



An
Bord
Pleanála

Inspector's Report ABP.303773-19

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| Development | 5 Houses |
| Location | Coolnaboy, Edermine, Oilgate, County Wexford |
| Planning Authority | Wexford County Council |
| Planning Authority Reg. Ref. | 20181617 |
| Applicant(s) | Eamonn Fortune |
| Type of Application | Permission |
| Planning Authority Decision | Refuse |
| Type of Appeal | Applicant v Refusal |
| Appellant(s) | Eamonn Fortune |
| Observer(s) | None |
| Date of Site Inspection | 17 th April 2019 |
| Inspector | Hugh Mannion |

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1.0 Site Location and Description

- 1.1. The application site has a stated area of 0.44ha and comprises a pasture field to the rear of an existing house and outbuildings at the northern end of Oilgate village on the N11 in south County Wexford. The site is generally flat and has a boundary hedgerow along the laneway. The existing house within the landholding of which the site forms part has a gated access directly onto the N11. The application site is served by a narrow laneway which runs northeast from a junction with the N11 and serves four other houses further along from the site. The junction of the laneway with the N11 is within the 50kms speed zone for Oilgate village. Immediately opposite the site is a public house with on-street car parking and immediately to the north of this is a diner/café. To the south of the access is the village centre with a mix of commercial/residential/community uses.

2.0 Proposed Development

- 2.1. The proposed development comprises five houses intended for occupation by retirees, three are detached units and there is a pair of semi-detached units. Access from the N11 is proposed over the existing site access from a laneway at the north-eastern corner of the site. A turning bay with car parking is proposed to the rear of the site. The houses will be connected to a public water main. Domestic effluent will be treated in communal waste water treatment plant (WWTP). All at Coolnaboy, Edermine, Oilgate, County Wexford

3.0 Planning Authority Decision

3.1. Decision

Refuse permission.

1. The proposed development is served by a private laneway off a national primary route and would endanger public safety by reason of traffic hazard.
2. The application has not demonstrated adequate sightlines at the junction of the access laneway with the public road.

3. The proposed development of 5 houses served by a single domestic effluent treatment system would be prejudicial to public health.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The planner's report recommended refusal as set out in the manager's order.

3.2.2. Other Technical Reports:

The **Chief Fire Officer** reported no objections subject to conditions.

The **Disability Access Officer** reported that the application may not comply with Technical Guidance Document M in relation to access for retirement homes since there is a step up to the door.

The **Environment Section** reported that the proposed effluent treatment system for 5 houses is unacceptable.

4.0 **Planning History**

- 4.1. Alterations to a house on adjoining lands was granted under 2012441.

5.0 **Policy Context**

5.1. **Development Plan**

- 5.2. The Wexford County Development Plan 2013-2019 is the relevant county development plan for the area.
- 5.3. A settlement hierarchy is set out at Table 6 and Oilgate village is included as a "Smaller Village and Rural Settlement".
- 5.4. Section 18.29.3 of the Plan sets out the planning authority's requirements for visibility from application sites to public roads in various contexts.
- 5.5. **Objective WW05** in relation to shared WWTS is as follows;
- 5.6. To consider the provision of communal private wastewater treatment facilities where appropriate to serve developments in Strong Villages, Smaller Villages and Rural

Settlements only where it demonstrated that the proposed wastewater treatment system will meet all the relevant environmental criteria of the EPA and the Planning Authority and subject to complying with the provisions and objectives of the EU Water Framework Directive, relevant River Basin Management Plan, relevant Pollution Reduction Programmes for Shellfish Waters and the Habitats Directive. An annual renewed contract for the management and maintenance of the system contracted to a reputable company/person will be required; details of which shall be submitted to the Planning Authority.

5.7. **Objective SS27** in relation to development in smaller villages;

5.8. To ensure that siting of 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.

5.9. The **Environmental Protection Agency Wastewater Treatment Manuals Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (EPA 1999)** is the relevant standard for assessing developments draining to communal private waste water treatment plants.

5.10. **Natural Heritage Designations**

Not relevant.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The site is accessed off a lane which has a junction with the N11 within the 50kph speed limit. Oilgate will soon be bypassed by the new M11 reducing traffic movements in the village.
- Sightlines of 65m are achievable from the site onto the laneway and the access from the laneway onto the N11 is within the 50kph speed zone.
- The proposed development complies with the guidance set out in the EPA Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels.

6.2. **Planning Authority Response**

- No comment.

6.3. **Observations**

- No observations

7.0 **Assessment**

7.1. The planning issues in this case are Development Plan settlement policy, traffic safety and waste water treatment.

7.2. **Development Plan Settlement Policy.**

7.3. The Wexford County Development Plan 2013-2019 established a settlement hierarchy (table 6) which designates Wexford Town as a hub, reflecting the NSS, and Enniscorthy, New Ross and Gorey as 'Larger Towns'. Below this settlement level are 'district towns' and 'Strong Villages'. Urban areas outside these settlements are designated as 'Smaller Villages and Rural Settlements'. Oilgate is a smaller village. The development plan (section 3.4.9 and following) makes the point that smaller villages play an important role in the provision of retail, community facilities and social services to the wider community. The policy is to consolidate these villages by facilitating development where appropriate waste water treatment, water supply and educational facilities are available. Also, objective SS27 seeks "to ensure that siting of 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". The plan has not provided a development boundary for smaller villages and rural settlements.

7.4. The proposed site is at the northern end of Oilgate in south county Wexford and is located within the 50kms speed zone. While it is on the edge of the current development within the village it is within walking distance of village centre services and there is a bus stop beside the junction of the laneway with the N11. I conclude, other factors permitting, that the location is acceptable for the proposed housing development.

7.5. **Traffic Safety**

7.6. The access laneway has a junction with the N11 within the 50kph speed limit and currently serves several agricultural uses and at four houses further northeast from the proposed development. It is proposed to bypass Oilgate with a new section of M11 at a point in the long-term but not in the current M11 improvement scheme. The immediate area of the junction with the N11 is characterised by village type uses, a public house and a café, which have marked out on-street car parking and nearby and opposite the junction is a junction serving a small housing development – St David’s Terrace. The County Development Plan (18.29.30) is prescriptive in relation to the provision of sightlines outside the 50kph limit but allows for flexibility within the 50kph zone.

7.7. Having regard to multiplicity of access points and uses in the vicinity of the junction of the laneway with the N11, to the availability of footpaths at the junction and its location within the 50kph zone I conclude that the proposed development will not endanger public safety here.

7.8. In relation to access to the laneway from the site it may be noted that there is a single site access serving the five housing units, there is designated parking to the rear of each unit and a turning bay within the site. The application (see ‘Site Plan’) indicates 65m sightline distance from the proposed site entrance in both directions. I am satisfied that there is such sight distance towards the main road but there is a bend on the road to the north east and the application drawing is unclear that there is adequate sightline in that direction. There are no footpaths, cycle paths, median lines or public lighting on this laneway, it is inadequately surfaced and is inadequate in width and alignment.

7.9. **Effluent Treatment.**

7.10. The application proposes to treat domestic effluent from the 5 units in a communal wastewater treatment plant (WWTP). The Environment section reported that 5 units draining to a WWTP is unacceptable to the planning authority. The applicant makes the point that the appropriate assessment standard for this development is the EPA Wastewater Treatment Manuals Treatment Systems for Small Communities, Business, Leisure Centres and Hotels.

- 7.11. It is the policy (see objective WW05) of the planning authority to consider WWTPs for small housing development in smaller villages where the application has demonstrated compliance with the EPA guidance. The application makes the point that there is a lack of capacity in the public WWTP serving Oilgate and that the closest public sewer is some distance from the application site. Irish Water did not report on the file.
- 7.12. While the appeal is correct that the appropriate guidance is the EPA Wastewater Treatment Manuals Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (EPA 1999) much of the material submitted with the application refers to the EPA code of practice for single houses.
- 7.13. The EPA Wastewater Treatment Manuals Treatment Systems for Small Communities, Business, Leisure Centres and Hotels 1999 (table 3) requires the wastewater loading for treatment systems to be sized to accommodate flow per person per day in the region of 250/350 litres (depending on the characterisation of the facility as residential, elderly persons care or nursing home (convalescent)). The application does not calculate the expected daily flow or relate this to the proposed size of eth polishing filter. The application recommends a 'Biocrete C unit treatment plant' which appears to be a proprietary treatment system which relies on aeration through the waste material and this is followed by a raised sand polishing filter.
- 7.14. Having regard to;
- The lack of detail in relation to the quality and quantity of the hydraulic loading entering the treatment system including the raised percolation area, and the effluent exiting the system and discharged to the ground,
 - The lack of a rationale for the sizing of the required percolation area relative to the loading,
 - The absence of evidence that the WWTP is properly located relative to site boundaries, nearby water courses and neighbouring domestic waste water treatment systems,

it is not possible to conclude that the waste water treatment system including the polishing filter is properly designed and that the system is sufficiently distant from other waste water treatment systems in the area to avoid cumulative impacts.

7.15. Having regard to the foregoing I conclude that the proposed development would be prejudicial to public health.

7.16. **Appropriate Assessment**

7.17. The site is located about 2kms from the River Slaney which is included in the Slaney River Valley SAC (000781). The application did not screen for AA. The planning authority's planner's report (page 5/10) concluded that AA was not required. Having regard to the separation distance between the SAC and the application site, the absence of a surface water connection, the intervention of a public road and commercial/residential uses between the SAC and the application site, the modest scale of the proposed development and the foreseeable emissions therefrom no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

7.18. **Environmental Impact Assessment Screening**

7.19. Having regard to nature of the development comprising a minor housing development and the foreseeable emissions to the environment I consider that 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.

8.0 **Recommendation**

8.1. I recommend refusal.

9.0 Reasons and Considerations

1. The proposed development would access a narrow lane which is inadequate in width and alignment, is without footpaths, public lighting, a median line, a bicycle path or pedestrian crossings and the application has not demonstrated that adequate sightlines are available at the proposed site entrance. Therefore, the proposed development would endanger public safety by reason of traffic hazard and would be contrary to the proper planning and sustainable development of the area.
2. The Board is not satisfied on the basis of the information submitted with the application and appeal that the foul effluent arising from the proposed development will be treated in accordance with the Environmental Protection Agency Wastewater Treatment Manuals Treatment Systems for Small Communities, Business, Leisure Centres and Hotels (EPA 1999) and in a manner so to as to avoid water pollution. Therefore, the proposed development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

Hugh Mannion

Senior Planning Inspector
18th April 2019