



An
Bord
Pleanála

Inspector's Report ABP 307841-20

Development	Erect a dwelling house, garage, construct a DWWTP and relocate the site entrance.
Location	Ballinacoola More, Ardcolm, County Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20200471
Applicant(s)	Michael Madden
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	Applicant v Refusal
Appellant(s)	Michael Madden
Observer(s)	None
Date of Site Inspection	24 th October 2020
Inspector	Hugh Mannion

2.0 Site Location and Description

2.1. The site has a stated area of 0.439ha that is located to the south of the R742 Regional Route just west of Curracloe village in south County Wexford. The site comprises a field in fairly rough pasture with mature hedging. There is extensive housing along the road between Curracloe and the junction of the R742 with the R741 to the southeast of the application site. The R741 continues south for about 3kms to Wexford Town. There is an existing house to the immediate west of the site. To the east is an agricultural field and then another house and there is a two-storey house almost opposite the application site on the other side (northside) of the road.

3.0 Proposed Development

3.1. The proposed development comprises the erection of a detached two storey house with a garage, a relocated site entrance, domestic wastewater treatment plant and site works at Ballinacoola More, Ardcolm, County Wexford.

4.0 Planning Authority Decision

4.1. Decision

Refuse permission for the reasons set out in the planner's report.

4.2. Planning Authority Reports

4.2.1. Planning Reports

4.3. The planner's report recommended refusal as set out in the managers order. The reasons for refusal may be summarised as;

- The applicant does not meet the criteria for rural housing need set out at section 4.3.3.2 of the County Development Plan and the proposed development would contravene objective L05 and RH07 of the Plan.
- The site is in an "Area of Strong Urban Influence" in the County Development Plan and the application does not meet the criteria set out in Table 12 of the County Development Plan.

- The proposed development would contravene objective T28 in the County Development Plan in relation to additional entrances to the public road.
- The proposed removal of 160m of roadside boundary would contravene section 18.12.1 of the County Development Plan.

4.3.1. Other Technical Reports

4.3.2. The **Wexford Borough District Office** recommended refusal because the proposed development required removal of an excessive area of roadside boundary.

4.3.3. The **Environment Section** recommended a grant of permission subject to the proposed development meeting the EPA Code of Practice for domestic effluent treatment.

5.0 Planning History

No relevant history.

6.0 Policy and Context

6.1. National Policy Objective 19 of the **National Planning Framework**, states that where a site is located in an area that is designated as under urban influence, applications for the provision of single housing in the countryside should be based on the core consideration of demonstrable economic or social need to live in a rural area.

6.2. The **Sustainable Rural Housing Guidelines for Planning Authorities** (2005) designate four rural area types. The application site is a rural area under strong urban influence in the rural area types map referred to in the guidelines. The Guidelines require planning authorities to distinguish between rural generated housing need and urban generated housing need and frame policies accordingly to limit housing development in rural areas not associated with a demonstrable need to live in the countryside.

6.3. **Wexford County Development Plan 2013 to 2019¹**

6.4. **Objective RH01** To facilitate the development of individual houses in the open countryside in 'Areas under Strong Urban Influence' in accordance with the criteria laid down in Table No. 12 subject to compliance with normal planning and environmental criteria and the development management standards laid down in Chapter 18.

6.5. **Objective T26** To manage and maintain the regional road network in the county in a manner which safeguards the strategic function of regional roads.

6.6. **Objective T28** To control new and significant intensification of existing, access/egress points from/to non-class 1 regional roads except for circumstances where a need for the development at that location has been clearly established and where there is no suitable alternative access possible onto a local road. This shall also apply where a shared access to the non- class 1 regional road is proposed and where access to the non- class 1 regional road is proposed via a private lane.

6.7. **Natural Heritage Designations**

Not relevant.

6.8. **EIA Screening**

6.9. Having regard to the modest scale of the proposed development with a DWWTP 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.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

- The proposed house has been designed to minimise its visual impact.

¹ The lifetime of this plan has been extended to allow for the incorporation of the Regional Spatial and Economic Strategy in the new plan.

- The applicant lives in the area and bought this site in 2015.
- Permission was granted in an area of coastal landscape under reference 20180285.
- The application site has an existing access to the public road.
- Sightlines are provided in accordance with Development Plan standards and no further works are required.
- The Development Plan rural housing criteria are in conflict with EU law in relation to the freedom of movement within the European Union.

7.2. **Planning Authority Response**

- No comment.

7.3. **Observations**

- None

8.0 **Assessment**

8.1. **Rural Housing Policy.**

- 8.2. The application site is in a rural area under strong urban influence as designated in the Sustainable Rural Housing Guidelines (2005). These areas are described as exhibiting characteristics such as proximity to the immediate environs or close commuting catchment of large cities and towns, rapidly rising population, evidence of considerable pressure for development of housing due to proximity to such urban areas, or to major transport corridors with ready access to the urban area, and pressures on infrastructure such as the local road network. The guidelines require planning authorities to distinguish between rural generated housing need and urban generated housing need and frame policies accordingly to limit housing development in rural areas not associated with a demonstrable need to live in the countryside.
- 8.3. The County Development Plan has had regard to the Sustainable Rural Housing Guidelines and map 6 Rural Area Types in the plan places the application site within an area under strong urban influence. It is an objective (objective RH01) to facilitate

the development of individual houses in the open countryside in 'Areas under Strong Urban Influence' in accordance with the criteria laid down in Table No. 12 subject to compliance with normal planning and environmental criteria and the development management standards laid down in Chapter 18. The criteria for considering applications for new houses in areas under strong urban influence set out in table 12 require, *inter alia*, that the proposed house be for 'local rural people' building permanent residences for their own use who have a definable 'housing need' building in their 'local rural area'. Local people are those who have lived in the area for 5 years and/or are landowners in the area or a son/daughter of such a landowner.

- 8.4. The applicant (in the grounds of appeal and in the covering letter to the planning authority with the application) makes the points that he has lived in the area since 2003 in apartment accommodation, that for family related reasons he now requires a larger house and that he is associated with the local Gaelic football club.
- 8.5. A central purpose of the Sustainable Rural Housing Guidelines is that the policies set out in the County Development Plan distinguish between urban generated housing demand and housing arising from a demonstratable need to live in a rural area. The Wexford County Development Plan has followed the national guidelines by identifying areas where there is pressure for housing arising from those areas' proximity to larger settlements. Having regard to the concentration of single housing development along this road from Curracloe to the junction with the R741 to Wexford town, the proximity of the area to Wexford town generally and to the N11/N25 I conclude that this is an area under strong pressure for uncoordinated one-off housing development as described in the Sustainable Rural Housing Guidelines.
- 8.6. Notwithstanding the points raised in the application/appeal the current application has not demonstrated that it arises from a need to live in this particular rural area and that the applicant fulfils the criteria for rural housing need set out in the County Development Plan. I conclude that the proposed development would undermine the settlement policies set out in the National Guidelines and in the County Development Plan in this regard.
- 8.7. **Road Safety.**
- 8.8. The application site is located on a heavily trafficked regional route that links Wexford town to Curracloe and further along the coast road to Blackwater and

Courtown. The 80kph speed limit applies in the vicinity of the site and the site is located on a sharp bend. There are no footpaths or cycle paths on the road in the vicinity of the site, there is no median line or public lighting and there is no safe pedestrian refuge along this stretch of road.

- 8.9. While focused on national primary routes the Spatial Planning and National Roads Guidelines for Planning Authorities (DOECLG 2012) make the point that regional routes provide essential links between towns and rural areas and the protection of the carrying capacity and road safety of these routes should be a strong focus of the development management roles of planning authorities. The County Development Plan includes an objective (objective 26) to manage and maintain the regional road network in the county in a manner which safeguards the strategic function of regional roads and (objective 28) to limit new or intensified use of accesses to regional routes.
- 8.10. Section 18.29.3 of the County Development Plan requires that in the case of new access points to class 2 regional routes (as in the case here) sightlines of 135m be provided in both directions. The application includes a drawing showing 135m sightlines in both directions from a new site entrance relocated from the western end of the site to the eastern end of the site frontage. However, the sightline to the east is over a small wetland/pond area not in the applicant's ownership. The sightline to the west requires the removal of the entire site frontage along the public road.
- 8.11. Having regard to the location of the site on a sharp bend on a heavily trafficked regional route where the 80kph speed limit applies and where adequate sightlines are not available and to the absence of footpaths/cycle paths or public lighting or a median line on the public road in the vicinity of the site I conclude that the additional traffic movements and vehicular turning movements on the road arising from the proposed development would endanger public safety by reason of traffic hazard.
- 8.12. The Board may conclude that this is a new issue which it may wish to put to the parties for comment.
- 8.13. **Domestic Effluent Disposal.**
- 8.14. The site suitability assessment for the disposal of septic tank effluent submitted with the application reported that there is mottling 400cms below the ground surface, that the subsoil is heavy clay, that the site is poorly drained and unsuitable for the safe

disposal septic tank effluent. The site assessment recommends excavation of 50m² by 2.5m deep of soil and subsoil to provide a suitable medium for the disposal of domestic effluent and the installation of a proprietary treatment system.

8.15. The planning authority's environment section recommended a grant of permission.

8.16. I carried out a walkover site inspection and noted that the vegetation on site includes extensive rush growth and there was surface ponding on the site. I consider it very likely that the pond to the east within the area shown as providing sightlines from the relocated entrance would be a surface water target for effluent draining from the site.

8.17. Having regard to the observable features on site and to the site suitability assessment submitted with the application, in particular the mottling close to the surface, I conclude that the site has a high water table and that effluent disposal within the site even within a constructed percolation area would give rise to serious risk of both ground and surface water pollution and would be prejudicial to public health.

8.18. The Board may conclude that this is a new issue which it may wish to put to the parties for comment.

8.19. **Other issues**

8.20. Then appeal refers to another planning application which it states is relevant to the present case. I consider that each application must be considered on its own merits as are assessed above.

8.21. **Appropriate Assessment Screening.**

8.22. Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site, I am satisfied that 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.

9.0 Recommendation

9.1. I recommend that permission be refused.

10.0 Reasons and Considerations

1.	<p>Having regard to the location of the site within Area Under Strong Urban Influence as identified in Sustainable Rural Housing Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where housing is restricted to persons demonstrating local need in accordance with the current Wexford County Development Plan, it is considered that the applicant does not come within the scope of the housing need criteria as set out in the Guidelines or the Development Plan for a house at this location. The proposed development, in the absence of any identified locally based need for the house, would contribute to the encroachment of random rural development in the area and would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.</p>
2.	<p>The application site is not suitable for the safe disposal of domestic foul effluent due to the high-water table and soil conditions as evidenced in the material submitted with the planning application. The proposed development would therefore give rise to a risk of surface and ground water pollution and would, therefore, be prejudicial to public health.</p>
3.	<p>The application site is located on a sharp bend on the public road where the 80kph speed limit applies and there are no footpaths, cycle paths, median line or public lighting and where it has not been demonstrated that adequate sightlines can be provided. The proposed development would give rise to additional traffic turning movements on this substandard road which would endanger public safety by reason of traffic hazard.</p>

Hugh Mannion
Senior Planning Inspector

6th November 2020.