



An
Bord
Pleanála

Inspector's Report ABP-303346-19

Development	Construction of 21 detached single storey dwellings, associated site works, landscaping and boundary treatments.
Location	Rosetown, Rosslare, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20181386
Applicant(s)	Chris & Cathy Lynch
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Chris & Cathy Lynch
Observer(s)	Paddy & Maeve Malone Graham Hall-O'Mahony Frances McElroy Martin Burke Rosetown Village Management (No. 1) Company Limited

Date of Site Inspection

18th April, 2019

Inspector

Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located in the townland of Rosetown on the south-eastern periphery of the village of Rosslare, Co. Wexford, approximately 1.0km southeast of the railway station and 200m inland from the coastline, in an area characterised by the gradual transition from conventional housing development and individual one-off dwelling houses through to the surrounding agricultural hinterland. It occupies a position to the west of the railway on lands to the north of Rosetown Lane, a minor roadway which extends eastwards for a distance of c. 600m from its junction with the R736 Regional Road before terminating in a cul-de-sac at the cliff edge overlooking Rosslare Strand (*N.B.* There was previously a pedestrian access from this laneway onto the beach, however, it was closed due to coastal erosion and subsidence). The wider site surrounds include a variety of conventionally designed semi-detached / detached housing schemes characterised by varying combinations of single storey, dormer and two-storey house construction with the adjacent Rosetown Village housing estate to the immediate west of the application site being typical of the prevailing pattern of suburban development. There is limited development along the southern side of Rosetown Lane, with the exception of a few individual dwelling houses, including some attached to agricultural holdings further south.
- 1.2. The site itself has a stated site area of 3.07 hectares, is irregularly shaped and presently comprises a series of 3 No. undeveloped agricultural fields set in open pasture. It is generally quite flat and low lying with the vegetation evident suggestive of poor permeability qualities or a high water table. Both the perimeter and internal field boundaries are defined by a combination of mature hedgerow and post and wire fences. The site is bounded by agricultural lands to the north / northwest, the railway line to the east, the housing development of Rosetown Village to the west, and by the public road (Rosetown Lane) to the south which provides access to surrounding housing, including the estates of Rosehill Heights and Rosetown Village. Notably, the width of the laneway narrows along the site frontage on passing the entrance to Rosetown Village before rising steeply over the railway line by way of a bridge crossing to allow for panoramic views to the north and south.

2.0 Proposed Development

2.1. The proposed development consists of the construction of 21 No. single-storey, detached dwelling houses as follows:

- 4 No. House Type 'A': 172.14m²
- 2 No. House Type 'B': 172.51m²
- 2 No. House Type 'C': 172.14m²
- 1 No. House Type 'D': 174.76m²
- 5 No. House Type 'E': 172.14m²
- 2 No. House Type 'F': 172.51m²
- 3 No. House Type 'G': 172.14m²
- 2 No. House Type 'H': 172.76m²

2.2. The overall design and layout of the scheme is typical of a suburban format of development with each unit having been provided with front and rear garden areas and dedicated off-street car parking. Moreover, although the individual house designs vary slightly in terms of their respective floor areas, building footprints, and external finishes, they share a common conventional bungalow design based on a principle rectangular plan with an asymmetrical elevational treatment utilising different combinations of front gable features and bay windows. External finishes will include blue black roof slates, alu-clad / uPVC windows, a white plaster render and the feature use of metal cladding, stone facing & cedarwood panels.

2.3. Access to the site will be via a new service roadway which will extend from the public before terminating in a series of cul-de-sacs. The proposal also includes for connection to the existing public water supply and wastewater infrastructure.

N.B. The proposed development site is located on unzoned lands and, therefore, the provisions of Part V of the Planning and Development Act, 2000, as amended, do not apply in this instance.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 30th November, 2018 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following 5 No. reasons:

- Inadequate information has been provided in relation to servicing arrangements for the development in relation to the provision of water and wastewater services. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- The proposed development is premature by reason of the existing deficiency in the capacity, width and alignment of the road network serving the area and the period within which these constraints may reasonably be expected to cease.
- Inadequate information has been provided in relation to servicing arrangements for the development in relation to arrangements for public lighting and road construction detail. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- The proposed development has failed to create necessary linkages with the adjoining development to the west to increase permeability through the site and to ensure the proposed development is properly linked to the existing fabric of Rosslare Village. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- No accessibility statement as required under Objective HP15 of the Wexford County Development Plan, 2013-2019.

3.2. Planning Authority Reports

3.2.1. Planning Reports:

States that whilst the principle of a suitably designed residential scheme on the subject lands is acceptable to the Planning Authority, there are a number of issues as regards the proposal to connect to public services, with particular reference to the

capacity of the existing South Beach pumping station and sewerage network to accommodate the additional loadings consequent on the proposed development. Further concerns arise in relation to the substandard nature of the surrounding road network.

The overall design and layout of the scheme is considered to be acceptable, however, it is noted that there is an opportunity to link the proposed development with the neighbouring housing to the west and that this would be desirable both in terms of providing for increased permeability and potentially limiting the number of entrances onto the substandard road network. With regard to the density of the development proposed, whilst it is acknowledged that the very low density sought (i.e. 3 No. units per acre) is very low and may mitigate against the economic provision of services, given the site location on the periphery of Rosslare, it is considered that a density lower than that normally permitted by the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*' could be deemed acceptable.

The report thus concludes by recommending a refusal of permission.

3.2.2. Other Technical Reports:

Housing: States that there is no Part V agreement in place.

Fire Authority: Refers to adherence to various fire safety requirements.

Environment: Notes that the proposal to connect to the public mains and the South Bay sewerage system and the applicant's assertions that the South Bay pumping station was originally designed to cater for 50 No. existing dwellings in addition to a further 43 No. units which were not built. It is also stated that whilst the applicant has referred to correspondence from Irish Water as regards capacity within the South Bay sewerage system, the application has not been accompanied by a copy of same. With regard to the proposed surface water drainage arrangements, it is noted that no details have been provided of the installation of any silt traps or petrol / oil interceptors along the surface water drainage system. The report subsequently recommends that further information should be sought in respect of the surface water drainage proposals and the ability of the existing South Beach wastewater pumping station and sewerage system to accommodate the additional loadings consequent on the proposed development.

3.3. Prescribed Bodies

3.3.1. *Iarnród Éireann*: Details a number of requirements as regards the operation and safety of the railway line, including the following:

- The erection of a 2.4m high suitably designed, solid block / concrete wall alongside the shared site boundary due to the proximity of the railway line.
- The prevention of any additional surface water runoff or effluent from being discharged onto railway property or into railway drains / ditches.
- The avoidance of any additional water passing under the railway. More specifically, the 2 No. pipes under the railway line as indicated on the drainage layout should not be used for the conveyance or additional water as proposed without agreement / licence with Iarnród Éireann / CIE.

It is also stated that prospective occupants of the proposed dwelling houses should be made aware of the noise and vibration levels attribute to the operation and maintenance of the railway.

3.4. Third Party Observations

3.4.1. A total of 17 No. submissions were received from interested third parties and the principle grounds of objection contained therein can be summarised as follows:

- The suburban nature of the proposed development is not in keeping with the semi-rural / coastal site location and would contravene the relevant provisions of the Rosslare Local Area Plan, 2002.
- The adverse visual impact of the proposed development
- The exacerbation of flood events and coastal erosion in the area.
- The substandard nature of the surrounding road network, including the condition and narrow width of the carriageway, a lack of street lighting and pedestrian footpaths, and the need to improve the junction of Rosetown Lane with the R736 Regional Road.
- Concerns with regard to the increased volumes of traffic consequent on the proposed development and the endangerment of public safety by reason of traffic hazard.
- The excessive level of development proposed on site.

- The inadequacy of the existing sewerage system to accommodate the additional loadings consequent on the proposed development.
- The impact of heavy construction traffic on the amenity of neighbouring residents.
- Failure to adhere to the advice given during the course of pre-planning discussions that only 12 No. houses would be permissible on these unzoned lands.
- Concerns as regards the need / demand for further housing within Rosslare Strand.
- The overall design and layout of the proposed development fails to have due regard to the site context and does not allow for future linkages with neighbouring sites.
- The inadequate landscaping details provided with the application.
- The potential detrimental impact on wildlife / biodiversity considerations.
- The finished floor level of Unit No. 21 is too high relative to neighbouring housing whilst the separation distance should be increased.

4.0 Planning History

4.1. On Site:

PA Ref. No. 20041076. Application by Chris and Kathy Lynch for permission a) demolish disused reservoir, b) construct new entrance, c) site development works, and d) to construct 68 No. detached houses. This application was withdrawn.

PA Ref. No. 20043639 / ABP Ref. No. PL26.210285. Was refused on appeal on 12th May, 2005 refusing Chris and Kathy Lynch permission for development comprising (a) the construction of a new entrance, (b) carry out site development works, (c) construction of six number houses to the East of the railway line and (d) the construction of 14 number houses to the West of the railway line at Rosetown, Rosslare, Co. Wexford (transfer the sterilised land granted under planning register reference number 20033191 to the western side of the railway line) in accordance with the plans and particulars lodged with the said Council (which decision was to

grant subject to conditions permission for the said (a) the construction of a new entrance, (b) carry out site development works and (d) the construction of 14 number houses to the West of the railway line and to refuse permission for the said (c) construction of six number houses to the East of the railway line).

- Having regard to the location of the site at the outermost edge of the Local Area Plan 2002, with an objective for long term residential, it is considered that the proposed development, by reason of its suburban style layout and design and poor disposition of open space, and in the absence of a plan for the overall development of these zoned lands, would constitute a disorderly form of development, would seriously detract from the semi-rural character of this exposed coastal location and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.2. On Adjacent Sites:

PA Ref. No. 20003601. Was granted on 8th December, 2000 permitting Rosslare Developments Ltd. permission for 8 No. four-bedroom detached houses and 12 No. four-bedroom semi-detached houses at Rosetown, Rosslare, Co. Wexford.

PA Ref. No. 20012779. Was granted on 19th October, 2001 permitting Rosslare Developments Ltd. permission for minor alterations to the front elevations of the 20 No. houses permitted under PA Ref. No. 20003601 and to amend the property boundaries at House Site Nos. 1 & 8, at Rosetown, Rosslare, Co. Wexford.

PA Ref. No. 20020352. Was granted 7th June, 2002 permitting Rosslare Development Ltd. permission to amend previously granted permission (20003601) to grant permission for 14 No. three-bedroom semi-detached houses and 2 No. four-bedroom detached houses in place of the 12 No. four-bedroom semi-detached houses previously permitted, at Rosetown, Rosslare, Co. Wexford.

PA Ref. No. 20041337. Was refused on 28th May, 2004 refusing Rosslare Developments Ltd. permission for a) the erection of 18 No. dwelling houses comprising 14 No. three-bed semi-detached dwellings and 4 No. three-bed semi-detached dwellings with attached domestic garages, b) all associated site works, as an extension to existing development granted under previous PA Ref. Nos. 20003601, 20012779 & 20020352, at Rosetown, Rosslare, Co. Wexford.

- There is limited capacity in the Rosslare Strand sewage system, and consequently the lands which are the subject of this application were zoned low density. This site proposed formed part of a larger site which was granted planning permission under Planning Register Nos. 20003601, 20012779 & 20020352. The permitted layout included the construction of all the dwelling units allowable in accordance with low density restrictions on a smaller section of the site, with the remaining land effectively being sterilised i.e. this current site. Having regard to this, the proposed development cannot be considered and would be contrary to the proper planning and development of the area, and would be contrary to the density provisions applicable to the area.
- The proposed development would materially contravene Condition No. 1 of Planning Register Number 20003601 which states that '*This permission is in respect of 20 houses only on the entire site as detailed on the revised site map scale 1:2500 submitted to the Planning Authority on the 7th December, 2000 as qualified by conditions hereunder. Reason: In the interests of proper planning and development*'. The proposed site is within this original site outlined red. The proposed development would therefore be contrary to the proper planning and development of the area.
- It is the policy of the Council, as expressed in Section 3.3.6 of the County Wexford Development Plan, 2001, to promote and foster a high standard of innovative design and layout, which reflects the town / village character, local tradition and human scale. The proposed development by virtue of design, density, and scale, which fails to have regard to the town / village character, would be inconsistent with this policy and contrary to the proper planning and development of the area.

4.3. On Sites in the Immediate Vicinity:

PA Ref. No. 20033191. Was granted on 21st January, 2004 permitting Chris & Kathy Lynch permission to a) demolish the disused reservoir, b) construct a new entrance, c) carry out site development works and to d) construct 44 No. detached houses at Rosetown, Rosslare, Co. Wexford.

PA Ref. No. 20052143 / ABP Ref. No. PL26.214883. Was refused on appeal on 2nd June, 2006 refusing Chris and Kathy Lynch permission for the construction of 6 No. houses to the east of railway line, transfer of sterilised land and alterations to site works previously granted under planning register reference number 2003/3191 at Rosetown, Rosslare, Co. Wexford.

- Having regard to the location of the site at the outermost edge of the Local Area Plan 2002, with an objective for long term residential development, it is considered that the proposed development, by reason of the excessive height of the dwellings at the southern end of the site, the poor design and disposition of public open space within the scheme and the lack of a long term plan for the western portion of the site, would seriously detract from the semi-rural character and visual amenities of this coastal location and would be contrary to the proper planning and sustainable development of the area.

PA Ref. No. 20062303 / ABP Ref. No. PL26.220060. Was granted on appeal on 19th April, 2007 permitting Chris and Kathy Lynch permission for the construction of six houses to the east of the railway line, provision of new pedestrian access at south end of the site, transfer of sterilised land to west of railway line and alterations to site works previously granted under planning register reference number 20033191 at Rosetown, Rosslare, Co. Wexford.

PA Ref. No. 20151203 / ABP Ref. No. PL26.246191. Was refused on appeal on 9th June, 2016 refusing Clifftop Bay Rosslare Management Company Limited on behalf of the residents of South Bay permission for the removal of the pedestrian access from South Bay housing estate to the county road (Rosetown Lane) abutting the south east boundary of the site and the reinstatement of the clay mound and fence. This proposal will involve the removal of condition number 2 of planning register reference number 20062303 and is intended to secure South Bay housing estate from trespass, burglary and anti-social behaviour, all at South Bay, Rosetown, Rosslare, Co. Wexford.

- The proposed removal of the pedestrian access and reinstatement of the boundary fence would prohibit permeability through the development and would be contrary to Objective T10 and Sections 17.2.2, 17.7.7 and 18.10.2 of the Wexford County Development Plan 2013-2019. Furthermore, the

proposed development would be contrary to Section 3.14 of the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas” published in 2009 and the provisions of the “Design Manual for Urban Roads and Streets” published in 2013. The proposed development would seriously injure the amenities of the area by reason of prevention of pedestrian movement through this section of the development, would set an undesirable precedent for further such development and would, therefore, be contrary to the proper planning and sustainable development of the area.

- The proposed development would contravene an existing condition (number 2) to a permitted development granted under appeal reference number PL26.220060 and would not be in accordance with the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. National and Regional Policy:

- 5.1.1. The ‘*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*’ acknowledge the importance of smaller towns and villages and their contribution towards Ireland’s identity and the distinctiveness and economy of its regions. It is accepted that many of these smaller towns and villages have experienced significant levels of development in recent years, particularly residential development, and that concerns have been expressed regarding the impact of such rapid development and expansion on the character of these towns and villages through poor urban design and particularly the impact of large housing estates with a standardised urban design approach. In order for small towns and villages to thrive and succeed, their development must strike a balance in meeting the needs and demands of modern life but in a way that is sensitive and responsive to the past.

5.2. Development Plan

- 5.2.1. **Wexford County Development Plan, 2013-2019:**

Chapter 3: Core Strategy:

Section 3.4: *Settlement Strategy:*

Section 3.4.8: *Strong Villages (incl. Rosslare Strand):*

Objective SS20: To ensure the Strong Villages maintain and enhance their roles as important service centres.

Objective SS21: To prepare Village Design Statements for Killealy, Rosslare Strand, Bridgetown, Coolgreany, Kilmuckridge and Campile.

Objective SS22: To encourage new residential development in the Strong Villages is in accordance with the Core Strategy and Settlement Strategy and subject to compliance with normal planning and environmental criteria including the availability of adequate waste water treatment capacity and drinking water capacity and the development management standards contained in Chapter 18.

Objective SS23: To ensure that new residential development complies with the sequential approach to the development of land which is focused on developing lands closest to the village centre first.

Section 3.7: *Housing Strategy*

Chapter 4: Housing:

Section 4.2: *Sustainable Housing:*

Objective HP02: To ensure that all new housing developments represent 'Sustainable Neighbourhoods' which are inclusive and responsive to the physical or cultural needs of those who use them, are well located relative to the social, community, commercial and administrative services which sustain them and are integrated with the community within which it will be located.

Objective HP04: To ensure that new housing development minimises the use of natural resources and impacts on natural assets. Locations selected for residential developments should maximise the potential for the use of sustainable modes of transport such as walking, cycling and the use of public transport to reduce dependence on fossil fuels. The design of the individual

dwellings and associated services should minimise the use of natural energy and water.

Objective HP07: To require all developments over 10 houses to be accompanied by an Urban Design Statement showing how the matters detailed in Chapter 17 have been taken into account in the design of the development.

Objective HP08: To ensure the density of residential developments is appropriate to the location of the proposed development to ensure that land is efficiently used. In deciding on the appropriate density for a particular location the Council will have regard to the existing grain and density of the settlement, the proximity of the site to the town or village centre or public transport nodes, the availability of existing services, the Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual-A Best Practice Guide (DEHLG, 2009) and subject to normal planning and environmental criteria and the development management standards contained in Chapter 18.

Objective HP15: To require all applications for residential development of 10 houses or more to contain a mix of house types. The mix of house types shall be appropriate to the needs identified where the scheme will be located. This will not apply where it can be demonstrated that there is a need for a particular type of unit and the proposed development meets this need.

Objective HP21: To require an Access Statement to be carried out for significant developments in accordance with Appendix 6 of Buildings for Everyone: A Universal Design Approach (National Disability Authority, 2012).

Chapter 8: Transportation:

Section 8.6: Roads

Section 8.6.3: Local Roads

Section 8.6.4: Universal Roads:

Objective T34: To restrict development:

- Where the local roads network is deficient including considerations of capacity, width, alignment, surface or structural condition.
- Which would create serious traffic congestion.
- Which would unduly obstruct other road users.

Chapter 9: Infrastructure:

Section 9.2: *Water and Wastewater Infrastructure*

Section 9.2.5: *Wastewater Infrastructure*

Section 9.2.6: *Strong Villages, Smaller Villages and Rural Settlements*

Chapter 13: Coastal Zone Management:

Section 13.4: *Managing the Coastal Zone:*

Section 13.6: *Development within Existing Settlements in the Coastal Zone*

Chapter 14: Heritage:

Section 14.4.2: *Landscape Character Assessment:*

Landscape Character Unit No. 4. Coastal:

The county's coastal landscape has a character that often overlaps with the Lowland landscape. The east coast is generally characterised by long, relatively straight coasts of sand and shingle backed up by low cliffs and sand dunes. The south coast has long beaches and dune systems.

The coastal landscape is punctuated by prominent features such as promontories, water bodies, slob lands and the Hook Peninsula which add interesting dimensions to the qualities of the landscape. It includes major urban areas such as Courtown, Wexford, Rosslare Strand and Rosslare Harbour.

The coastal landscape is sensitive to development in some locations. It has experienced great pressure from tourism and residential development.

Chapter 17: Design:

Section 17.6: *Urban Design Guide*

Chapter 18: Development Management Standards:

Section 18.10: Residential Development in Towns and Villages

Appendix A: Objectives for Rosslare Strand:

Objective RSO01: To protect and enhance the distinctive character of Rosslare Strand.

Objective RSO02: To ensure Rosslare Strand maintains its existing population levels and services and that future growth is balanced and sustainable and is relevant and appropriate to the scale, size and character of the village.

Objective RSO06: To ensure the density, scale and form of future residential development in Rosslare Strand is appropriate to the settlement's position in the county's Settlement Strategy and associated Settlement Hierarchy and that it has regard to the Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual-A Best Practice Guide (DEHLG, 2009).

Objective RSO07: To consolidate the existing pattern of development and ensure that new development complies with the sequential approach to the development of land which is focused on developing lands closest to the village centre first.

Objective RSO08: To prepare, in conjunction with the local community, a Village Design Statement for Rosslare Strand which will:

- a) Assess and describe what is unique about Rosslare Strand to ensure these features are enhanced through the planning process and other relevant socioeconomic development programmes.
- b) Draw up design principles to guide future development within and surrounding the village, in accordance with Section 28 planning guidelines and the European Landscape Convention.

- c) Effectively manage new development and to provide advice to all decision makers, developers and their agents.
- d) Act as a focus for local communities to participate and collaborate effectively in the local planning process and other and other developments in and for the community.

Objective RS012: To ensure development is in accordance with the objectives outlined in Chapter 13 (Coastal Zone Management).

5.3. Natural Heritage Designations

5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), approximately 1.7km northwest of the site.
- The Slaney River Valley Special Area of Conservation (Site Code: 000781), approximately 3.7km north-northwest of the site.
- The Carnsore Point Special Area of Conservation (Site Code: 002269), approximately 4.2km southeast of the site.
- The Long Bank Special Area of Conservation (Site Code: 002161), approximately 4.6km east of the site.

N.B. This list is not intended to be exhaustive as there are a number of other Natura 2000 sites in excess of the aforementioned distances yet within a 15km radius of the application site.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the potential availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed

development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- Comprehensive documentation regarding water and wastewater services was submitted with the application, including correspondence from Irish Water dated 17th October, 2018 which stated the following:

‘Subject to a valid connection agreement being put in place, your proposed connection to the Irish Water network(s) can be facilitated.’

Notably, the receipt of this correspondence was acknowledged in the report of the case planner.

- With regard to the adequacy of the public road network, it should be noted that previous planning applications relevant to this site (PA Ref. Nos. 20041076 & 20043639) were adjudged by the Area Engineer to be acceptable.
- The standard of the proposed road network surpasses that of previous planning applications by reference to the introduction of footpaths.
- The subject application was accompanied by detailed specifications for public lighting, including a layout plan (Drg. No. ECR-RH-04).
- Item No. 9 of the covering letter submitted with the application provides detailed information on the proposed road construction. Internal roads will have a carriageway width of 5.5m with a 2.0m wide footpath on either side of same as shown on Drg. No. ECR-RH-08. Any outstanding details could have been sought by way of a request for further information.
- In the Planning Authority’s assessment of previous development proposals on site, the inclusion of linkages was not deemed necessary. Moreover, given that the travel distances through either development are similar, it is considered that this issue could have been raised during the course of pre-planning discussions or by way of a request for further information.

- With regard to Objective HP15 of the Development Plan, it is submitted that the proposed development site is located within the confines of Rosslare Strand which is classified as a 'Strong Village' in the core strategy.
- The report of the case planner states that the *'layout and house designs are generally considered acceptable'*.
- The design and layout of the proposed dwelling houses is in response to the trend for retirees to relocate to the Rosslare Strand area. This concept, including the house types and plans, was favourably received by the Planning Authority during pre-planning discussions.
- Detailed landscaping proposals were submitted with the application.
- Contrary to the Planner's Report, the subject application was accompanied by a drawing of the pumping station (Drg. No. STD WW 28A) whilst a letter of consent from Irish Water was also submitted.
- In referencing PA Ref. No. 20043639, the case planner has erroneously stated that *'the proposed houses to the east of the railway line'* (the subject site) were refused permission given that the houses in question were actually granted permission at that juncture.

6.2. Planning Authority's Response

- The letter from Irish Water does not constitute a connection offer. It merely requires an assessment to be carried out of the pumping station and a proposal to upgrade the watermain. Neither of these required works have been undertaken as part of the subject application. Therefore, it would not be consistent with the proper planning of the area to grant permission where it has not been established that water and wastewater facilities are available to facilitate the development.
- The public road network in the area is substandard due to the width and alignment of the local road. The applicant's assertion that the road network was not an issue under PA Ref. Nos. 20041076 & 20043639 and that this should not now be an issue ignores the fact that some 15 years have passed since 2004.

- The creation of permeability and connectivity networks is actively encouraged in order to facilitate a safe environment, particularly for pedestrians and cyclists who otherwise would be forced to make longer journeys on a substandard road network.
- At 7 No. units per hectare the very low density of the proposed development would mitigate against the economic provision of services and would, therefore, be contrary to the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*'.
- Whilst the principle of a suitably designed residential development is acceptable at this location, the applicant has failed to address a number of issues, such as the connection agreement with Irish Water for the provision of water and wastewater disposal and, in particular, the capacity of the existing South Beach wastewater pumping station and sewerage system to accommodate wastewater from the proposed development. In addition, the substandard nature of the road network in the area needs to be addressed.

6.3. Observations

6.3.1. Paddy & Maeve Malone:

- There are concerns that the Board may be of the opinion that there is scope to alter the arrangements for the disposal of water and wastewater from the submitted proposal and that such waters could be directed to the pumping system within the adjoining housing development of Rosetown Village. The suggestion by Irish Water that its preferred option for the disposal of water and wastewater would be via the pumping station in Rosetown Village is without merit. It is also contrary to the proposal by the developer to connect the development to the existing water and wastewater services within the South Bay estate (also built by the developer in the past) via the pipework / service connections previously installed under the railway line
- The existing sewerage network serving Rosetown Village is already totally inadequate for the estate. It was poorly designed and has been neglected due to the Council having previously resisted attempts to have the estate taken in charge. When the estate was finally taken in charge in 2013 the sewerage

system was unreliable and received only sporadic repair works from the Council. Irish Water has recognised the shortcomings of the system, but has deferred any action and thus the system has failed to work properly for many years. More recently, Irish Water installed new motorised pumps and upgraded the electrics, however, the pumping station is not working, and even when the system is operable it is inadequate and unreliable. For the last number of years, the system has not worked at all and tankers are employed daily to remove the water and wastewater.

- The pipes from the pumps are of a narrow diameter and cannot drain by gravity to the network in the adjacent estate i.e. drainage is reliant on an operable pumping system. There are concerns that the system will not be rebuilt to a sufficient standard as to ensure its efficient and reliable operation. Therefore, the idea of connecting further housing to same is unthinkable.
- Rosetown Village is a private estate and while its services have been taken in charge, the management company (on behalf of the residents / house owners) retains ownership of the freehold areas. It can legally prevent connection by other parties to pumping services within its property and in this respect it is submitted that the management company will be empowered to refuse third party access to the pumping station.
- There are concerns as regards the inadequate and poorly designed blind junction at the intersection of Rosetown Lane with Tagoat Road (the regional road). Any increase in traffic at this junction will give rise to a traffic hazard and, therefore, a complete redesign of the junction and associated road widening is necessary.

6.3.2. Graham Hall-O'Mahony:

- Any amendments to the proposed development at this stage would likely be so substantial as to warrant further public consultation by way of a new planning application.
- The proposed development does not adhere to the advice on density given by the Planning Authority during the course of pre-planning consultations.

- The overall design and layout of the proposal does not take sufficient cognisance of the site context or allow for future linkages with neighbouring sites. Instead, the scheme actively blocks this opportunity as regards Rosetown Village.
- Inadequate details have been provided as regards the landscaping and boundary treatment proposals and it is inherently important in developing a rural site to an appropriate standard that the developer makes their intentions clear in this regard.
- This is an ecologically diverse area. Bats have been observed roosting under the railway bridge whilst barn owl, hawks and common lizards are also present on site. Furthermore, the lands are known to be frequently visited by migrating birds.
- The proposed entrance and road layout is suburban in nature and would benefit from contextual analysis.
- Street lighting should be carefully reviewed in order to offer security without impacting on the amenity of neighbouring residences.
- The design quality of the proposed dwelling houses should be improved. There are a number of missed opportunities in the current schemes and the house types are too similar. The ridge heights are excessive due to the deep floor plan whilst the detailing and elevational treatment should also be improved upon e.g. the Cork Rural Design Guide (Rev. 2010) has relevance in this regard.
- The finished floor level of House No. 21 is too high relative to neighbouring housing and the separation distance to the site boundary should be increased (Unit Nos. 18-21 could be moved slightly northeast accordingly). The small green area also seems to comprise leftover space with no obvious practical use.
- The observer has not been privy to discussions with Irish Water as regards spare capacity at the Rosslare treatment plant. There is no location for a pumping station or associated plant on site and the generic information provided is not site specific. In addition, there have been no discussions in

relation to connecting into the system serving Rosetown Village and this is unlikely to be approved.

- Parts of the application site are subject to frequent waterlogging and thus there are concerns as regards the impact of the development and its potential to exacerbate same. In this respect it should be noted that the area to the rear of No. 7 Rosetown Village has been frequently waterlogged even when the proposed site has been in use for agriculture and the vegetation evident on site supports this claim. Therefore, detailed surface water runoff calculations, levels, and attenuation proposals should be provided so as to avoid any impact on adjacent lands. In addition, any pumping station should not be located in an area prone to flooding and the layout approved by Irish Water and Wexford County Council.
- There are issues in the immediate area as regards the condition of the roadway and its junction. In this regard, it is suggested that development contributions should be invested in upgrading the junction if traffic movements are to be increased.

6.3.3. Frances McElroy:

N.B. In the interest of conciseness, and in order to avoid unnecessary repetition, the Board is advised that this observation reiterates the contents of the earlier submission made by Paddy & Maeve Malone.

6.3.4. Martin Burke:

- Whilst the subject application has sought to dispose of water and wastewater from the proposed development to pipework previously installed under the railway line that connects to the drainage system within the South Bay estate, this proposal was rejected by the Council and thus there are concerns that the Board may support an approval with wastewaters directed through the pumping station in Rosetown Village (the preferred connection as previously communicated by Irish Water).

The pumping system and sewerage network within Rosetown Village is inadequate for the existing estate and has never functioned efficiently. At present, tankers are required to pump out water and wastewater on a weekly

basis due to the inefficiency of the existing pumping system. Irish Water are trying to upgrade the system to manage the present demand from the existing houses.

There is no expectation that the system will be rebuilt or upgraded to such an extent as to make it viable and, therefore, it is impractical to consider any further housing development being connected to same. Furthermore, it is unreasonable to expect the existing residents of Rosetown Village to accept what will surely be worsened conditions with the addition of 21 No. houses to the pumping system.

- Whilst the developer has asserted that the existing road network surpasses previous standards due to the introduction of footpaths along the roadway, this is a rural part of Rosslare Strand and footpaths were only recently provided along the R736 Regional Road (which continue around the corner of Rosehill Heights for a short distance). Moreover, there have been no recent improvements undertaken to the roadway where the entrance to the proposed development is sited. The roadway at this part of Rosehill Heights is narrow and is not suitable for the additional traffic consequent on the subject proposal.
- The main roadway, Rosehill Heights, already serves approximately 40 No. houses. The junction between this roadway and the R736 Regional Road is extremely dangerous and would prove to be even more hazardous as a result of the increased traffic increased consequent on the proposed development. The severe lack of street lighting along these roads also serves to magnify the dangerous conditions already in place.

6.3.5. Rosetown Village Management (No. 1) Company Limited:

- The Board is requested to establish the circumstances of whatever works were undertaken on site in 2006 following the refusal of 14 No. houses by the Board (considerable earthworks were carried out on site in that year). It would also be helpful if it can be determined if water and wastewater pipework and associated manholes were constructed at that time and if any connections were made to the series within the South Bay estate. The observer has been

unable to identify any planning application in respect of any such works in 2006.

- In correspondence to the Planning Authority dated 12th November 2018, Iarnrod Eireann stated that the pipework under the railway line should not be used for the conveyance of any additional water without its agreement or the necessary licence.

N.B. In the interest of conciseness, and in order to avoid unnecessary repetition, the Board is advised that the remainder of this observation reiterates the contents of the earlier submission made by Paddy & Maeve Malone.

6.4. Further Responses

6.4.1. Response of the Applicant to the Circulation of the Planning Authority's Submission:

- It is considered that the description of the application site as 'agricultural' by the case planner questions the 'bona fides' of the subject proposal by suggesting that the lands in question are outside of the zoned area of Rosslare Strand. In this respect it should be noted that the proposed development site is located within the planning boundary of Rosslare Strand which is classified as a 'Strong Village' in the County Development Plan.
- It would appear that the case planner has referenced PA Ref. No. 20043639 in order to highlight a previous unsuccessful application, however, in 2004 Wexford County Council issued a split decision in respect of that application which approved 14 No. dwelling houses to the west of the railway line whilst refusing 6 No. houses to the east of same. It has been erroneously stated that the application site is located on the eastern side of the railway line thereby depicting an unfavourable planning history. By way of clarification, it should be noted that the subject site lies on the western side of the railway and was the subject of a decision by Wexford County Council to grant permission at that time. Accordingly, it is respectfully suggested that the case planner's basis for the use of this reference is without foundation.
- Whilst it is correct to state that the letter from Irish Water does not constitute a connection offer, it is incorrect to suggest that any such offer is a prerequisite

for the planning application process. The *'Draft Water Services, Guidelines for Planning Authorities'* published by the Department of Housing, Planning and Local Government in January, 2018 clearly outline the effective engagement mechanisms and referral protocols between Irish Water, planning authorities, and applicants. In accordance with these Guidelines, a Pre-Connection Enquiry Form was submitted and a *'Confirmation of Feasibility'* was subsequently provided by Irish Water which stated the following:

'Based upon the details that you have provided with your pre-connection enquiry and on the capacity currently available in the network(s), as assessed by Irish Water, we wish to advise you that, subject to a valid connection agreement being put in place, your proposed connection to the Irish Water network(s) can be facilitated.'

Section 5.4 of the Guidelines states:

'... any permission, approval or consent granted pursuant to the Planning and Development Act 2000 (as amended) that requires a new connection(s) to water services infrastructure should include a condition that requires the applicant or developer to enter into a connection agreement(s) with Irish Water prior to the commencement of development.'

Moreover, Section 5.5 of the guidance states as follows:

'The granting of a water supply or wastewater connection agreement is a matter solely for Irish Water and is independent of the planning process.'

- Section 5.3.3(ii) of the Draft *'Water Services, Guidelines for Planning Authorities'* states:

'Where Irish Water indicates that it requires further information in relation to a proposed development, the planning authority should issue a request for further information pursuant to Article 33 of the Planning and Development Regulations 2001 (as amended) ...'

This option was rejected by the case planner.

- Neither the Roads Design Engineer nor the Area Engineer provided reports to support the contention by the case planner that the surrounding road network is substandard.

- The implication that a substandard public road network might singularly preclude a grant of permission (without consideration of compromise, such as a request for further information or as a condition of any grant of permission) is a retrograde step given the current climate of housing need.
- Whilst the Planning Authority has sought to extol the principle of inter-estate linkages, it is submitted that there are differing schools of thought on this matter i.e. whether such linkages encourage free movement etc. or if they serve as 'rat-runs' which give rise to anti-social behaviour in the longer term. Accordingly, it is considered that the provision of any such linkages as part of the subject proposal should ideally have been discussed during the course of pre-planning consultations or been made the subject of a request for further information.
- In the assessment of previous planning applications on site, the inclusion of inter-estate linkages was not deemed necessary by either the area engineer, roads design engineer, or the case planner.
- With regard to the assertion that the density of the proposed development at 3 No. units per acre is contrary to the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*', it is submitted that the subject site is not located in an urban area and is instead within the confines of Rosslare Strand which is classified as a '*Strong Village*' in the County Development Plan. Furthermore, it should be noted that the previous Local Area Plan zoned the site as '*residential*' and permitted a density of 3 No. houses per acre.

6.4.2. Response of the Applicant to the Circulation of the Observation made by Rosetown Village Management CLG:

- Section 5.5: '*Planning Conditions*' of the '*Draft Water Services, Guidelines for Planning Authorities*', as published by the Department of Housing, Planning and Local Government in January, 2018, states the following:

'The granting of a water supply or wastewater connection agreement is a matter solely for Irish Water and is independent of the planning process.'

The letter from Irish Water provided with the application amounts to a 'Confirmation of Feasibility' and was submitted as a result of Irish Water's preliminary assessment of the potential impact of the development proposal on public water services and its view that the connection proposed was technically feasible.

Section 5.4 of the Guidelines states:

' . . . any permission, approval or consent granted pursuant to the Planning and Development Act, 2000 (as amended) that requires a new connection(s) to water services infrastructure should include a condition that requires the applicant or developed to enter into a connection agreement(s) with Irish Water prior to the commencement of development'.

- No unauthorised works have been carried out on site. All works were undertaken with the benefit of planning permission and are a matter of public record.

6.4.3. Response of the Planning Authority to the Circulation of the Observation made by Rosetown Village Management CLG:

None.

7.0 **Assessment**

7.1. From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Overall design and layout
- Traffic considerations
- Infrastructural / servicing issues
- Surface water drainage / flooding implications
- Impact on residential amenity
- Appropriate assessment

- Other issues

These are assessed as follows:

7.2. **The Principle of the Proposed Development:**

- 7.2.1. With regard to the overall principle of the proposed development, I would refer the Board in the first instance to ‘*Appendix A: Objectives for Rosslare Strand*’ of the Wexford County Development Plan, 2013-2019 wherein it is stated that the Council does not intend to prepare a local area plan for Rosslare Strand and that the future development of the village will instead be guided by a series of specific objectives set out in the Plan in accordance with the provisions of Section 19 of the Planning and Development Act, 2000, as amended. Accordingly, whilst the application site is not expressly zoned for development purposes, consideration can be given to the subject proposal provided it adheres to the aforementioned ‘*Objectives for Rosslare Strand*’ and all other relevant objectives set out in the Development Plan.
- 7.2.2. The proposed development site is located on the south-eastern periphery of the village of Rosslare, Co. Wexford, in an area characterised by the gradual transition from conventional suburban housing development towards the surrounding rural hinterland, where it occupies a position to the west of the railway on lands to the north of Rosetown Lane which bounded by the adjacent Rosetown Village housing estate to the immediate west. The prevailing pattern of development within the wider site surrounds is dominated by conventional semi-detached / detached housing schemes characterised by varying combinations of single storey, dormer and two-storey house construction.
- 7.2.3. Accordingly, having regard to the site context (including its relationship with neighbouring housing and its enclosure by the railway line & bridge), the provisions of the ‘*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*’, the designation of Rosslare Stand as a ‘Strong Village’ in the county’s settlement strategy as set out in Chapter 3: ‘*Core Strategy*’ of the Development Plan, and the potential of such settlements to support additional growth by concentrating new development in the village centres and by applying the sequential approach to the development of land, I am satisfied that the subject proposal will serve to strengthen and consolidate the existing pattern of development

within the village thereby ensuring a strong urban edge that provides a clear distinction between the built-up area of Rosslare and the open countryside beyond.

7.3. **Overall Design and Layout:**

- 7.3.1. The proposed development consists of the construction of a total of 21 No. single-storey, detached dwelling houses set around a series of cul-de-sacs with the overall design and layout of the scheme being particularly conventional in appearance and typical of a suburban format of development with each unit having been provided with front and rear garden areas and dedicated off-street car parking. In terms of house design / type / size and variety of building typology, whilst the individual house designs vary slightly in terms of their respective floor areas, building footprints, and external finishes, they share a common conventional bungalow design based on a principle rectangular plan with an asymmetrical elevational treatment utilising varying combinations of differing features and finishes.
- 7.3.2. In assessing the overall design, density, and layout of the subject proposal, at the outset, I would refer the Board to the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2008*' which acknowledge the importance of smaller towns and villages such as Rosslare Strand and state that in some limited circumstances, notably where pressure for the development of single homes in rural areas is high, proposals for lower densities of development may be considered acceptable at locations on serviced land within the environs of the town or village in order to offer people, who would otherwise seek to develop a house in an unserviced rural area, the option to develop in a small town or village where services are available and within walking and cycling distance. The Guidelines further state that in order to offer an effective alternative to the provision of single houses in surrounding unserviced rural areas, proposals for developments with densities of less than 15-20 No. dwellings per hectare along or inside the edge of smaller towns and villages will be permissible in certain circumstances provided the lower density development in question does not represent more than about 20% of the total new planned housing stock of the small town or village in question. In this respect whilst I would accept that the proposed development site is located on the periphery of Rosslare in an area dominated by conventional lower density housing schemes, and that the surrounding rural area is under considerable pressure for housing development by reference to its identification as being under '*Strong Urban Influence*' in the

Development Plan, in my opinion, the density of the subject proposal at less than 7 No. units / hectare is unacceptably low and cannot be considered to represent an efficient or economic use of land or services. The proposal would, therefore, be contrary to national guidance as well as the proper planning and sustainable development of the area.

7.3.3. In terms of the wider design merits of the submitted scheme, it should be noted that the primary objective of the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*' (together with the accompanying '*Urban Design Manual: A Best Practice Guide*') is to produce high quality, and crucially, sustainable developments. In this respect I would have particular concerns as regards the overall design of the proposed development and its failure to adhere to several of the key criteria set out in the best practice design guide, most notably, connections / permeability, variety of housing type / building typology, and distinctiveness / sense of place.

7.3.4. The lack of permeability between the proposed scheme and the adjacent housing development of Rosetown Village to the immediate west has formed part of the basis for the decision of the Planning Authority to refuse permission, however, I would suggest that further consideration should be given to the need to provide for linkages between the subject proposal and any future development on neighbouring lands, with specific reference to those to the northwest. In this regard, it is of relevance to note that the Board previously indicated a preference in its assessment of earlier development proposals in the area for the preparation / implementation of a long-term plan to guide the future development of zoned lands in the wider area. Whilst I would accept that the lands in question are no longer zoned for longer-term residential development (as was the case in previous Local Area Plans), given the specifics of the site context, with particular reference to its relationship with adjoining undeveloped lands and the constraints posed to the development of same by way of the railway line and the requirement for access through existing developed areas, it is my opinion that the need for an overall plan to guide the future development of the wider undeveloped landbank in this area remains relevant in ensuring permeability between any future residential development both on site and in its immediate surrounds. Further support is lent to the need for connectivity with surrounding lands when account is taken of the peripheral location of the site relative to local services

and the fact that it is bounded on two sides by a railway line / bridge. Indeed, the recent decision of the Board in respect of ABP Ref. No. PL26.246191 as regards the maintenance of an existing pedestrian access from Rosetown Lane through an adjacent housing scheme on the opposite side of the railway line serves to reinforce the desirability of providing for improved pedestrian movements / permeability in the area. It is also of relevance to note that the absence of any footpath over the railway bridge to the aforementioned pedestrian access would give further credence to ensuring the incorporation of suitable permeability as part of the subject proposal.

N.B. It is my understanding that a Part VIII approval has been issued for the construction of 39 No. dwelling houses at Rosetown, Rosslare, on (non-contiguous) lands to the northwest of the proposed development site and it is regrettable that no details of same have been forwarded to the Board in the assessment of the subject appeal.

7.3.5. From a review of the submitted plans and particulars, it is apparent that the overall layout of the subject scheme is somewhat insular and takes little cognisance of its relationship with neighbouring development / lands. It has not availed of the opportunity to provide linkages through to the neighbouring scheme of Rosetown Village to the immediate west nor would it appear to have considered potential connectivity with adjacent undeveloped lands. Residential schemes within a small town or village should be designed to provide for effective connectivity, especially by pedestrians and cyclists, so that over time, small towns and villages become especially amenable to circulation by walking and cycling rather than building up reliance on the car. Indeed, connectivity between and within adjoining residential areas is a key principle in the creation of sustainable neighbourhoods. Accordingly, it is my opinion that the overall layout of the subject proposal, which fails to provide for any meaningful pedestrian or cycle connectivity to the wider area, or to actively engage with adjoining residential development or the potential future development of adjacent lands, is contrary to the provisions of the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*' and the accompanying '*Urban Design Manual: A Best Practice Guide*'.

7.3.6. With regard to the mix of housing types and sizes, notwithstanding the minor variations in individual house designs, the proposed development consists solely of 4-bedroom, single storey, detached bungalows set within substantial plots. In this

respect I would draw the Board's attention to Objective HP15 of the Development Plan which seeks to ensure a mix of house types within residential developments of 10 No. houses or more (although this will not apply where it can be demonstrated that there is a need for a particular type of unit). The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*' and the associated '*Urban Design Manual*' further state that a successful neighbourhood will be one that houses a wide range of people from differing social and income groups and recognises that a neighbourhood with a good mix of unit types will feature houses of varying sizes etc. in order to achieve a balanced mix of house design, mix and tenure. Indeed, the National Planning Framework also recognises that the current average of 2.75 No. persons per household is likely to fall to 2.5 No. persons.

7.3.7. Given the dominance of detached housing in the surrounding area (and to a lesser extent, semi-detached housing), the subject proposal would appear to be focused on a housing demand that already appears to be well catered for. Accordingly, it is my opinion that the proposed development, which is characterised solely by four-bedroom detached properties, fails to comply with local and national planning policy, as outlined above, would be contrary to the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities*', and would, therefore, be contrary to the proper planning and sustainable development of the area.

7.3.8. In addition to the foregoing concerns, and deriving to some extent from same, I would have reservations as regards the somewhat generic format of the development proposed and its lack of distinctiveness / sense of place. The subject proposal effectively serves to replicate the wider suburban character of the area, and although I would acknowledge the applicant's intent in this regard, there is nevertheless the potential to create a greater degree of distinctiveness and sense of place within the scheme through an amended (and less road-dominated) site layout, variations in density, and the inclusion of a greater variety of unit types in accordance with the principles of the Guidelines.

7.4. **Traffic Considerations:**

7.4.1. Access to the proposed development will be obtained directly from Rosetown Lane via a new entrance arrangement located within the south-western corner of the site. In this respect I am amenable to the selected location for the proposed site entrance

on the basis that it would appear to have been informed by the need to maximise the available sight distance onto the public road, its siting at the end of the widened section of carriageway between the railway bridge and the junction of Rosetown Lane with the R736 Regional Road (the roadway terminates in a cul-de-sac beyond the bridge which only serves a small number of residential properties), and the difficulties posed by the steep embankment to the railway bridge itself. However, I would reiterate my earlier comments that it is regrettable that an overall plan / masterplan was not prepared to guide the future development of the wider undeveloped landbank at this location given the need for improved permeability and connectivity.

7.4.2. With regard to the adequacy of the surrounding road network to accommodate the additional traffic consequent on the proposed development and the assertion by the Planning Authority that it is deficient in terms of capacity, width and alignment, it would appear that these concerns primarily relate to the condition of the local road known as Rosetown Lane between the site entrance and its junction with the R736 Regional Road. Having undertaken a site inspection, and following a review of available information, whilst I would acknowledge that the roadway in question would benefit from a more orderly construction incorporating a clearly defined carriageway as well as road markings and improved footpath provision (and street lighting), I am not of the opinion that these deficiencies are such as to warrant a refusal of permission given the scale of development proposed. The overall width, alignment and condition of the roadway is of a reasonable standard of construction over most of its length and I note that some widening works have been undertaken alongside same in association with other permitted development. Similarly, although not continuous along the entire length of the roadway, some intermittent footpaths have been constructed along the carriageway, including at the junction with the R736 Regional Road. I would also suggest that further road upgrading in this area could be facilitated by way of the general development contribution scheme.

7.4.3. Matters pertaining to public lighting and the detailing of the internal roadway construction within the development itself can be satisfactorily addressed by way of condition in the event of a grant of permission.

7.5. **Infrastructural / Servicing Issues:**

7.5.1. **Foul Water Drainage:**

- 7.5.2. In order to connect the subject proposal to the public mains foul sewerage network, it is proposed to drain the scheme itself by gravity to a new pumping station located adjacent to the site entrance which will pump foul water by way of a rising main to an existing set of 300mm diameter pipes crossing beneath the railway line whereupon it will again drain by gravity through the neighbouring housing estate of South Bay to an existing pumping station which in turn will pump the foul water to the mains sewer located on Mauritiustown Road. In support of the foregoing, it has been submitted that the South Bay pumping station was permitted under PA Ref. No. 20033191 and has sufficient capacity to accommodate the additional loadings consequent on the proposed development whilst Irish Water has seemingly confirmed that there is no issue with capacity at the Rosslare Wastewater Treatment Plant.
- 7.5.3. In assessing the proposed foul water drainage arrangements, the Planning Authority raised concerns as regards the absence of a connection agreement with Irish Water and, in particular, the capacity of the existing South Beach ('Bay') wastewater pumping station and the associated sewerage system to accommodate the additional loadings arising from the proposed development. This subsequently culminated in a decision to refuse permission on the basis that inadequate information had been provided in relation to the proposed wastewater servicing arrangements.
- 7.5.4. In response to the foregoing, the applicant has referred to correspondence received from Irish Water (which was provided as unsolicited further information during the course of the planning application) wherein it is stated that, on the basis of the details submitted and the capacity currently available in the networks(s), it can be confirmed that the proposed connection to the Irish Water network(s) can be facilitated, subject to a valid connection agreement being put in place. The applicant has further submitted that whilst this '*Pre-Connection Enquiry / Confirmation of Feasibility*' does not constitute a connection offer, it confirms the feasibility of the proposed connection and is sufficient for planning purposes given that the finalisation of any such connection will be a matter for Irish Water.

7.5.5. Having reviewed the available information, whilst it is unclear if the South Bay housing estate has been taken in charge by the Local Authority, it is my understanding that it was developed under PA Ref. No. 20033191 by the same applicants as the subject proposal and thus would appear to be available to serve same. In this respect, I note the applicants' comments that the system approved under PA Ref. No. 20033191 was also intended to service the development of the subject lands and thus was designed with sufficient capacity to accommodate the loadings likely to be generated by the wider South Bay estate (i.e. 50 No. dwellings) and a further 43 No. dwellings on the subject site. Therefore, on the merits of the case put forward by the applicant, it would appear that the South Bay sewerage system, including its pumping station, has sufficient capacity to accommodate the proposed development, although it is regrettable that the applicant has not provided more precise details in this regard.

7.5.6. However, at this point I would draw the Board's attention to the contents of the submission received from Iarnrod Eireann, with particular reference to the following items:

- No additional liquid, either surface water or effluent shall be discharged to or allowed to seep onto, the railway property or into railway drains / ditches.
- No additional water should pass under the railway. The 2 No. pipes crossing under the railway as indicated on the drainage layout should not be used for the conveyance of additional water as proposed without agreement / licence with Iarnrod Eireann / CIE.
- Any services that are required to cross along, over or under the railway property must be the subject of a wayleave agreement with Iarnrod Eireann / CIE.

7.5.7. In light of the foregoing, given that the applicants' drainage proposals are reliant on the existing culverting beneath the railway line in order to connect into the existing infrastructure of the nearby South Bay housing estate, it would appear that the applicants are not presently in a position to effect such any connection over railway lands. Therefore, in the absence of any evidence that the applicant has a right to avail of a foul water drainage connection in the manner proposed, it is my opinion

that the Board cannot be satisfied that the proposed development would not be prejudicial to public health.

7.5.8. By way of further clarity, it should be noted that the 'Pre-Connection Enquiry' correspondence issued by Irish Water, which states that the applicants' proposed connection to the Irish Water network(s) can be facilitated (subject to a valid connection agreement being put in place), also states that the most suitable wastewater connection point for the proposed development would be via the existing network with the adjacent housing estate of 'Rosetown Village', although this would require an assessment of the Rosetown pumping station at connection application stage. In my opinion, this raises some questions as regards the desirability of the applicants' proposal to connect into the South Bay estate. Moreover, a number of observers to this appeal have taken exception to the possibility of the proposed development being serviced by way of Rosetown Village on the basis of ongoing difficulties with the pumping station in the estate. It has been suggested that the existing system is inadequate, unreliable, and in need of upgrading, given the current practice of tankers having to pump out wastewater on a regular basis due to the inefficiency of the existing pumping system. Therefore, it would not appear feasible to drain the subject site to the Rosetown Village system at present.

7.5.9. Water Supply:

7.5.10. Irish Water have confirmed the need to upgrade c. 300m of existing watermain in order to service the proposed development with the costs of same to be borne by the developer. Such matters would likely be addressed as part of the connection process.

7.6. **Surface Water Drainage / Flooding Implications:**

7.6.1. It is proposed to divert surface water runoff from within the scheme to an on-site surface water attenuation system, which comprises a series of existing limestone filled trenches alongside the railway line and the public road, for controlled release to the public mains system at Rosetown Lane. In this respect I would have reservations as regards the reliance being placed on the existing drainage system given the increased flow rates of surface water discharge associated with developed lands when compared to a greenfield site and the evidence of poor infiltration / percolation characteristics on site (*N.B.* Concerns have been raised by a third party observer as

regards instances of waterlogging within the site and the potential for the proposed development to exacerbate same). In addition, I would suggest that the siting of the surface water attenuation trenches alongside the railway line within the private garden areas of House Nos. 1 & 10 is not ideal as regards future maintenance etc. Therefore, I would suggest that revised proposals, including design calculations, are required in respect of the surface water drainage arrangements on site.

7.7. Impact on Residential Amenity:

7.7.1. Having reviewed the available information, and in light of the site context, in my opinion, the overall design, positioning and orientation of the proposed development, with particular reference to the separation of same from adjacent dwelling houses, will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by way of overlooking or overshadowing / loss of daylight / sunlight.

7.7.2. With regard to the potential impact of the construction of the proposed development on the residential amenities of surrounding property, whilst I would acknowledge that the proposed development site adjoins an established residential area and that construction works could give rise to the disturbance / inconvenience of local residents, given the limited scale of the development proposed, and as any constructional impacts arising will be of an interim nature, I am inclined to conclude that such matters can be satisfactorily mitigated by way of condition

7.8. Appropriate Assessment:

7.8.1. Having regard to the nature and scale of the proposed development, the potential availability of public services, the nature of the receiving environment, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

7.9. Other Issues:

7.9.1. Instances of Alleged Unauthorised Development:

In relation to the concerns as regards alleged instances of unauthorised development on site, it should be noted that the Board has no function in respect of

issues pertaining to enforcement and that the pursuit of such matters is generally the responsibility of the Planning Authority.

7.9.2. Wildlife Considerations:

Whilst the proposed development will inevitably result in the loss of some plant and animal species from within the footprint of the proposed construction, in my opinion, the lands in question are of limited ecological value and the impact arising from the loss of same will be within tolerable limits given the wider site context. Similarly, although the proposed development will result in the loss of an extent of hedgerow which presently acts as both a shelter and corridor for local wildlife, given the site context within the built-up confines of Rosslare Strand and the proliferation of such habitat within the wider area, it is my opinion that any impact on fauna arising from the loss of same as part of the proposed construction will be negligible.

8.0 Recommendation

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

9.0 Reasons and Considerations

1. The Board considers that the density of the proposed development is contrary to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), issued to planning authorities under section 28 of the Planning and Development Act. The site of the proposed development is located on serviceable lands within the built-up area of Rosslare Strand, which has been designated as a 'Strong Village' in the settlement strategy for the county. Having regard to the proposed density of development, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the built-up area of Rosslare Strand and to the established social and community services in the immediate vicinity. In addition, the proposed development does not have an adequate mix of dwelling types, being composed solely of detached housing.

It is considered that the low density proposed would be contrary to the aforementioned Ministerial Guidelines as they relate to small towns and villages, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development, which is characterised exclusively by four bed detached housing, would be contrary to the section 28 Ministerial Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual issued by the Department of the Environment, Heritage and Local Government in May 2009, and would further contravene Objective HP15 of the Wexford County Development Plan 2013-2019, which seeks to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the county. Criterion number 4 of the Urban Design Manual recognises that a successful neighbourhood will be one that houses a wide range of people from differing social and income groups and recognises that a neighbourhood with a good mix of unit types will feature houses of varying sizes. The National Planning Framework issued by the Department of Housing, Planning and Local Government, recognises the increasing demand to cater for one and two person households and that a wide range of different housing needs will be required in the future.
3. The “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas includes key criteria such as context, connections, inclusivity, variety and distinctiveness. It is considered that the proposed development results in a poor design concept that is substandard in its form, scale and layout; fails to establish a sense of place; and provides for a poor quality of architectural design which would result in a substandard form of development lacking in variety and distinctiveness, all of which would lead to conditions injurious to the residential amenities of future occupants. Furthermore, the proposed layout, and poor internal and external connectivity, would not give priority to the needs of pedestrians and other vulnerable road users over that of vehicular traffic, with the scheme being dominated by roads, contrary to the provisions of the Design Manual for Urban Roads and Streets,

issued by the Department of the Environment, Community and Local Government and the Department of Transport, Tourism and Sport in 2013. The proposed development would, therefore, seriously injure the residential amenities of future occupants, would be contrary to these Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.

4. Having regard to the fact that it is proposed to connect the foul sewage from the proposed development into the nearby South Bay housing estate, and in the absence of any evidence that the applicant has any right to effect such a connection, the Board cannot be satisfied that the proposed development would not be prejudicial to public health.

Robert Speer
Planning Inspector

31st May, 2019