



An
Bord
Pleanála

Inspector's Report

ABP-312566-22

Development	Permission for the proposed erection of a fully serviced dwelling house together with associated and auxillary site works (including single domestic connection to waste water sewer)
Location	Lake Little, Rosslare, Co Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20211713
Applicant(s)	Eleanor Carroll
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party
Appellant(s)	Eleanor Carroll
Observer(s)	None
Date of Site Inspection	3 rd February 2023
Inspector	Emer Doyle

1.0 Site Location and Description

- 1.1. The proposed development is located in a large field on the periphery of the village of Rosslare, Co. Wexford. The area to the west of the site is generally rural in nature with a significant amount of one off housing on the cul de sac.
- 1.2. On the opposite side of the road, there is a small housing estate dating to the early 90's which is unserved by a public footpath. A bungalow is located to the east of the site.
- 1.3. The stated site area is 0.37 ha. The site is elevated above the public road and bounded by mature trees and hedgerow to the south. Wexford Harbour and Slobbs SPA and proposed NHA is located c. 100m to the north.

2.0 Proposed Development

- 2.1. The proposed development would comprise of the following:
 - Construction of two storey dwelling with a stated area of c. 200m².
 - Shared entrance with adjacent current appeal site ABP 312569-22.
 - Connection to mains water and sewerage.
 - All associated site works.
 - The application is accompanied by an Appropriate Assessment Screening Report.

3.0 Planning Authority Decision

3.1. Decision

Permission refused for 5 No. reasons relating to traffic safety, risk of flooding, public health, impact on European site, and visual impact due to removal of hedgerow.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Planner's report considers that principle of development is acceptable. It is noted that site specific investigations are required to prove that soakpits are sufficient to deal with surface water disposal given the nature of the heavy subsoil. It is considered that the applicant has failed to demonstrate that the proposed development will not increase the risk of flooding to the adjoining public road or on adjoining lands. Concerns raised in relation to Appropriate Assessment and traffic safety.

3.2.2. Other Technical Reports

Area Engineer: Recommends refusal.

Coastal Engineer: Further Information Required.

Wastewater Operations Engineer: Recommends refusal. Report dated April 2020 on previous application (20200392) but I refer the Board also to report on adjacent site as this report is dated December 2021 and provides additional detail which are relevant. Details in the assessment below are based on the most up to date report.

3.3. Prescribed Bodies

- Irish Water: Waste water connection feasible subject to network upgrades including extension of wastewater connection. Water connection feasible.

3.4. Third Party Observations

- None.

4.0 Planning History

PA Ref. ABP 312569-22

Current appeal for erection of dwelling on adjacent site.

PA Reg. Ref. 20200392

Permission refused for erection of 3 No. dwellings on combined sites of two current appeals to ABP for 5 No. reasons.

5.0 Policy Context

5.1. Development Plan

Wexford County Council Development Plan 2022- 2028

Rosslare is designated as a Level 3 (a) Settlement in the Core Strategy. The development approach includes the preparation of a settlement plan with land use zoning for Rosslare Strand.

Strategic Objectives specific to Rosslare Strand include:

- To ensure flood risk is effectively managed and that development is avoided on lands identified at risk of flooding.
- To avoid contributing to coastal erosion and support appropriate mitigation measures.
- To have regard to the available capacity of the wastewater treatment plant and its seasonal capacity when assessing planning applications in the area.

Volume 11 Strategic Flood Risk Assessment

5.2. Natural Heritage Designations

- The Wexford Harbour and SPA (Site Code: 004076), approximately 100m north of the site.
- The Wexford Slobbs and Harbour proposed NHA (Site Code: 000712), approximately 100m north of the site.
- Slaney River Valley SAC (Site Code: 000781), approximately 2.5km to the north of the site.

5.3. EIA Screening

- 5.3.1. Having regard to the nature and scale of the proposed development, comprising of an additional dwelling at the edge of a village, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for

environment 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 can be summarised as follows:

- The Planning Authority made the decision without taking the revised proposals made on history application PA Reg. Ref. 20200392 into account including Reason No. 3 which refers to a waste water treatment pump which is not proposed. A single domestic connection is proposed to the waste water sewer as per connection approval reference No. CDS21005624 from Irish Water.
- Proposal is not considered to be a traffic hazard as sightlines of 65m in both directions are available and only one No. entrance is proposed for 2 No. dwellings.
- A detailed and site specific flood risk assessment was submitted as part of the application which demonstrates that the proposed development will not increase the risk of flooding.
- Site specific rainwater drainage is proposed and was submitted in the application documentation. This demonstrates that there is provision for surface water attenuation on the site.
- The screening report submitted by BioLogiQ Solutions demonstrates that the proposed development would not adversely affect the integrity of the European sites in view of its Conservation Objectives.
- A comprehensive landscaping plan was submitted with the application which provided for a reinstatement of the earth bank so that the development lands blends into the existing landscape. In addition, 2 areas of native woodland are proposed and the remainder of the lands will be allowed to 're-wild'.

6.2. **Planning Authority Response**

- None.

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 general headings:

- Traffic Safety
- Flooding and Infrastructure
- Visual Impact
- Appropriate Assessment

7.2. **Traffic Safety**

7.2.1. I note that the first reason for refusal relates to public safety due to the additional traffic movements which would be generated at a location where the width and alignment of the public road which are substandard, and having regard to the extent of existing entrances at this location.

7.2.2. The Roads Engineer and the Area Engineer have reviewed the application and consider that the proposed development would endanger public safety by reason of traffic hazard.

7.2.3. I note that the grounds of appeal have not submitted any meaningful information that would address the concerns raised. The appeal grounds consider that the proposed development is within the development envelope of the village and a public footpath is proposed and the proposal will not generate excessive additional traffic.

- 7.2.4. I consider that the location is at the extreme edge of the village and the village has already been extended excessively due to poor planning in the past. As such, I disagree with the statement that 'the development is within the 'natural envelope for development of Rosslare Strand'.
- 7.2.5. The proposed development is located on a minor rural cul de sac which is poorly aligned and narrow. I concur with the views of the Area Engineer and Roads Engineer and consider that having regard to the extent of existing development and associated vehicular entrances in the vicinity of the site, the proposed development would lead to an unacceptable multiplicity of entrances at this location and would therefore endanger public safety by reason of traffic hazard. I also consider that the proposals to remove significant amounts of the mature trees and hedgerow to provide sightlines is contrary to Development Plan policy which requires applicants to minimise the amount of tree and hedge removal.
- 7.2.6. Therefore, having regard to the width and alignment of the public road at this location, taken together with the extent of existing development and associated vehicular entrances, I consider that the proposed development would endanger public safety by reason of traffic hazard.

7.3. Flooding and Infrastructure

- 7.3.1. The second reason for refusal as set out by the Planning Authority considers that the applicant has failed to demonstrate that the proposed development will not increase the risk of flooding elsewhere and given the lack of hydrology and drainage, the Council has concerns that the proposed development will increase the risk of flooding along the public road. Furthermore, it is considered that the applicant has failed to demonstrate that there is adequate provision for surface water attenuation of site and that waste water can be adequately disposed of from the site.
- 7.3.2. I have examined the OPW flood mapping website floodinfo.ie and note that the site is not located within the flood risk zone catchment. I have also examined the Wexford County Development Plan Volume 11- Strategic Flood Risk Assessment. There is a blown up picture of this map in Figure 16 of the SSFRA submitted with the application which shows that both sites are partially within Flood Zone A with the site to the west most impacted. I have attached both of these maps to this report.

7.3.3. A Site Specific Flood Risk Assessment was submitted with the application. It is considered that the proposed development site may be impacted by the current scenario and the mid range future climate change scenario 1 in 200 year (0.5% AEP- Flood Zone A) and 1 in 1000 year (0.1% AEP- Flood Zone B) tidal/coastal events. As a mitigation measure, it is intended to raise the ground levels within the site to a minimum level of 2.47m O.D. This would involve importing soil to the site and raising the site by approximately 800mm.

7.3.4. There is a report on the adjacent file (312569) which I have attached to this appeal, from the Waste Water Engineering Section. This report is extremely detailed and contains a lot of local knowledge. As such, I would urge the Board to read the section in relation to Flood Risk Assessment in full. The main points made can be summarised as follows:

- Given the very close proximity to the Bearlough Stream to the south of the site, which has been poorly culverted, it is assessed that a risk of fluvial and pluvial, and combined coastal-fluvial and coastal-fluvial-pluvial most likely exists.
- These flood risks would be increased by a blockage in the culvert.
- Flood risk is further increased by virtue of the stormwater drainage system for the Links Close estate opposite the site outfalling directly on the applicant's site, as well as the public road draining via a ditch cut into the applicant's site.
- Local knowledge points to groundwater flooding also being a relevant factor and a real flood risk for this site together with impermeable sub-soils.
- The proposed mitigation measures lack nuance in terms of simply raising the entire site. It is not acceptable to discount the impact such drastic topographical interventions would have on public properties or the public road.
- No site specific calculations or modelling have been provided in terms of the impact of causing flood risk elsewhere.
- It is considered that the proposed flood design methods will alter the hydrological regime of the area impacting not only on coastal flood risk but also creating and worsening pluvial and fluvial flood risks.

- A number of inaccuracies are pointed out including use of outdated mapping, urban drainage infrastructure, location of the rising point of Bearlough stream, culverting measures for the Bearlough stream etc.
- The drawings provided show flood depths on the public road up to 650mm. This would impede vehicular access for the Woodtown/ Lake Big community of c. 44 houses.
- During the Summer of 2020, major arterial drainage works were carried out to the Bearlough stream and wetlands by a private entity. These works altered the hydrology and hydromorphology of the Bearlough stream changing the catchment behaviour. The SSFRA does not reference these works and there is no mapping of existing land drainage on the site. There is a strong risk that flood risk scenarios may have been made worse by these works.
- The justification tests provided in the SSFRA are inaccurate.
- The information provided in the SSFRA is inadequate and inaccurate and does not meet the requirements of the DoEHLG Flood Risk Management guidance document.

7.3.5. The response to the appeal does not address any of the points made in the above report. It references the SSFRA report already submitted with the application and considers that the report demonstrates that the proposed development will not increase risk of flooding. There is no evidence available to me that the applicant is aware of the local knowledge raised by the Planning Authority in relation to flood risk in the area. I note that the response states that no waste water pumping station is proposed. This is correct as it is proposed to connect to the public sewer. However, I note that the Waste Water report considers that from a review on the ground, this would be very difficult and costly due to levels and a requirement to provide a gravity sewer extension. I also note that there are currently capacity issues with the Waste Water Treatment plant in Rosslare and there are a number of current appeals before the Board in relation to this issue including ABP 312369-22, ABP 314640-22, ABP 314789-22, and ABP 315116-22. In addition, I refer the Board to the letter from Irish Water attached to the appeal which states that a 57m sewer extension is required and the receiving manhole is very shallow and in poor condition.

7.3.6. In conclusion, it is regrettable that the applicant has failed to address the issues raised in relation to flooding in the area. In the absence of a comprehensive assessment, it is considered that the applicant has failed to demonstrate that the proposed development would not increase the risk of flooding in the area and in particular the adjoining public road and adjoining lands. As such, I am of the opinion that the applicant has failed to demonstrate that the appeal site is not at risk of flooding as required by the provisions of specific objective FRM05 of the Development Plan and the Flood Management Guidelines, 2009.

7.4. Visual Impact

- 7.4.1. The site is located on the extreme outskirts of the village of Rosslare on unzoned land. I note that there is no zoning in the village of Rosslare. The site is located adjacent to a one off bungalow and there are housing estates in the vicinity. I consider that the housing estate on the opposite side of the road dates to the early 90's. In my view, it constitutes poor planning and development having regard to the lack of connection with the village including the absence of a footpath and the gap between existing housing estates and this estate. Nevertheless, it has been granted permission and it is important in terms of the context of the site.
- 7.4.2. I note that the Waterworks Operations Engineer notes that the site is on unzoned land and considers that 'the site is very much at the periphery of the low-density village.' The planner's report considers that although the site is not zoned for development 'additional residential units at this location would be in accordance with Development Plan policy as it would consolidate existing development subject to meeting standard planning and environmental considerations.'
- 7.4.3. The area is rural in nature and the site is located on a cul de sac serving sporadic rural houses. The subject site is already higher than the road by approximately 1m. It is proposed to raise the site by a further c.800mm as a flood mitigation measure.
- 7.4.4. I note that one access is proposed to serve both the proposed sites at this location. The site is bound by mature trees and hedgerow and it is proposed to remove significant amounts of this in order to provide sightlines and provide a footpath at this location.

- 7.4.5. I consider that the design of the house proposed is of high quality however, I have concerns regarding the removal of trees and hedgerow and the proposal to increase the finished floor levels on an elevated site. In this regard, I agree with the planner's report which expresses concerns that the proposed finished floor level would be significantly higher than surrounding structures and that it has not been demonstrated that the proposed dwelling would blend into the site suitably. Furthermore it is considered that the amount of works proposed to the front boundary are excessive and contrary to the proper planning and sustainable development of the area.
- 7.4.6. The fifth reason for refusal considers that the proposal to create a wide double entrance, removing significant amounts of existing natural hedgerows and earth embankment and raising the level of the site will result in a development that does not blend in with the existing landscape.
- 7.4.7. I note Objective L04 requires that all developments are appropriately sited, designed and landscaped having regard to their setting in the landscape, ensure that any potential adverse visual impacts are minimised and natural features and characteristics of sites are retained. Objective NH13 requires applicants to 'minimise the removal of hedgerow and natural boundaries, and where hedgerows are required to be removed, the applicant/ developer will be required to reinstate the hedgerow with a suitable replacement of native species.
- 7.4.8. The mature trees and hedgerow along the boundary of the site supports the rural character of the area and makes it an attractive visual amenity. There has been very limited development along this road in recent years and there is no development in the immediate vicinity to the west.
- 7.4.9. Having regard to the characteristics of the site, the mature trees and hedgerow along the boundary of the site and the proposals to remove same, and the proposals to increase the finished floor level as a flood mitigation measure, I consider that the potential impact of the proposal will cause a significant negative visual impact on the surrounding area and lead to an unnecessary loss of biodiversity.

7.5. **Appropriate Assessment**

- 7.5.1. I have considered the proposed development in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.
- 7.5.2. A screening report for Appropriate Assessment was submitted with the application which stated in Section 5.2 that there will be no possible significant impacts. Wexford County Council did not agree with this conclusion.
- 7.5.3. It is proposed to construct a dwelling house at this location served by mains water and sewerage.

Appropriate Assessment Stage 1 Screening

- 7.5.4. The applicant submitted an Appropriate Assessment Screening Report with the application. The screening report considers two sites – Wexford Harbour and Slobs SPA and Slaney River Valley SAC. The site is located c. 100m from the Wexford Harbour and Slobs SPA (Site Code 004076) and c. 2.5km from the Slaney River Valley SAC (site code 00781).

Site Name and Code	Qualifying Interest and Conservation Objectives
Slaney River Valley SAC 000781	15 QI including a priority habitat- Alluvial forests 91EO and species dependant on high water quality. https://www.npws.ie/protected-sites/sac/000781 https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000781.pdf
Wexford Harbour and Slobs SPA 004076	33 SCI including wetlands and waterbirds. Wexford Harbour and Slobs SPA National Parks & Wildlife Service (npws.ie) https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004076.pdf

Assessment of likely effects

- 7.5.5. The Appropriate Assessment screening sets out in Section 5.2 that there will be no possible significant impacts.
- 7.5.6. Both the planner's report and the engineering report raise concerns in relation to Wexford Harbour and Slobs SPA including the following:
- The site has a direct hydrological link to Wexford Harbour and Slobs SPA, as well as a hydrological link to the Bearlough Stream.
 - Part of the site is in a floodzone which would represent a hydrological connection to the SPA.
 - A feeder stream is located approximately 30m from the Bearlough River which discharges to the SPA.
 - Potential for flooding to have a significant impact on the site's qualifying interests.
 - Impacts of imported materials to raise ground levels.
 - There are existing land drains within the site which have not been indicated and if it is deduced from this that the applicant intends to fill them in this will irreversibly alter the natural hydrology with likely negative impacts on the SPA.
 - Stormwater is to be attenuated to a concrete tank which provides no treatment of stormwater which will eventually find its way to the SPA.
 - The subsoil on the site is heavy impermeable clay and the stormwater management solution is unsuitable and will lead to risk of flooding in addition to discharge of inadequately treated water to an SPA.
 - The proposed flood defence mechanisms will irreversibly alter the hydrological regime of the area.
 - During the Summer of 2020 major arterial drainage works were carried out to the Bearlough Stream and wetlands. These works irreversibly altered the hydrology of the Bearlough Stream.
 - The AA Screening Report was based on site visits in 2018 and 2020. These visits are considered to be no longer valid due to the time period elapsed, and major ecological damage to the Bearlough Stream wetlands and major site clearance during the Summer of 2020 which may have resulted in fauna displacement in area.

- The applicant's site provides an important sheltered green 'bridge' link between the Bearlough Stream wetland habitat and Wexford Harbour Estuary and South Slobs SPA habitat. This factor has not been adequately assessed or understood.
- The AA Screening Report erroneously states that the site is not hydrologically connected to the Milltown Stream. Land drains on the site are understood to form the head of the Bearlough Stream which is a tributary of the Milltown Stream. The screening report is therefore inadequate and inaccurate in its assessment and conclusions.

7.5.7. I concur with the reports of the Wastewater Engineer and the Planner and consider that there are direct hydrological and ecological linkages connecting this site to the SPA. Wexford Harbour and Slobs SPA is located c. 100m to the north of the site and there is potential for impacts on water quality which would in turn have an impact on the conservation objectives of the site having regard to the characteristics and sensitivities of the qualifying interests to changes in water quality. The proposed introduction of fill material to raise the site as a flood mitigation measure is likely to have an impact on wetland habitats of Wexford Harbour and Slobs SPA. As such likely significant effects cannot be ruled out with certainty.

Conclusion

7.5.8. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse effects on the integrity of Wexford Harbour and Slobs SPA (site code 004076) in view of the site's Conservation Objectives, or any other European Site. The likely significant effects cannot be ruled out having regard to the precautionary principal. In such circumstances the Board is precluded from granting permission.

8.0 Recommendation

8.1. It is recommended that the proposed development is refused for the following reasons and considerations.

9.0 Reasons and Considerations

1. It is the policy of the Wexford County Development Plan 2022-2028 under Objective L04 that all developments are appropriately sited, designed and landscaped having regard to their setting in the landscape to and ensure that any potential adverse visual impacts are minimised. Objective NH13 requires applicants to minimise the removal of hedgerow and natural boundaries. The proposals to raise the site levels on this elevated site as a flood mitigation measure taken together with the proposals to remove a substantial part of the existing mature trees and hedgerow would detract from the visual amenities and rural character of the area. Accordingly, it is considered that the proposal would be contrary to the provisions of the Wexford County Development Plan 2022-2028 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 in response to the appeal that the development will not increase the risk of flooding on the site and the surrounding area. The proposed development would, therefore, be prejudicial to public health and contrary to the proper planning and development of the area.
3. Having regard to the width and alignment of the public road at this location taken together with the extent of existing development and associated vehicular entrances, I consider that the proposed development would endanger public safety by reason of traffic hazard.
4. On the basis of the information provided with the application and appeal and in the absence of a Natura Impact Statement the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not result in adverse impacts on the integrity of Wexford Harbour and Slobbs SPA (004076) in view of the site's Conservation Objectives, or any other European Site. The likely significant effects cannot be ruled out having regard to the precautionary principle and the lack of information submitted. In such circumstances the Board is precluded from granting permission.
5. Having regard to capacity constraints at the Rosslare Strand wastewater treatment plant, the Board is not satisfied that it has been adequately

demonstrated that the proposed development can be serviced by an effective wastewater infrastructure. As such, to permit the proposed development would be prejudicial to public health and therefore contrary to the proper planning and sustainable development of the area.

Emer Doyle
Planning Inspector

9th June 2023