



An
Bord
Pleanála

Inspector's Report ABP301004

Development	Retain house and outbuildings.
Location	Saltmills, Ballyhack, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20171535
Applicant(s)	Mary Wakely & Martina Garrison
Type of Application	Retention
Planning Authority Decision	Refuse
Type of Appeal	Applicant vs Refusal
Appellant(s)	Mary Wakely & Martina Garrison
Observer(s)	None
Date of Site Inspection	14 th May 2018
Inspector	Hugh Mannion

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1.0 **Site Location and Description**

- 1.1. The application site has a stated area of 0.53ha and is located on high ground overlooking the estuary of the Suir/Barrow at Saltmills, Ballyhack, New Ross, County Wexford. There is a slope of about 6m towards the west in the site down towards the private access laneway which serves the house. On the other side of the access laneway is a single large field and then the estuary. The access gateway is set back in a splayed entrance and there are hedges along the site boundaries but no significant screening on site.
- 1.2. The dominant landuse in the area is agriculture. The laneway which serves the proposed development serves two other houses between the site and the public road. Further along the access laneway is a locked gate and beyond this locked gate is another house or perhaps two. The access laneway runs west from its junction with the public road, the surface is hardcore/gravel, there are no footpaths or cycle paths. The landscape is generally open. Arthurstown on the coast about 4kms to the south is the closest village.

2.0 **Proposed Development**

- 2.1. The proposed development comprises the retention of a house, pumphouse, shed, garden storage, greenhouse, well, septic tank and site entrance, permission is sought for completion of the facades of the house and works to the existing septic tank system at 'Siochanta', Saltmills, Ballyhack, New Ross, County Wexford.

3.0 **Planning Authority Decision**

3.1. **Decision**

The planning authority refused permission because;

- The proposed development would degrade the visual amenity of a river valley designated in the County Development Plan in contravention of objectives L03, L04, L05 and L06.

- The road network is substandard and the proposed development contravenes Development Plan policy in relation to development on private laneways set out in paragraph 18.29.4.
- There may be an impact on the River Barrow/River Nore SAC in contravention of objective NH01 and NH03 of the Development Plan.
- The application did not demonstrate that foul effluent can be treated properly on site.
- The proposed development contravenes section 18.12.2 of the development plan in relation to the siting and design of one-off rural housing.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. The planner's report on file recommends refusal as set out in the manager's order.

3.2.3. Other Technical Reports:

3.2.4. The Senior Executive Scientist (environment) requested additional information in relation to the DWWTS.

4.0 **Planning History**

There is no relevant planning history

5.0 Policy Context

5.1. Development Plan

5.2. Development on Private Laneways 18.29.4

5.3. The Council will have regard to the following in the assessment of development proposals on private lanes:

- The availability of adequate sightlines at the junction of the laneway and the public road. In this regard proposals may be required to be submitted to upgrade and maintain the sightlines.
- The availability of adequate sightlines at the junction of the access to the site and the laneway, having regard to the traffic levels, condition and width of the laneway.
- The availability of passing places on the laneway.
- The condition and alignment of the laneway which should be of a suitable standard to facilitate ease of access to the site including by emergency service vehicles. In this regard proposals may be required to be submitted to upgrade and maintain the condition of the lane.
- Evidence that the applicant has the legal right to use the lane as an access/ egress to/from the proposed development and to undertake any required upgrades to its condition, alignment and sightlines.

Objective NH01

To conserve and protect the integrity of sites designated for their habitat/wildlife or geological/geomorphological importance and prohibit development which would damage or threaten the integrity of these sites, including SACs, cSACs, SPAs, NHAs, pNHAs, Nature Reserves, and refuges for fauna.

Objective NH03

To ensure that any plan or project and any associated works, individually or in combination with other plans or projects, are subject to Appropriate

Assessment Screening to ensure there are no likely significant effects on the integrity (defined by the structure and function) of any Natura 2000 site(s) and that the requirements of Article 6(3) and 6(4) of the EU Habitats Directive are fully satisfied. Where the plan/project is likely to have a significant effect on a Natura 2000 site it shall be subject to Appropriate Assessment. The plan/project will proceed only after it has been ascertained that it will not adversely affect the integrity of the site or where in the absence of alternative solutions, the plan/project is deemed imperative for reasons of overriding public interest, all in accordance with the provisions of article 6(3) and 6(4) of the EU Habitats Directive.

6.0 **Natural Heritage Designations**

See AA screening below.

7.0 **The Appeal**

7.1. Grounds of Appeal

- The site is 0.53ha and the house is 59m². There is screening to the west, south and east. Vehicular access is from the west and there is a concrete car parking space on site.
- There is a history of permitted developments on the same access laneway. The proposed development will not give rise to traffic hazard.
- The site is in a 'stronger rural area' as designated in the sustainable rural housing guidelines. The applicant meets the criteria for rural housing set out in the County Development Plan.
- The application site is not in a landscape of greater sensitivity. The development will not negatively impact on the landscape.
- A site suitability assessment report is submitted which demonstrates that the site can safely treat domestic foul effluent.

- An Appropriate Assessment report is submitted which demonstrates that the proposed development will not negatively impact on any European site.
- The applicant would comply with a condition in relation to the external finish.

7.2. **Planning Authority Response**

The planning authority did not respond to the appeal.

7.3. **Observations**

There are no observations on file.

7.4. **Further Responses**

There are no further responses.

8.0 **Assessment**

8.1. **Visual Impact**

8.2. The planning authority's first reason for refusal related to visual impact.

8.3. The County Development Plan includes Map 13 entitled Landscape Character Assessment and the application site is within an area shaded 'River Valley' and described as the Barrow/Suir River valley. Objective L03 seeks "to ensure that developments are not unduly visually obtrusive in the landscape in particular in upland, river valley and coastal landscapes and on or in the vicinity of landscapes of greater sensitivity. Objective L04 seeks 'to require all developments to be appropriate in scale and sited, designed and landscaped having regard to their setting in the landscape so as to ensure that any potential adverse visual impacts are minimised'.

8.4. The house proposed for retention is on high ground overlooking the Suir/Barrow estuary. The appeal makes the point that the site is well screening and not visible from the public road. There are hedges on the estuary-facing boundary

of the site but there are no significant trees on site which would provide effective screening. The house is visible over a wide area and having regard to its location within an area designated for protection in the county development plan I conclude that the proposed development materially contravenes the County Development Plan objective to protect such areas from insensitive development.

- 8.5. The appeal makes the point that the applicants have a need to live in this area which is designated a 'strong rural area' in the Sustainable Rural Housing Guidelines. The applicants fulfil the criteria for housing in rural areas and river valleys since they have lived in the area for 5 years, do not own rural houses and the modest scale of the house allows it to be absorbed into the landscape.
- 8.6. The sustainable rural housing guidelines distinguish between urban and rural generated housing demand and requires planning authorities to include policies in County Development Plans addressing the demand for rural housing. The applicant is incorrect that the site is within a stronger rural area, it is in an 'area under strong urban influence' in the NSS map attached to the guidelines. The applicant has not demonstrated an overriding need to live in this area which is subject to significant housing pressure arising from its proximity to Waterford City and New Ross.
- 8.7. **Access and Traffic**
- 8.8. The planning authority's second reason for refusal referred to traffic hazard.
- 8.9. The county development plan at 18.29.2 sets out criteria for development served by private laneways. These criteria are that; there should be adequate sightlines at the junction of the laneway with the public road, adequate sightlines at the site entrance to the laneway, available passing spaces on the laneway, the laneways should be of adequate condition to facilitate access including by emergency vehicles and the applicant must provide evidence of a legal right of way over the laneway.
- 8.10. The appeal makes the point that permissions have been granted for other houses accessing the laneway and that the applicant has applied to the property registration authority for a right of way and that other users of the laneway have no objections.

- 8.11. The planner's report states that the sightlines at the junction of the public road are satisfactory. There is no road's engineer's report on file.
- 8.12. At the junction of the private access laneway with the public road there is no visibility from within a car to the left (north) until the car has entered the public road. There is some, but inadequate, visibility to the (right) south. The private access lane is inadequate in width and horizontal and vertical alignment, potholed, unmetalled, has no footpaths and has inadequate opportunity for passing cars. The public road network in the area is narrow without median line, footpaths or public lighting.
- 8.13. Having regard to the foregoing I conclude that the proposed development contravenes the development plan policy in relation to access over private laneways and that the proposed development would endanger public safety by reason of traffic hazard.
- 8.14. **Effluent Disposal**
- 8.15. The planning authority's fourth reason for refusal stated that inadequate information was submitted with the application to demonstrate that foul water arising from the proposed development will be adequately treated on site. The planning authority's environmental scientist noted the deficiencies in the application and recommended requesting further information to establish that the site is adequate to accommodate a domestic wastewater treatment system (DWWTS).
- 8.16. The appeal included a site suitability assessment carried out in accordance with the EPA COP. The average T value for the site is given as 5 which falls within the acceptable range set out in table 6.3 of the EPA COP and indicates that the site is suitable for the disposal of domestic effluent through a septic tank and percolation area. I observed the site from the adjoining access laneway and consider that the site suitability assessment and drawing 'proposed percolation area layout' number JCA-001 is generally accurate in its rendering of the topography of the site.
- 8.17. Having regard to the material submitted with the appeal and the modest scale of the proposed development I conclude that the foul effluent arising from the proposed development can be adequately treated on site.

8.18. **Design and Siting**

8.19. Section 18.12.2 of the plan requires that proposed houses should blend into the landscape and not be visually prominent. The planning authority refused permission (refusal reason 5) because the proposed development because its external finishes would not blend into the landscape as required by section 18.12.2 of the County Development Plan.

8.20. The proposed development is located in an elevated landscape overlooking the estuary of the Barrow/Suir estuary with limited natural screening. I conclude that the proposed development will be obtrusive in views of the area and materially contravene the County Development Plan.

8.21. **Appropriate Assessment**

8.22. The planning authority identified (refusal reason 3) potential impact on the River Barrow/River Nore SAC and refused permission for contravention of objectives for the protection of European sites set out in the County Development Plan.

8.23. The appeal included an AA screening report. The screening report identified 6 Natura sites within 15kms of the application site. These are;

- River Barrow/River Nore SAC 002162
- Tramore Back Strand SAC 000671
- Tramore Back Strand SAC SPA 004027
- Hook Head SAX 000764
- Bannow Bay SAXC 000697
- Bannow Bay SPA 004033.

8.24. The screening report set out the qualifying interests and conservation objectives River Barrow/River Nore SAC 002162 which is 300m from the application site¹. The report concludes that the proposed development does not have the potential to impact on the River Barrow/River Nore SAC 002162 or any other site.

¹ The Screening Report at one point refers to a disused stone structure as the subject of the application but I'm satisfied that this is a typographical error and that the report properly addresses this application.

8.25. Having regard to the material submitted in connection with the application and appeal which I consider adequate in order to issue a screening determination, it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on River Barrow/River Nore SAC 002162 or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 **Recommendation**

9.1. Having regard to the foregoing I recommend that permission be refused for the reasons and considerations set out below.

10.0 **Reasons and Considerations**

1. It is an objective of the planning authority set out in the Wexford County Development Plan 2013-2019 to ensure that developments are not unduly visually obtrusive in the landscape, in particular in designated river valleys. The proposed development is located in an elevated landscape above the Barrow/Suir River which is a designated river valley in the County Development Plan and on a site which lacks natural screening. The proposed development would constitute an intrusive feature in the landscape which, therefore, would materially contravene an objective set out in the County Development Plan and be contrary to the proper planning and sustainable development of the area.
2. The proposed development is located along an unsurfaced minor laneway which is inadequate in width, alignment and structural conditions and would, therefore, endanger public safety by reason of traffic hazard.

Hugh Mannion
Senior Planning Inspector

23rd May 2018