



An
Bord
Pleanála

Inspector's Report ABP-310269-21

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| Development | Development of 19 houses, new access road and all associated site works. |
| Location | Bearlough, Rosslare, Co. Wexford |
| Planning Authority | Wexford County Council |
| Planning Authority Reg. Ref. | 20210270 |
| Applicant | Cuidado Limited |
| Type of Application | Permission |
| Planning Authority Decision | Refuse Permission |
| Type of Appeal | First Party |
| Observer(s) | None |
| Date of Site Inspection | 1 st December 2021 |
| Inspector | Paul O'Brien |

1.0 Site Location and Description

- 1.1. The subject site, with a stated area of 0.8982 hectares, is located to the north western side of Grange Road, in the townland of Bearlough, Rosslare, Co. Wexford. Grange Road extends from Strand Road to the north east to Station Road to the south. The subject site is located on the section of Grange Road that is located to the north east of the Dublin to Rosslare Europort railway line. Rosslare Strand station is approximately 660 m to the south east of the site, though access is circa 1.3 km due to the road layout in the area.
- 1.2. The subject site can be described as two rectangles, one on a south east to north west axis, extending from Grange Road and to the north east of a local road that forms the south western boundary and a smaller rectangle that extends along Grange Road on a south west to north east axis. The lands are under grass and the site boundaries consist of mature hedgerows.
- 1.3. The lands to the south west are in agricultural use, there is an Irish Water waste water treatment system to the north west and a row of semi-detached houses to the north east along Grange Road. Similar semi-detached houses are located on the opposite side of Grange Road and a small housing development called Glór na Mara is immediately opposite.
- 1.4. As stated, there is a railway station in Rosslare Strand, though service provision is low at three to four trains per day in each direction. Bus services are located in the centre of Rosslare, approximately 1.3 km from the subject site and again, the frequency is low, providing services between Rosslare Harbour and Wexford.

2.0 Proposed Development

- 2.1. The proposed development consists of 19 residential units as follows:

| House Type | Bedrooms | Number |
|------------|--|--------|
| A1 | 4/5 Detached, three-storey (attic level accommodation) | 2 |
| A3 | 4/5 Detached, three-storey (attic level accommodation) | 6 |

| | | |
|--------------|--|-----------|
| C | 3/4 Semi-detached with optional attic level accommodation and optional kitchen extension | 8 |
| D2 | 3 Bed detached, single storey with attic level accommodation | 3 |
| Total | | 19 |

The development of 19 houses on a site area of 0.89 hectares provides for a proposed density of 21 units per hectare.

- New access and access road from Grange Road and an access from the existing road on the western boundary of the site.
- All associated site works.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse permission for the proposed development for four reasons, summarised as follows:

1. The proposed development is located entirely within an exclusion/ buffer zone around a wastewater treatment plant and in accordance with Section 9.2.8 of the Wexford County Development Plan 2013 – 2019 as extended. The development would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.
2. Insufficient capacity in the wastewater treatment plant to serve the proposed development.
3. The access road along the north western boundary is inadequate and the development is premature pending the upgrade of this road.
4. Soil conditions in the area may not be suitable for surface water drainage.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to refuse permission for the development for the four reasons as outlined.

3.2.2. **Other Technical Reports**

Water Services Operations: The site is within the 150 m buffer zone of the Rosslare wastewater treatment plant and the existing water services infrastructure is insufficient to cater for the development/ larger masterplan development. The watermain serving Rosslare is at capacity in the summer. The public road is prone to flooding in this location and the submitted details indicate that soil conditions may not be suitable for drainage. Recommends that the development be refused permission as it is premature. This report

Area Engineer: Refusal recommended due to the issue of location within the wastewater buffer zone (which is 150 m and not 50 m), potential for flooding of the wastewater treatment plant due to the proposed development, capacity issues in the wastewater treatment plant and there are issues of flooding in the area such as on the public road.

3.2.3. **Prescribed Bodies Reports**

Irish Water: The site lies within the 150 m buffer zone associated with the wastewater treatment plant. The buffer is 150 m, not the 50 m as indicated by the applicant.

3.2.4. **Objections/ Observations**

Letters of objection were received from J. Etchingham and A. Codd.

The following issues were raised in summary:

- The surrounding lands are prone to flooding and are waterlogged.
- The area is important for biodiversity and suitable assessments should be undertaken.
- The 150 m buffer zone should be enforced by Wexford County Council.
- The site may be outside of a 'Flood Risk Zone' but the area is prone to flooding and any development could result in increased issues.
- The proposed and existing road layouts may give rise to traffic safety issues.

- HGVs reverse down the laneway to the treatment plant, this is currently safe to do so but may give rise to safety issues if the development were constructed.
- The hedgerow along the laneway is an important habitat for birds.
- The soil here provides very poor drainage and may not be suitable for increased development.
- Capacity issues in the local primary schools.
- The proposed development at 25 units per hectare is considered acceptable by the applicant in this location. This is not an urban site and forms part of the rural area of Rosslare. Development should be focused on urban zoned lands only.

Refusal of permission is recommended.

4.0 Planning History

- 4.1. There is no recent planning history on this site.

5.0 Policy and Context

5.1. Wexford County Development Plan 2013 – 2019 – Extended

- Chapter 3 provides the Core Strategy for County Wexford. Rosslare is listed within the 'Strong Villages' category. Section 3.4.8 provides detail on these 'Strong Villages' and the following is noted.

'The network of Strong Villages is spatially balanced across the county. These villages are included at this level for reasons including their location on, or good access to transport routes, including public transport, existing service provision and/or their role in achieving balanced settlement patterns across the county'. Nine villages are identified including Rosslare.

'It is proposed to consolidate these villages by concentrating new growth in the village centres. The Council will apply the sequential approach to the development of land, focusing on the development of lands closest to the village centre first. 'Leap-frogging' of undeveloped lands will not be considered, unless it can be justified that there are sound planning reasons for doing so'.

‘The population of Rosslare Strand is 1,547 (Census 2011). The Council do not intend to prepare a local area plan for Rosslare Strand. In accordance with the provisions of Section 19 of the Planning and Development Act 2000 (as amended), the Plan indicates objectives for the village which are set out in Appendix A of this Volume’.

A list of objectives is provided as follows:

‘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.

Objective SS24

To promote and facilitate the provision of serviced residential sites within Strong Villages subject to complying with normal planning and environmental criteria and the development management standards contained in Chapter 18’.

- Chapter 4 provides details on Housing. Density is included in Section 4.2.4 and design/ layout is included in Section 4.2.5.
- Chapter 8 provides details on Transportation.
- Chapter 9 provides details on Infrastructure and ‘Water and Wastewater Infrastructure’ is detailed in Section 9.2. Rosslare Strand is shown to have no

capacity. Table 23 provides details on the 'Buffer Zones around Wastewater Treatment Systems'.

- Chapter 12 provides details on 'Flood Risk Management'.
- Chapter 17 – 'Design'
- Chapter 18 sets out 'Development Management Standards'.
- Appendix A provides 'Objectives for Rosslare Strand and Castlebridge' and the following objectives are relevant to this development:

'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'.

- Rosslare Strand and the subject site are not zoned.

5.2. National Guidance

- Design Manual for Urban Roads and Streets (DMURS).

5.3. Natural Heritage Designations

- 5.3.1. The Wexford Harbour and Slobbs proposed NHA, and SPA are located approximately 0.9 km to the west of the subject site.

5.4. EIA Screening

Having regard to the nature of the proposed development comprising the development of 19 houses and all associated internal roads and services on a stated site area of 0.9 hectares, 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

Cuidado Limited have engaged the services of Sheridan Woods, – Architecture, Urban Design and Planning, to appeal the decision of Wexford County Council to refuse permission for a residential development on this site in Rosslare Strand.

The issues raised, include in summary:

- The context of the site is provided, and the application is lodged in accordance with the requirements of the Wexford County Development Plan 2013 – 2019 as extended. Rosslare Strand is included as one of the Strong Villages in the county development plan.
- A preliminary masterplan was developed for the client's overall landholding.
- Reviews the reasons for refusal. Notes the comments made in the Planning Authority Case Officer's report regarding the height of the proposed boundary walls.

The following responses are made to each of the four reasons for refusal:

- Wastewater buffer zone: No statutory requirement for such a buffer zone around a treatment plant. The plant is unlikely to give rise to issues from noise and odours, there are already houses within the buffer area, 93 m from the treatment plant. Request that the Board accept that a 50 m buffer to be acceptable and not the required 150 m.
- Wastewater capacity: Revised Confirmation of Feasibility from Irish Water, that 20 units is feasible without a need for any upgrades. Issues raised by Wexford

County Council are not shared by Irish Water. Request that the issue of capacity be dismissed by the Board.

- Access road: The existing road to the north west can be upgraded as part of this development. The upgrade will improve safety at the junction/ sightlines in the vicinity of the railway bridge. The applicant is willing to upgrade the roadway by way of financial contribution.
- Surface water drainage: The proposal has been designed using best practice SUDs and other suitable measures. Request that this reason for refusal be dismissed.

Further comments on the made on the Wexford County Council Planning Report:

- The issues raised in the Water Services Operations report have been addressed in this appeal – buffer zone reduction and Irish Water revised Confirmation of Feasibility address the raised matters of concern/ reasons for refusal as issued. Maintenance works have been undertaken by the applicant and will address issues of surface water flooding in the area.
- The issues raised in the Area Engineer’s report have been addressed in this appeal – buffer zone reduction and Irish Water revised Confirmation of Feasibility address the raised matters of concern/ reasons for refusal as issued.

In conclusion, the development is only for 19 houses and there is capacity in the public systems to facilitate this development. There are existing houses within 93 m of the wastewater treatment system and the provision of a buffer of 150 m is not a statutory requirement. The site is located outside of a flood zone, and it is requested that the decision to refuse permission be overturned and permission be granted for this development. Appendices A to H are submitted in support of the appeal.

6.2. **Planning Authority Response**

- None.

7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Development Context

- Layout Design and Impact on the Character of the Area
- Residential Amenity
- Issue of Wastewater Treatment Plant Exclusion Zone
- Wastewater Capacity
- Surface Water/ Flooding
- Access and Transportation
- Other Issues
- Appropriate Assessment Screening

7.2. **Development Context**

7.2.1. Rosslare Strand and the subject site are not zoned in the operative Wexford County Development Plan 2013 – 2019 as extended. Objective RSO07 seeks to consolidate the development of the urban area of Rosslare Strand. From the site visit it was apparent that the urban form of this settlement is unusual in that that there are a number of large caravan/ mobile home sites located, off Strand Road, one of the main streets of this village. I accept the reasoning for consolidation of the urban area, but I am satisfied that the location of this development would not be contrary to that objective. Grange Road is one of the main roads serving the village and the site is closer to the centre than other residential developments in the area such as those further to the south of Grange Road.

7.3. **Layout Design and Impact on the Character of the Area**

7.3.1. The proposed development provides for 19 houses, units no. 1 to 6 are located to the north east of the existing laneway that forms the south west boundary and units no. 7 to 14 are on the new cul-de-sac from Grange Road. The remaining units, no.17 to 19, are located to the north west of/ facing onto Grange Road. All units are provided with in-curtilage parking.

7.3.2. A total of 956 sq m of public open space is provided to the north west of the site and which forms a buffer between the site, additional lands that are owned by the applicant but that do not form part of this application, and the wastewater treatment plant to the north west. It is clear from the submitted information that the applicant proposes to develop the adjoining lands to the north/ north east in the future. I would be concerned about the quality of this open space, whilst it is overlooked by three of

the houses, its layout and useability are not of a high quality. The Planning Authority raised no issues about this open space, which is in excess of the 10% required.

7.3.3. The proposed houses are considered to be visually acceptable and a suitable variety in house types is provided throughout the site. The provision of dormer type houses along the north eastern section of the site is appropriate having regard to the single storey detached houses on the adjacent lands. The mix of semi-detached and detached houses is also considered to be appropriate. The houses will present a high quality of development in this area.

7.4. Residential Amenity

7.4.1. The proposed houses demonstrate the provision of suitable floor areas and room sizes. Adequate storage is indicated on the floor plans and additional storage can be provided within rooms as a number of the bedrooms are far in excess of standard room sizes. As already reported, each house is provided with in-curtilage car parking spaces.

7.4.2. All houses are provided with adequate rear private amenity space. The rear garden depths are generally acceptable. I note that the rear gardens of units no. 17 to 19 are around 6.5 m in depth; however, the amount of open space at between 121 and 177 sq m is far in excess of what would normally be expected. These three houses do not have any windows in the rear upper level and overlooking of the lands to the rear/ future development sites, does not occur. Suitable passive surveillance is provided onto Grange Road from units no. 01 and 07.

7.5. Issue of Wastewater Treatment Plant Exclusion Zone

7.5.1. The first reason for refusal refers to the exclusion zone around the wastewater plant. This is considered to be 150 m from the plant. It appears that the applicant has designed the development on the basis of all units being 50 m from the wastewater plant boundary. I note that the appeal refers to the fact that existing houses are within 93 m of the treatment plant and that Irish Water have not reported any particular issue with this element of the development and that Wexford County Council reported in an Appropriate Assessment for Wastewater Discharge no issues with odours etc. except at the discharge point into the sea.

7.5.2. Table 23 in the county development plan sets out the exclusion zone for treatment plants. I consider the provision of a 150 m buffer zone to be appropriate in the

absence of any real justification for the need to build here. Whilst I accept that development may be acceptable on these lands in terms of consolidation and in the absence of a local area plan/ suitable zoning plan, there is no essential need to build here having regard to a clearly defined restriction in the form of the treatment plant.

7.5.3. The Irish Water report of the 10th of May 2021 (submitted by the applicant in support of the appeal) indicates that the existing plant should be able to accommodate an additional 20 units and maybe up to 389 units. It also appears though, that other upgrade works may be required. I would have a concern that an increase in the use of this plant may possibly give rise to the sort of issues that the buffer zone was introduced for. So, while the plant may not be giving rise to negative impacts to residential amenity, such issues may occur if 19 houses were built within a specified buffer zone.

7.5.4. The Wexford County Development Plan 2013 – 2019 as extended, clearly states what the exclusion area is to be. Permitting this development would set a poor precedent for similar incursions into defined buffer areas. There is a significant amount of development in Rosslare Strand and the absence of a suitable plan indicating zoned lands and buffer zones gives rise to confusion and uncertainty as there may be an impression that all lands are developable/ are of equal status. Considering the limit direction/ restriction on development, the existence of this buffer zone prevents the development of these lands as proposed.

7.6. **Wastewater Capacity**

7.6.1. I again note the contents of the Irish Water letter and that they consider that the provision of 19 houses on these lands would be feasible. The nature of Rosslare Strand and in particular its importance as a holiday location, results in a significant difference in demand for services including water supply and wastewater treatment, throughout the year. I am not certain if the Irish Water calculations take into account the summer holiday peak demand and if the Local Authority are basing demand solely on the maximum peak. The 2011 census indicates that the population of Rosslare Strand was 1,547 and this rose to 1,620 by 2016. The peak holiday season population would be much greater than this.

7.6.2. There is therefore a conflict between the Irish Water and Local Authority opinion on the capacity of the treatment plant. If permission were granted, occupation of the

houses may not take place for up to five years and a capacity issue could arise at that stage; that would not be unusual for a development in an urban area and is a matter for Irish Water to address at connection stage. From the Irish Water report, there appears to be adequate capacity at present and therefore I consider that this reason for refusal does not apply.

7.7. Surface Water/ Flooding

- 7.7.1. Concern was expressed about flooding in the area. There is no indication from the OPW – floodinfo.ie mapping system that there is an issue with flooding in this area. Coastal flooding does occur to the north of the site and along the coast but not on the subject lands or the lands to the south.
- 7.7.2. The applicant has indicated that they own a large area of land in the immediate district, and I would be satisfied that the development of 19 houses could take place without impacting on adjoining lands subject to the provision of suitable SUDs and surface water attenuation measures.
- 7.7.3. I note the comments made in the letter of objection and in the submitted reports regarding flooding. I am not dismissing the issue, but the provision of suitable drainage and other measures should address this issue.

7.8. Access and Transportation

- 7.8.1. The third reason for refusal refers to the poor quality of the access road along the north western boundary of the site. This is an existing laneway which the development will adjoin and use for vehicular access for units no. 01 to 06. No proposals to upgrade this road were provided as it lies outside of the applicant's control, however a financial contribution could be levied for the upgrade of this road.
- 7.8.2. I noted from the site visit that this laneway, which serves the treatment plant, was in poor condition, however the users of this laneway would not be adversely impacted by its quality. The provision of six houses directly onto this lane would change its character. The proposed development provides for a footpath and verges on the applicant's land, but no details are provided in relation to public lighting and how the laneway will be upgraded. The upgrade would require more than just a new road surface and some kerbing; it is likely that the laneway would require a full rebuild and in doing so the operations of the wastewater treatment plant may be impacted.

- 7.8.3. The visual character of the area would also be impacted by the development as the works required to the site would result in the loss of one hedgerow and perhaps also the removal of the hedgerow on the opposite side of the road. No attempt has been made by the applicant to incorporate these existing features into the proposed development.
- 7.8.4. It is evident that this is a first phase development of other unspecified numbers of phases. No real account has been taken as to how this can be carried out. I note that Grange Road appears (stated to operate on Grange Road on the timetable) to be served by Local Link bus route 387 up to seven times on a weekday with nine services on Thursday to Saturday. No attempt has been made to propose a suitable bus stopping area here either now or in the future.
- 7.9. The cul-de-sac is considered to be acceptable, though it is unfortunate that the provision of a hammerhead turn breaks up the area of open space, thereby reducing its useability.

7.10. **Other Issues**

- 7.10.1. The comments raised in the letters of objection are noted, I have already commented on most of the issues. The loss of bird and animal habitats are noted, I have already referenced the loss of the hedgerow with no real attempt to incorporate it into the design.
- 7.10.2. The issue of flooding has been commented on. I accept that this site may be waterlogged throughout the year, however the proper development of the site may overcome these issues through the provision of SUDs and other drainage measures. The applicant has proposed measures also to address this issue.
- 7.10.3. Very little detail has been provided in relation to the open space area, it is considered that if the development were permitted, a suitable landscaping/ open space plan should be provided, and which should attempt to retain as much of the hedgerow as is possible.

7.11. **Appropriate Assessment Screening**

- 7.11.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that

the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

8.0 Recommendation

- 8.1. I recommend that planning permission be refused for the following reasons and considerations as set out below.

9.0 Reasons and Considerations

1. The proposed development is located within 150 m of an operational wastewater treatment plant and Table 23 of the Wexford County Development Plan 2013 – 2019, as extended, provides for an exclusion zone for residential development within such an area of land. The proposed development would therefore be contrary to the Wexford County Development Plan 2013 – 2019, as extended, and would be prejudicial to public health.

2. House numbers 01 to 06 are to be served by an existing rural laneway which is inadequate in width, alignment, and structural conditions. This laneway serves other lands and a wastewater treatment system but would not be regularly used by members of the public. The applicant has not proposed suitable measures or plans for the upgrade of this laneway and the use of which would, therefore, endanger public safety by reason of traffic hazard.

Paul O'Brien
Planning Inspector

2nd December 2021