with existing and proposed development also give rise to an over proliferation of wastewater treatment systems at this location. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

## **7.6 Flooding:**

7.6.1 One of the two reasons for refusal noted that “the proposed dwelling house and treatment system is located in an area which has a high risk of flooding. Furthermore, a site specific Flood Risk Assessment has not been included with the application. The proposed development would, therefore, be contrary to Objective FRM01, FRM04, FRM11 of the County Development Plan 2013-2019 and would pose a risk to public health”. The refusal reason is on the basis of the site being located within Flood Zone A on the OPW flood risk maps. The applicant/appellant notes that these maps are incorrect and are inaccurate in regards to flood risk mapping. The applicant/appellant notes that on the Draft maps part of the South Eastern CRAM study the appeal site is not within any area that is subject to flood risk (Flood Zone A or B) and such are more accurate and up to date assessment of the flood risk in the area.

7.6.2 I would note that the appeal site is not within Flood Zone A or B based on the draft mapping as part of the South Eastern CRAM study and would agree with the applicant’s/appellant’s assertion that such is a more reliable assessment of the flood potential flood risk of a site. In this regard I am satisfied that the issue of flood risk does not arise in relation to the appeal site and that a flood risk assessment is not required in this case.

## **7.6 Other issues:**

7.6.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **8.0 Recommendation**

8.1 I recommend refusal based on the following reasons.



## **9.0 Reasons and Considerations**

### 9.1

1. Having regard to the soil characteristics and drainage conditions on site that indicate the existing conditions are unsuitable for the operation of a wastewater treatment system in addition to existing and proposed development housing development in the vicinity, the proposed development would give rise to an over proliferation of wastewater treatment systems at this location, the proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

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Colin McBride  
Planning Inspector

24<sup>th</sup> August 2017