



An
Bord
Pleanála

Inspector's Report

ABP-312128-21

Development	House and associated site works.
Location	Duncannon, Ballyhack E.D, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20211525
Applicant(s)	Nicole Foley
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Nicole Foley
Observer(s)	None
Date of Site Inspection	3 rd February 2023
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.4 hectares is located on the northern side of Duncannon, Co. Wexford. Duncannon is a small seaside village and the site at this location offers views of Waterford Harbour and Duncannon Quay/Fort. The topography of the site is such that the site falls sharply from the road with levels varying from c. 34m O.D. at road level to c. 27m O.D. at the rear of the site.
- 1.2. The site is located on the western side of a local road (L4052) opposite Our Lady Star of the Sea Church and cemetery. The road in front of the site was in use for church parking at the time of the inspection. The local national school is located c. 80m to the north of the site. The site is located within the village 50km/h speed limit zone.
- 1.3. A set of photographs of the site and its environs taken during the course of my site inspection is attached. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Permission sought for the following:
 - Single storey flat roof dwelling with stated floor area of 171m².
 - External finishes include stone, zinc, sand and cement render, and timber cladding.
 - Site is served by mains water and a biocrete waste water treatment system is proposed.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission refused for the following reasons:
 1. While the provision of residential development within Village Locations is generally acceptable to the Planning Authority, it is the policy of the Council to follow a sequential approach to development within village boundaries to ensure that development is sustainable and enables appropriate provision of

services and community facilities in an orderly fashion. The proposed development, by virtue of its location on the outskirts of Duncannon Village and at a point where several other lands are yet to be developed closer to the village centre, would be contrary to the sequential approach to development. The proposed development would represent haphazard random development and would set a wholly undesirable and inappropriate precedent for further development of this detached and unsustainable nature. The proposed development is therefore considered to be contrary to Section 3.4.9 and Objective SS27 of the County Development Plan 2013-2019 (as extended), to the over-arching national policy and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the siting of the proposed development and its location in a prominent and exposed agricultural field overlooking Waterford Harbour and Duncannon Quay/Fort, it is considered that the proposed development would be contrary to Objectives CZM13 and CZM16 of the Wexford County Development Plan 2013-2019 (as extended), and would fail to integrate into the coastal landscape. The proposed development would represent a visually incongruous and obtrusive feature which would seriously injure the visual amenities and character of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planner considered that the applicant has a locally generated housing need. Refusal recommended for 2 reasons relating to sequential approach to development and visual impact.

3.2.2. Other Technical Reports

Roads: Recommended permission subject to conditions.

Environmental Section: No report on file. Planner's report noted that Environmental Section had previously recommended permission for this site under PA Reg. Ref. 2020147.

3.3. Prescribed Bodies

- No reports.

3.4. Third Party Observations

- None.

4.0 Planning History

PA Reg. Ref. 20201457

Permission refused to current applicant for similar reasons to the current application.

PA Ref. Ref. 20181801

Permission refused to current applicant for three reasons relating to visual amenities, drainage and insufficient information regarding impact on European sites.

5.0 Policy Context

5.1. Development Plan

Wexford County Council Development Plan

Table 3-2 identifies that Duncannon is designated as a 'Large Village'- Level 4.

The spatial planning approach for these villages is to concentrate new residential growth within the existing footprint of the village. The Council will apply the sequential approach to the development of land, focusing on the development of lands within and closest to the village centre first. 'Leap-frogging' of undeveloped lands and greenfield lands will not be considered.

Objective CS01 To implement the Core Strategy Guiding Principles and Development Approach and to ensure that required infrastructure and services are provided by infrastructure providers, either in advance or in tandem with development, to achieve this implementation.

Objective CS22 To vary the County Development Plan to include Settlement Plans for Level 3a settlements and prepare boundaries and objectives for Level 3b settlements and prepare settlement boundaries for Level 4 and 5 settlements. Potential sites for infill, regeneration and appropriate locations for housing will be identified for all Level 3a, 3b, 4 and 5 settlements.

Objective TV34 To require that all new development represents an efficient use of land and supports national policy objectives to achieve compact growth in towns and villages. The location of new development should be based on the sequential approach focussing on the development of lands within and closest to the town and village centre and should avoid 'leap-frogging' where development of new areas is removed from the existing contiguous village. Development of lands with no links to the town or village centre will be refused.

Objective SH06 To prioritise the provision of new housing in existing settlements and at an appropriate scale and density relative to the location in accordance with the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region and the Core Strategy and the Settlement Strategy in the Plan.

Table 4-5 Indicative Density and Scale – edge of centre sites in smaller towns and villages- considered that densities to a range of 20-35 dwellings per hectare. On un-zoned lands applications for residential developments of a maximum of 15 dwellings on a defined site will be required and further development will be considered once the first scheme has been satisfactorily completed.

Single Rural Housing in the open countryside will be considered in accordance with Table 4-6. Applicants in Coastal Zone Areas must have an overriding economic functional need to reside permanently in the specific Coastal Zone.

Map 3 Coastal Zone in Volume 1 Written Statement shows the Coastal Zone. The current site is located in the designated Coastal Zone Area.

Map 7.1 Landscape Character Units in Volume 7 shows the Coastal Landscape Unit.

5.2. Natural Heritage Designations

- 5.2.1. The site is not located within any European site. The closest such European site to the subject site is the River Barrow and River Nore SAC Site Code 002162 c. 100m to the west of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment 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

- 6.1.1. The grounds of appeal submitted by the applicant can be summarised as follows:

- I feel that the proposed dwelling would not affect the future of the village, this is the only chance I have to own my own house and rear my two young children.
- I feel that when my house is built on this site and landscaped, it will be an addition to the village.

6.2. Planning Authority Response

- Planner had no further comments in relation to the submission for the appeal. The planner's report associated with the file is considered to address any issues raised satisfactorily.

6.3. Observations

- None.

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider that the key planning issues relating to the assessment of the appeal can be considered under the following headings:

- Principle of Development
- Visual Impact
- Screening for Appropriate Assessment

7.2. Principle of Development

- 7.2.1. The site is located in the village of Duncannon, Co. Wexford which is designated as a 'Large Village' – Level 4 in the County Development Plan. The lands are unzoned at present and there is no development boundary designated for the village of Duncannon. It is an objective under Objective CS22 to prepare boundaries and objectives for Level 3b settlements and prepare settlement boundaries for Level 4 and 5 settlements.
- 7.2.2. The first reason for refusal by the Planning Authority notes that while the provision of residential development within Village locations is generally acceptable to the Planning Authority, it is the policy of the Planning Authority to follow a sequential approach. It is considered that the proposed development, by virtue of its location on the outskirts of Duncannon village and at a point where several other lands are yet to be developed closer to the village centre, would be contrary to the sequential approach to development.
- 7.2.3. I note that a new Development Plan has been adopted since the decision by the Planning Authority, however the policy remains similar in relation to the application of the sequential approach to development focusing on the development of lands within and closest to the village centre first and avoiding the 'leap-frogging' of lands. The approach required for Level 4 Villages is to concentrate new residential growth within the existing footprint of the village. Objective TV34 requires that all new development represents an efficient use of land and supports national policy objectives to achieve

compact growth in towns and villages. The location of new development should be based on the sequential approach focussing on the development of lands within and closest to the town and village centre and should avoid 'leap-frogging' where development of new areas is removed from the existing contiguous village.

Development of lands with no links to the town or village centre will be refused.

- 7.2.4. In the absence of any designated village boundary for Duncannon, I would take the view that this site is an edge of centre site within the village. I note that the church, cemetery and car park are located almost opposite the site. At the time of the site inspection, a large funeral service was underway, and I noted that both the lands in front of the site and on the opposite side of the road were used for car parking associated with the service. The local national school is located further away from the village c. 80m to the north of the site. The site is located within the designated 50 km/h speed limit zone. It is located c. 300m from the main street of Duncannon Village and within easy walking distance of the village. Whilst there are a number of sites that have not yet been developed closer to the village core, I do not share the view that the development of this site could be considered to be 'leap-frogging' of development. I note that development of Duncannon has already taken place to the south east of the village on sites a significantly greater distance from the main street. Nevertheless, I consider that the current site is a suitable site for development having regard to the proximity to community facilities including the church and the school.

7.3. Visual Impact

- 7.3.1. Wexford County Council in their second reason for refusal stated that having regard to the siting of the proposed development in a prominent and exposed agricultural field overlooking Waterford Harbour and Duncannon Quay/Fort, it is considered that the proposed development would be contrary to Objectives CZM13 and CZM16 of the Wexford County Development Plan 2013-2019 (as extended) and would fail to integrate into the coastal landscape.
- 7.3.2. In the new Development Plan adopted since the decision of the Planning Authority, the site is located in a designed Coastal Zone area. This landscape is included in landscapes with a high sensitivity to change and a limited ability to absorb new

development. Development proposed within these areas must be shown not to impinge in any significant way upon their character, integrity or uniformity when viewed from the surroundings. Particular attention should be given to the protection of the character and distinctiveness of these areas as viewed from scenic routes and the environs of archaeological and historic sites. A number of objectives are set out in the Development Plan which require the protection of the coastal zone and development of a high quality, sensitive siting and appropriate scale including L06, L07, CZM41, CZM80 and CZM81.

- 7.3.3. The site affords views towards Waterford Harbour and Duncannon Quay/Fort. However, the site is elevated at the roadway and slopes sharply downwards. The site has excellent coastal views but it is difficult to see Duncannon Quay/ Fort from the roadway directly in front of the site, due to the topography and the distance between the locations. There is a much better view of same from the site itself rather than the roadway, particularly towards the middle and rear of the site. The sloped topography of the site has influenced the design of the proposed dwelling. I refer the Board to Site Section S-S submitted with the application which indicates that the proposed level of the public roadway and the ridge height of the house are similar. I consider that the design of the dwelling and the materials proposed are of high quality.
- 7.3.4. I am satisfied that the scale and design of the development is in keeping with existing development in the area. Having regard to the village location of the site and the low profile high quality design proposed, it is my view that the proposal is visually acceptable at this location.

7.4. Screening for Appropriate Assessment

- 7.4.1. The application is accompanied by an Appropriate Assessment Screening Report dated November 2020.

Project Description and Site Characteristics

- 7.4.2. The application proposes the erection a single residential dwelling on a site of 0.4 hectares. The site is located at a scenic location overlooking Waterford Harbour opposite Our Lady Star of the Sea Church. The site is served by a mains water

supply and it is proposed to install a packaged wastewater treatment system. There are no watercourses on the site.

7.4.3. It is noted that there are 8 No. Natura sites within 15km of the appeal site as follows. While 15km is not a statutory requirement I am satisfied that it is a reasonable parameter and that the sites identified are acceptable. Site specific conservation objectives and qualifying interests have been set for these sites by the National Parks and Wildlife Service (NPWS).

Site	Code	Distance
1. River Barrow and River Nore SAC	002162	100m
2. Bannon Bay SPA	00403	5.6km
3. Bannon Bay SAC	000697	5.6km
4. Lower River Suir SAC	002137	7km
5. Hook Head SAC	000764	9km
6. Tramore Backstrand SPA	00402	11km
7. Tramore Dunes and Backstrand SAC	00067	11km
8. Keeragh Islands SPA	004118	13.2km

Assessment of likely effects

7.4.4. The site is not located within any of the European sites and is not directly adjacent to such sites. Therefore, no direct impacts would arise from the proposed development. In view of the separation distances, nature of the qualifying interests, lack of hydrological connection and the conservation objectives of the following sites:

- Bannon Bay SAC
- Bannon Bay SPA
- Lower River Suir SAC
- Hook Head SAC

- Tramore Dunes and Backstrand SAC
- Tramore Backstrand SPA
- Keeragh Islands SPA

There is no potential for these designated sites to be indirectly affected by the proposed development.

7.4.5. The screening report identifies that it is only the River Barrow and Nore SAC site that could be impacted in any way. The site is within the surface water catchment and groundwater body intersecting with the SAC. This SAC is designated for 12 habitats and 11 species which are set out in Table 2 of the Screening Assessment submitted with the application.

7.4.6. The screening report identifies the qualifying interests of this site and its' conservation objectives. The report assesses potential impacts arising from the development in the construction phase and concludes that there is no significant risk of pollution or sedimentation of the Barrow-Nore-Suir Estuary from the small scale construction works for a single house development. There are no drainage ditches or streams on or close to the site for a single house development. There are no drainage ditches or streams on or close to the site for transmission of pollutants or sediment. The development site is set back 100m from the boundary of the SAC at a cliff edge. There is no significant risk of surface water run off carrying sediment or pollution from this small-scale project. In any case, there is a buffer of scrub vegetation along the SAC boundary that would intercept any surface water construction site runoff. In addition no significant disturbance to otter is anticipated. The land is currently in agricultural use and therefore the area is already subject to a certain level of disturbance from agricultural machinery and use.

7.4.7. In terms of the operational phase, the impact of pollution of surface waters or groundwater as a result of wastewaters was considered in Section 9.2. It was noted that the minimum separation distances set out by the EPA were exceeded by the design of the project and that there are no drainage ditches or streams on or adjacent to the site. No significant deterioration in water quality of the transitional waters in the estuary were anticipated and therefore no significant negative impact on the conservation objectives of the River Barrow and Nore SAC as a result of a decline in water quality.

- 7.4.8. In terms of cumulative effects, I have had regard to the provisions of the current Wexford County Council Development Plan and to the planning authority's planning application database. I am not aware of any large planned or permitted developments in the vicinity.

AA Screening Conclusion

- 7.4.9. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with plans or projects would not be likely to give rise to significant effects on European Site No. 002162 or any other European site, in view of the sites Conservation Objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.
- 7.4.10. In reaching this conclusion, I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted for the following reasons and considerations:

9.0 Reasons and Considerations

Having regard to the designation of Duncannon as a Level 4 Village in the Wexford County Council Development Plan 2022-2028 and the proximity of the site to the village centre and associated communities facilities including the national school and the church, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of the policy requirements of the development plan, would not seriously injure the visual amenities of the area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or dark grey in colour only unless otherwise agreed in writing with the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The site shall be landscaped using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This scheme shall include the following:

(a) Retention of trees and hedges as indicated in the submitted site layout plan on 29th September 2021 and measures to ensure same,

(b) The establishment of a hedgerow along all boundaries.

(c) Any plants which die are removed or become seriously damaged or diseased within a period of 5 years of the completion of the development shall be replaced within the next planting season with others of a similar

size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding landscape in the interest of visual amenity.

4. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the requirements of the document entitled "Code of Practice – Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. Details illustrating compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the first occupancy of the dwellinghouse and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the dwelling and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the first occupation of the dwelling, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details

and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interests of public safety and residential amenity.

5. Water supply and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Emer Doyle
Planning Inspector

03 March 2023