



An
Bord
Pleanála

Inspector's Report ABP-312702-22

Development	Construction of a single storey dwelling.
Location	St. Helen's, Rosslare, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20211624
Applicant(s)	Patrick Cawley & Shauna Carr
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Jim Doyle
Observer(s)	None
Date of Site Inspection	21 st of December 2022
Inspector	Angela Brereton

1.0 Site Location and Description

- 1.1. The site (area c. 0.89ha) is located in the townland of St. Helens. It is to the south of St. Helen's Bay Golf Club and 2.5kms to the south of Rosslare Harbour. It is to the south of St. Helen's Golf Club and there is a residential area/holiday home resort and this includes St. Helen's Drive is to the east. These houses are within the grounds of St. Helen's Bay Golf Club.
- 1.2. The site comprises a large greenfield area. It is accessed via an agricultural entrance which runs beside a stream at the western site boundary. The site appears elevated and the ground levels of the site drop down to the west and towards the road to the south. From the position of the proposed dwelling to the east side of the site, the ground levels drop down to the east and northeast.
- 1.3. The site has partial views to the east and views to the adjacent holiday home resort and the sea. A single storey dwelling present at the road is identified as the family home of Shauna Carr. There is an occupied mobile home, with separate access to the east of this. In view of boundary hedgerows and its backland location the site, while it is visible from the west is screened from view from the road to the south.

2.0 Proposed Development

This proposal is for the erection of a fully serviced single storey dwelling and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

On the 19th of January, 2022 Wexford County Council granted permission for the proposed development subject to 13no. conditions. In summary these conditions include compliance with the plans and particulars and the further information submitted, occupancy condition, access and sightlines, development contributions, drainage and wastewater treatment system, connection to the public mains, boundary treatment and landscaping, garage use ancillary to main dwellinghouse.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy, to the interdepartmental reports and the submissions made. Their Assessment included the following:

- In view of the single storey design, they do not consider the development to be obtrusive on this site in a coastal landscape.
- The applicant's local need complies with planning policy.
- There are adequate sightlines available to the east with limited sightlines to the west. They note the Road Sections comments and recommend works to improve sightlines.
- They note the Environment Section's comments relative to waste-water treatment.
- They note that there is a high risk of flooding in the western part where the access is located and recommendations to reduce this.

Further Information request

- Having regard to wastewater treatment as per the Environment Section's initial response the submitted details require to be updated to EPA 2021 COP requirements.

First Party response

Alan Byrne Design has submitted a response to the Council's F.I request on behalf of the applicant. This includes the following:

- They have submitted a revised site characterisation form as prepared by Philip Lawlor Consultant Engineer in compliance with the 2021 EPA COP: Domestic Wastewater Treatment System (PE 10).

Planner's response

They had regard to the F.I submitted and noted that it was assessed by the Council's Environment Section and considered satisfactory subject to conditions. That the

proposed development is acceptable in all other aspects. They recommended permission subject to conditions.

3.3. Other Technical Reports

Environment Section

They have regard to the site assessment carried out and to the site characterisation form. They note that this needs to be updated to comply with the EPA COP Domestic Wastewater Treatment Systems 2021.

They note that an updated site characterisation form has been submitted as per the F.I response. They recommend conditions.

Roads – Rosslare Municipal District

They provide the use of the existing gated entrance to the site is acceptable and have regard to the improvement of sightlines.

3.4. Prescribed Bodies

Irish Water

Having regard to capacity they advise that a proposed connection to the Irish Water network can be facilitated.

3.5. Third Party Observations

A Submission has been received from a local resident, as he is the subsequent Appellant, his concerns are considered in the context of the Third Party Appeal, and the Assessment below.

4.0 Planning History

The Planner's Report notes that there is no relevant planning history or enforcement on record relative to the subject site.

5.0 Policy Context

5.1. National Policy

Project Ireland 2040, National Planning Framework (NPF) 2018

Section 5.3 refers to the growth and development of rural areas and the role of the rural town as a catalyst for this. It is recognised that the Irish countryside is, and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural communities, based on agriculture, forestry, tourism and rural enterprise, while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities.

National Policy Objective 15 supports the sustainable development of rural areas and seeks to encourage growth and arrest decline in areas that have low population growth and to manage the growth of areas that are under strong urban pressure to avoid over-development, while sustaining vibrant rural communities.

NPO 18 supports appropriately designed development in small towns and villages.

NPO 19 outlines that within areas under urban influence, single housing in the countryside will be facilitated based on the core consideration of a demonstrable economic or social need to live in the rural area. It further states that in rural areas elsewhere, it is an objective to facilitate the provision of single housing in the countryside based on siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements.

5.2. Section 28 Guidelines

Sustainable Rural Housing Guidelines for Planning Authorities 2005

This seeks to encourage and support appropriate development at the most suitable locations. A distinction to be made between 'Urban Generated' and 'Rural Generated' housing need.

Section 3.2.3 concerns Rural Generated Housing and gives an example of Persons who are an intrinsic part of the rural community and Persons working fulltime or part-

time in rural areas. This includes reference to people who have lived most of their lives in rural areas and are building their first homes.

Section 3.3 is concerned that the consideration of individual sites will be subject to normal siting and design considerations. These include the following:

- Any proposed vehicular access would not endanger public safety by giving rise to a traffic hazard.
- That housing in un-serviced areas and any on site wastewater disposal systems are designed, located and maintained in a way, which protects water quality.
- The siting of the new dwelling integrates appropriately into its physical surroundings.
- The proposed site otherwise accords with the objectives of the development plan in general.

Section 4.3 refers to Assessing Housing Circumstances. This includes exceptional health circumstances.

Section 4.4 is concerned with Access and Roadside Boundaries.

EPA Code of Practice for Domestic Wastewater Treatment Systems 2021

This Code of Practice (CoP) is published under Section 76 of the Environmental Protection Agency Act, 1992 (as amended).

The purpose is to provide guidance on domestic waste-water treatment systems (DWWTSs) for single houses or equivalent developments with a population equivalent (PE) of less than or equal to 10. It sets out a methodology for site assessment and selection, installation and maintenance of an appropriate DWWTS.

The current CoP replaces the previous Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10) issued in 2009. This CoP applies to site assessments and subsequent installations carried out on or after 7th June 2021. It provides that the 2009 CoP may continue to be used for site assessments and subsequent installations commenced before 7th June 2021 or where planning permission has been applied for before that date.

5.3. EU Water Framework Directive

The EU Water Framework Directive (WFD) (Directive 2000/60/EC) creates a framework for the protection of all waters including rivers, lakes, estuaries, coastal waters and groundwater, and their dependent wildlife/habitats, under one piece of environmental legislation.

5.4. Wexford County Development Plan 2022-2028

Volume 1 provides the Written Statement, Core Strategy and objectives of the Plan.

Table 1-1 refers to the Spatial Planning Framework for Settlements >1500 persons and notes that reference is had to Rosslare in Volume 3 of the Plan.

The Core Strategy includes an objective for Compact growth and liveable sustainable settlements. Figure 3-1 Core Strategy Map and it is noted that Rosslare Strand and Rosslare Harbour are included as 'Service/Strategic Settlements. Table 3-2 provides the 'County Wexford Settlement Hierarchy' and includes these as Level 3a Service Settlements.

As shown on Fig.3.1 the site is outside of these settlements and is in the rural area. This is within an area of 'Strong Urban Influence'.

Reference is had to the NPF and the RSES guidelines for such Rural Areas under Strong Urban Influence and under pressure.

As outlined in Section 3.3 single rural housing will be considered in the open countryside in accordance with Table 4-6 Criteria for One-Off Rural Housing.

An applicant must meet the following criteria:

- A. A person who has a demonstrable social functional need to reside in a particular rural area (except for Structurally Weak Rural Areas); or
- B. A person who has a demonstrable economic functional need to reside in a particular rural area (except Structurally Weak Rural Areas).

Table 4.6 references Rural Type Areas relative to the criteria for Categories A and B. These are:

- Strong Urban Influence

- Stronger Rural Area
- Structurally Weak Area
- Coastal Zone
- Landscape and Heritage Areas

The Planner's Report references the Coastal Zone as the rural type area of the subject site, therefore the criteria relative to this zone apply.

Objectives SH39 – SH46 refer to the restrictions and criteria in Table 4.6 and to compliance with normal planning and environmental criteria and relevant development management standards e.g. design and layout, access, wastewater treatment etc. This includes that this house be the first permanent residence owned by the applicant and also that a 10 year occupancy condition (SH41 refers) apply.

Objective SH45 seeks – *To require the design of new single houses to be of a high quality and in keeping with the rural character of the site and the area, protect the visual amenities of the area and that of the landscape character in which it is located.*

Chapter 12 deals with Coastal Zone Management and Marine Spatial Planning.

Map 7.1 Landscape Character Units in Volume 7 Landscape Character Assessment shows the Coastal Landscape Unit and it is read in conjunction with the policies and objectives of Chapter 4 Sustainable Housing, Chapter 11 Landscape and Green Infrastructure and Volume 7 Landscape Character Assessment.

Section 12.4.2 provides: *The overall goal for the coastal zone and maritime area is to ensure that it is protected and managed to balance social, economic and environmental interests while allowing these areas to be used in a planned and sustainable manner.* This includes a number of criteria as to how this is to be achieved.

Volume 2 provides the Development Management Manual which sets out the standards for different types of development and land uses that will be applied in the assessment of planning applications. Sections of note include:

Section 3.1 – Single Dwellings in Rural Areas. This makes reference to Design Guidance for such housing. Regard is had to issues such as Siting and Landscaping (Table 3-1 refers) and Rural Architecture (Table 3-2 refers).

Section 3.1.2 refers to Standards for Single Dwellings in Rural Areas. This includes regard to satisfying the rural housing criteria, surface water drainage and waste water treatment system, access and sightlines, avoidance of potential adverse impacts on existing properties adjoining the site, flood risk, would not be visually obtrusive in the landscape. In terms of siting, scale and design the proposal should have regard to the principles of rural house design as set out in Section 3.1.1.

Table 3-3 has regard to Site Size, Dwelling Floor Area Ration and Biodiversity Requirements.

5.5. Natural Heritage Designations

The site is c.0.3kms from Carnsore Point SAC (site code: 002269)

The site is c.0.3kms form St. Helen's Burrow pNHA (site code 000782)

5.6. EIA Screening

Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, and the separation distance from the nearest sensitive location, 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

Ian Doyle, Planning Consultant has submitted a Third Party Appeal on behalf of the objectors and the adjacent landowner Jim Doyle. This has regard to the Background and Context of the site, planning policy and the Council's permission subject to conditions. For convenience their grounds of appeal are summarised under the following headings:

The proposed development is urban generated rural housing

- The proposed development represents, unsustainable urban generated rural housing in an area of urban pressure and is contrary to National and Local policy. They note policies in the Wexford CDP 2013-2019 (as extended).
- There is an absence of demonstrable need to live at this particular location. Details relative are noted as to the distance from the site to the applicants place of work etc. The only social requirement offered is that the site is located on family land and no functional requirement has been given.

Non-compliance with the Development Plans Coastal Zone Policy

- Given the saturation of dwellings in the general vicinity of the site, it is considered that the landscape has long surpassed a *negative impact*. The occurrence of a *cumulative impact* is therefore acceptable and as such the applicant is required to demonstrate an *overriding need* to reside at this particular location. The applicant has not submitted any information to support an argument that there is an overriding need in this instance.

Non-compliance with National Policy as regards to demonstrable need

- They have regard to National Policy and to the Sustainable Rural Housing Guidelines 2005. They submit that the proposed development should be refused on the basis that the applicant has not demonstrated a justifiable need to need at this location.

Overdevelopment

- The proposal would not comply with National Policy Objective 15 and would exasperate and contribute to an excessive level of development in an area already experiencing an unacceptable concentration of development. It would constitute an overdevelopment and they recommend that it be refused.

Traffic issue

- A number of traffic considerations arise from the proposed development which are not addressed by the Planning Authority's decision to the satisfaction of the appellant.

- They note the site is located within a narrow heavily trafficked road network particularly in the peak season.
- The access road is also used by pedestrians in the absence of a footpath.
- They note concerns about sightlines and provide that the absence of full sightlines may also contribute to increased vehicular pedestrian traffic.
- The proposed development constitutes overdevelopment of a suburban nature in a rural area and will contribute to additional vehicular entrances along a narrow county road incapable of accommodating additional traffic.

Precedent

- A precedent has been established under the Council's Reg.Ref. 20170303 and An Bord Pleanála ref. PL26.248596 for the refusal of permission in an area designated as a 'Stronger Rural Area' on the basis of urban generated housing despite the applicants achieving the requirements of Table 12 of the County Development Plan. They also refer to Bord Ref. PL26.307811 relative to Bord reason for refusal.
- It is noted that the designation of the subject lands as a Coastal Zone is afforded a higher level of protection from one off housing to that defined as a Stronger Rural Area or Area under Strong Urban Influence.

Conclusion

- They provide 3no. reasons as to why the proposed development should be refused. These include in summary:
 - Contrary to planning policy and guidelines having regard to urban generated housing and the lack of functional need to locate in the open countryside. That it would contribute to random rural housing and militate against the preservation of the rural environment and the efficient provision of public services and infrastructure.
 - It would constitute an over development of a suburban type nature in the rural area and contribute to the encroachment of random rural development and militate against the preservation of the rural

environment. That it would be contrary to National Planning Policy and to the proper planning and sustainable development of the area.

- It would contribute to the intensification of traffic in an area where the existing road network is unable to absorb additional development and where adequate sightlines are not available.

6.2. Applicant Response

Terry O'Leary, Chartered Town Planner has submitted a First Party response on behalf of the Applicants. This includes the following:

Compliance with Planning Policy

- This proposal constitutes 'rural' rather than 'urban' generated housing.
- The subject site is owned by the applicant as confirmed in Appendix 3 of their report with a letter from a solicitor confirming the same.
- They provide details of the applicant's familiar links to the area and note compliance with Objectives and Table 12 criteria relative to local need in the Wexford CDP 2013-2019.
- The proposal complies with NPO 19 of the National Planning Framework relative to local need to reside in areas under urban influence.
- They provide that a clear social need has been established and provide details relative to the applicants links to this area.
- Patrick's employment at Rosslare Harbour is a short distance from the subject site. Shauna's employment has moved from New Ross to Whiterock in Wexford Town.
- A number of Appendices have been included in support of the applicants social and economic linkages/need to reside on the subject site.
- They consider that the suggestion that this housing demand is 'urban generated' is simply inaccurate and vexatious.

Coastal Zone Management

- They refer to the consideration of this issue relative to the policy objectives of the Wexford CDP 2013-2019 (as extended) and to the associated mapping noting the site is within a coastal zone as designated.
- They argue that there is a clear overriding need for the applicants to reside at this site and that housing need is established by virtue that the applicants do not currently own a home and that Shauna has lived in the area all her life.
- They include aerial mapping to confirm the relevant proximity to her Grandmother's house.

Over-development

- They refute the ascertain that the proposal would constitute an over-development and that it should be refused.
- The development proposed is intended to provide a full-time family home for local residents who have both social and economic reasons as to why they need to reside at the property.
- They are currently resident on a permanent basis and contribute to the local economy and community.
- The proposal is sustainable and justifiable and complies with the various local and national planning policies and objectives.

Traffic issues

- The applicants currently reside adjacent to the subject site and there will be no additional traffic generated on the St. Helen's road, if the application is successful with the exception of construction phase.
- They believe that the Roads Department of the Council are better positioned to comment on traffic engineering principles than the broad sweeping statements of the third party appellant.

Precedent

- They refer to precedent cases referenced by the third party. They believe that the third party appellant has erred in their description of their housing need as

being 'urban generated' and therefore the case referred to is not actually a relevant precedent. That this proposal is based on genuine social and economic grounds and not an over-spill of demand from an urban centre.

Conclusion

- They conclude that the applicants demonstrate genuine social and economic reasons for proposing to build their home on the subject site and the overriding need is illustrated in the documentation submitted. They appeal to the Board to grant the applicants permission for their family home.

6.3. Planning Authority Response

The Planning Authority have commented that due to workload and staffing issues they are not able to provide further comments and refer to the planner's recommendation report in this case.

7.0 Assessment

7.1. Compliance with Settlement Strategy

- 7.1.1. The Settlement Strategy has regard to Rural Generated Housing Need. This is a matter of compliance with rural settlement strategy which requires consideration of not just local but also regional and national planning provisions that deal specifically with this matter. National Policy Objectives 18 and 19 of Project Ireland 2040, refer. As noted in the Policy Section above, Objective 18 seeks to develop a programme for new homes in small towns and villages. Objective 19 seeks that: "In rural areas under urban influence, to facilitate the provision of single housing in the countryside based on the core consideration of demonstrable economic or social need to live in the rural area and siting and design criteria for rural housing in statutory guidelines and plans, having regard to the viability of smaller towns and rural settlements".
- 7.1.2. Regard is also had to the Sustainable Rural Housing Development Guidelines 2005 where the strategy indicates that there should be a presumption against urban generated one-off housing in rural areas adjacent to towns. The site is located in an area classified as being under "Strong Urban Influence" as identified in the Guidelines. Section 3.2.3 refers to Rural Generated Housing. This includes reference

to “people who have lived most of their lives in rural areas and are building their first homes”. It refers to ‘Persons who are an intrinsic part of the rural community’ and ‘Persons working full or part time in rural areas’. Section 4.3 of the Guidelines refers to Assessing Housing Circumstances.

- 7.1.3. The Wexford County Development Plan 2013-2019 (as extended) is referred to in the Planner’s Report and the Third Party Grounds of Appeal and First Party response. It is noted that this has now been superseded by the policies and objectives of the Wexford County Development Plan 2022-2028 and the application is being considered under these. The site is located in the rural area outside of and to the south of the Level 3a Rosslare Harbour Service/Strategic Settlement and Port.
- 7.1.4. Figure 3.1 provides the Core Strategy Map, which shows the site is located in an area under ‘Strong Urban Influence’. Section 3.6.8 notes that the open countryside is at the lowest level of the Settlement Hierarchy and comprises those parts of the county outside of settlements in Level 1 to 6. This noted that one off rural housing in the open countryside will be considered where a social or functional economic need is demonstrated in accordance with Section 4.9 Housing in the Open Countryside in Chapter 4 Sustainable Housing.
- 7.1.5. Section 4.9 refers to Housing in the Open Countryside and to Rural Areas under Strong Urban Influence. Table 4.6 provides the Criteria for One-Off Rural Housing. This includes persons who by nature of their work have a functional economic need to reside in the rural area close to their place of work and that they can provide documentary evidence to show this. That the site is within 7km radius of where the applicant has lived or is living and who had never owned a rural house.
- 7.1.6. It is noted that the site is also located within the Coastal Zone. Table 4.6 provides a longer residence period of 10 years for this area and that the subject site is within 3km radius of where the applicant has lived or is living and has never owned a house. It stipulates an ‘overriding economic functional need’ to reside permanently in this location and that documentary evidence must be provided. This includes a person engaged in full-time farming, marine, tourism etc. and where a business requires them to be located on the premises/holding. It is of note that Map 3 Coastal Zone in Volume 1 Written Statement shows the Coastal Zone and it is read in

conjunction with Chapter 4 Sustainable Housing in so far as it relates to rural housing.

- 7.1.7. The applicant's local need is set out in the documentation submitted with the application and in response to the Third Party Appeal. Shauna provides that she has a genuine local need to reside on the subject site. That she was born and reared in St. Helen's and currently resides in her childhood home which is adjacent to the proposed dwelling, with her grandmother and maternal aunt. That the site as well as the neighbouring land has been in her family for generations. She submits that she needs to live at this location and has neither built nor owned a dwelling house previously. She attended the local primary school and continues to work as a nurse in the Wexford area. She and her husband Patrick continue to be active members of the community and are members of St. Helen's Golf Club amongst other activities. She also says she is willing to accept a section 47 occupancy condition as the dwelling shall be her permanent family home.
- 7.1.8. The Third Party queries the applicants housing need, particularly in terms of the 'Landscape Character' of the site being within an area defined as within a 'Coastal Zone' and the issue of compliance with the criteria relative to an 'overriding need' to reside in the area. They note that Shauna worked in a medical centre in New Ross a stated distance some 53.3km away and consider that the proposal constitutes unsustainable 'urban generated housing'. They consider that the applicant has not provided a justifiable local need to locate on the site. The First Party response notes that Shauna is now employed in a medical practice in Wexford c. 18.2kms from the site. Patrick is employed based primarily at an office in Rosslare Harbour some 3.4kms from the proposed site. It is noted that while the applicants are local and Shauna has moved closer to the site, that both their employments are urban based and do not necessitate residing in a rural location. I would not consider that the applicants have demonstrated that they fulfil the 'overriding economic functional need' as per the criteria to locate on this site in the Coastal Zone.
- 7.1.9. Note 4(c) of Table 4.6 of the Wexford CDP 2022-2028 includes reference to an immediate family member who needs to support or care for an older person or a person who requires care and who needs to reside beside an immediate family member. Note (5) refers to an 'overriding need' and a demonstratable economic need to live at the particular area in accordance with the criteria set out in Table 4-1

for the Coastal Zone and Landscape and Heritage Areas. Reference is had to Note (6) where special consideration maybe given to cases of exceptional health circumstances supported by a medical practitioner providing that a person needs to live in a particular environment or requires an immediate family member to live in close proximity to that person.

- 7.1.10. Section 4.3 of the Sustainable Rural Housing Guidelines 2005 refers to Assessing Housing Circumstances. This includes:

In particular, planning authorities should recognise that exceptional health circumstances – supported by relevant documentation from a registered medical practitioner and a disability organisation – may require a person to live in a particular environment or close to family support. In such cases, and in the absence of any strong environmental, access or traffic reasons for refusal, a planning authority should consider granting permission, subject (where Planning Guidelines appropriate) to conditions regarding occupancy.

- 7.1.11. The First Party response shows the location of the applicant's grandmother's house is shown adjacent to the site. In this case it is submitted, that Shauna is her grandmother and aunt's carer and must reside within easy reach, for ongoing and possibly emergency assistance. Neither Shana nor Patrick have access to other lands in the vicinity and this site is their only option. Appendix 4 of this response includes a letter submitted from Shauna and Mairead's GP supporting her need to reside on the site to be close to her grandmother. Appendix 5 provides Shauna's Statement which includes further information relative to care giving. However, I would consider details as to exceptional health circumstances of the need to reside on the subject site in compliance with planning policy and guidelines have not been provided.

- 7.1.12. In conclusion I would not consider that in view of the documentation submitted that the applicants employment necessitates living in this rural area, outside of an existing settlement, nor that a need has been established relative to overriding need or exceptional health circumstances to reside on the subject site within this Coastal Zone in accordance with the criteria as per Table 4.6 of the Wexford CDP 2022-2028 or Section 4.3 of the Sustainable Rural Housing Guidelines 2005.

7.2. Design and Layout

- 7.2.1. As stated on the application form this is a sizable site of 0.886ha. It is undulating and the eastern part is more elevated with views to the sea. It is a backland site in that it is to the rear of the house facing the road, (noted as the applicant's grandmother's house). There is limited road frontage, and the access is to the west of the entrance to the existing house and to the east of the stream that runs along the western site boundary. There are views to the sea from the eastern part of the site. The more suburban type housing scheme associated with the Golf Club is to the northeast of the site.
- 7.2.2. As shown on the Site Layout Plan the house is to be sited on the more elevated eastern part of the site. It is proposed to provide a single storey 3no. bedroomed house (167sq.m) and a detached garage (11sq.m), with linkage to a carport. The design shows that the accommodation is to be provided in linked sections, which reduces the impact of the overall bulk and massing. The roof height is shown as c.5m to ridge height. External finishes include blue/black roof slates and napp plaster finish.
- 7.2.3. I would consider that in view of the low profile and set back that the proposed house design is appropriate to the site and would not be visually obtrusive or detract from visual amenities of the area. That in view of its backland location and screening provided by planting along the southern boundary, that it will not be much visible from the local road network.

7.3. Access and Roads issues

- 7.3.1. It is proposed to use the existing set back gated field entrance to the subject site. While it is separate it is adjacent to the entrance to the existing house. There is a separate entrance to the mobile home to the east of the site. It is not known if this is authorised. However, such matters are dealt with under separate remit by the Council.
- 7.3.2. The Council's, Roads Section, confirms that the use of the existing gated entrance is acceptable at this location due to the dead-end nature of the road. That with the reduction of speed on the road that the proposed sightlines are acceptable. In order to achieve this the applicant is advised to remove the post and rail fence and to

maintain the embankment for the sightlines which are available. The Planner's Report notes that sightlines are present to the east with limited sightlines present to the west. They concur with the Roads, Section, that works to improve sightlines within the site would be an acceptable improvement given the slow operational speed at this section close to a sharp bend. Condition no.4 of the Council's permission refers.

- 7.3.3. The Third Party is concerned that this is a narrow busy road particularly in the summer period. That it provides access to two popular beaches. That the access road is also utilised by pedestrians in the absence of a footpath. They consider that there is no reference to this tourist generated traffic. Also, noting that the existing post and rail fence proposed for removal by the planning authority to improve sightlines, currently forms a barrier between the road and the river and the removal of this may compromise pedestrian safety. They are concerned about, sightlines, and the creation of an additional vehicular entrance in this area. That it will contribute to overdevelopment of the area.
- 7.3.4. The First Party refutes this and refers to the Roads Department comments relative to sightlines. They also do not consider that the proposal represents an over development of the area. Shauna's statement in Appendix 5 can see no basis for this relative to road safety, traffic concerns etc. and provides that the entrance to her family home is directly adjacent to the proposed entrance and that since the existence of her family home there has been no concern with vehicles or pedestrians. That their application does not contribute to additional traffic on local roads. She points out that prior to the post and rail fence a low walled bridge was in situ with no resulting concerns for pedestrians. That this would have been of a similar height to the embankment that will be in place. Also, that if recommendations were made for a steel structure that they facilitate same.
- 7.3.5. However, having been on site, and viewed the surrounding area, I would have some concerns about the proposed access. While separate, the entrance is adjacent to that of the existing single storey house. It will provide for a vehicular entrance to serve the proposed house, rather than existing field entrance, which does not appear much used, at present. The sightlines are not adequate particularly in view of the corner/sharp bend to the west. The road is narrow (too narrow for 2 cars to pass) and has poor vertical and horizontal alignment. This is a cul-de-sac road which leads

to St. Helens' Bay and a public car parking area for the beach and pier area, so it will be busier in the summer period, with day trippers and holiday makers.

- 7.3.6. Regard is had to Section 6.2.6 of Volume 2 of the Wexford County Development Plan 2022-2028 which refers to Siting and Design of Access/Egress Points. This includes that the availability of the required sightlines can be demonstrated and regard to the intensification of an existing access/egress point.
- 7.3.7. The Council's Roads Section provides that works to improve sightlines within the site would be an acceptable improvement given the slow operational speed at this section of the road close to a sharp bend. I note that in view of the bend the sightlines are somewhat dependent on the adjoining landholding not erecting a wall/planting hedgerows along the western boundary with the public road, of that separate landholding (not within the red line boundaries of the subject site). In view of these considerations, I would consider that sightlines to the west of the entrance to the proposed dwelling are inadequate and that in view of proximity to the bend that traffic hazard is an issue that cannot be ruled out.

7.4. Drainage issues

- 7.4.1. As noted in the Policy Section above the 2009 CoP document has now been replaced by the EPA Code of Practice for Wastewater Treatment and Disposal Systems Serving Single Dwellings (2021). This includes that the 2009 CoP may continue to be used for site assessments and subsequent installations commenced before 7th June 2021 or where planning permission has been applied for before that date. It is noted that this application was made to the Council on the 20th of October 2021. In response to the Council's further information request the applicant submitted a revised site characterisation form as prepared by their Consultant Engineer which they provide is in compliance with the 2021 EPA Code of Practice: Domestic Wastewater Treatment System (PE 10).
- 7.4.2. The Site Layout Plan shows the location of a Septic Tank and Percolation area as specified in the Site Characterisation Form. This is shown adjacent to the north western boundary. It is of note that Table 6.4 of the 2021 EPA CoP provides the percolation values relative to the type of treatment system and while more detailed the similarities to Table 6.3 of 2009 EPA CoP are noted. Percolation values of 3-50

are provided as being acceptable for the installation of a septic tank and percolation area. It is also noted that there is a small watercourse located 20m to the west. It is noted that as per Table 6.2 of the 2021 CoP the minimum separation distance from a watercourse or stream is given as 10m.

- 7.4.3. In summary, the site characterisation form provides that the average Sub-Surface Test result was 5.97 min/25mm with invert levels ranging from 700 - 800mm below the original ground level. It notes that there was rock visible below the existing ground level and that there was no watertable visible in the trial hole. They provide that the site is therefore suitable for direct discharge of effluent into the ground from either an advanced wastewater treatment system or a septic tank system. That it is proposed to install a septic tank and percolation area in the location as shown on the Site Layout Plan.
- 7.4.4. As per the Site Characterisation Form the Aquifer Category is given as 'Poor – PI' and the Vulnerability at High. It is noted that the targets at risk are groundwater and surface water. The groundwater protection response is R1. Appendix E of the CoP 2021 notes the Groundwater Protection responses -Table E1 refers. This provides that in an R1 response a domestic wwts is acceptable subject to normal good practice, (i.e. system selection, construction, operation and maintenance in accordance with this CoP). Therefore, it appears that as provided on the site characterisation form that the proposal is in compliance with the aforementioned 2021 CoP and in accordance with the details submitted, the site is suitable for discharge to groundwater.
- 7.4.5. The planning application form notes that it is proposed to connect to the public mains and this is indicated on the Site Layout Plan and the response from Irish Water. It appears that there is some discrepancy on this as the Site Characterisation Form refers to a private well/borehole as the source of proposed water supply. Clarification has not been provided on this issue.

7.5. Precedent Cases

- 7.5.1. The Third Party Appeal refers to a number of precedent cases, where the Council refused permission for a one-off houses in an area designated as 'Stronger Rural Area' on the basis of urban generated housing despite the applicants fulfilling the

requirements of Table 12 of the Wexford CDP 2013-2019 (as extended). They contend that in the case of Reg.Ref. 20170303 the circumstances of the applicant are similar to that of the subject application in that the applicant is originally from the area building a dwelling for her permanent use as a first time buyer but commuting to an urban centre.

- 7.5.2. This was granted by the Planning Authority but subsequently refused on appeal to the Board – Ref. PL26.248596 refers. It related to a site in the rural area outside of Gorey. The Board’s reason for refusal had regard to the Sustainable Rural Housing Guidelines and the need to distinguish between urban-generated housing need and rural-generated housing need and “the lack of functional need on the part of the applicants, by reason of the nature and location of their employment, to live in the rural countryside”. The Board in summary did not consider in this instance that based on the documentation submitted that the applicant had demonstrated a rural generated housing need to live in this location. A second reason for refusal included that the proposed development by reason of its bulk, mass, height and design would be visually obtrusive and out of character with the area.
- 7.5.3. In Reg.Ref.20200436 the Council granted permission subject to conditions for the construction of a fully serviced dwelling in the rural area outside Enniscorthy. This was subsequently refused by the Board Ref. ABP-307811-20 refers. This was refused in summary having regard to the Guidelines as the Board was not satisfied that the applicants had established a demonstrable economic or social need to live at this specific site in the rural area or that their housing needs could not be satisfactorily be met in an established smaller town or settlement.
- 7.5.4. In response to the Third Party concerns about precedent the First Party consider that in this instance relative to the subject site, the applicants have a rurally generated overriding need to live at the subject location. That this is based on genuine social and economic-grounds and not an over-spill of demand from an urban centre and will not result in overdevelopment. In addition, they refer to Reg.Ref. 20200538 where permission was granted by the Council for a dwelling house c.150m from the subject site. In that case permission subject to conditions was granted for the erection of alterations and extensions to an existing dwelling house together with the upgrade of the sewerage system with associated and auxiliary site works. Therefore,

this permission related to an existing dwelling rather than the construction of a new house.

- 7.5.5. While these cases are presented as precedent, it must be noted that each case is considered on its merits. These cases raise individual issues and in the case of the one-off houses are not located proximate to the subject site. However, it has been noted that the Ministerial Guidelines and local planning policy consistently places a distinction between 'urban-generated and rural-generated local need' and as noted above this Assessment has regard to the documentation submitted relative to compliance with planning policy and guidelines.

7.6. Appropriate Assessment

- 7.6.1. Having regard to the nature and scale of the development and to the nature of the receiving environment and separation distance from the nearest designated site, no appropriate assessment issues arise, and it is considered that the development would be unlikely to have a significant effect individually or in combination with other plans or projects on any European sites.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the reasons and considerations below.

9.0 Reasons and Considerations

1. Having regard to the location of the site within a rural area under strong urban influence as identified in Figure 3-1 Core Strategy Map and within the Coastal Zone as shown on Map 3, in Volume 1 of the Wexford County Development Plan 2022-2028, and to National Policy Objective 19 of the National Planning Framework (February 2018), which for rural areas under urban influence, seeks to facilitate the provision of single housing in the countryside, based on the core consideration of demonstrable economic or social need to live in a rural area, having regard to the viability of smaller towns and rural settlements, it is considered that notwithstanding the information on file, including the submission received from the applicant on the 8th day of March

2022, that the applicants have not sufficiently justified and demonstrated an economic or social need to live in a rural area, having regard to the viability of smaller towns and settlements. Having regard to the documentation submitted with the planning application and the appeal, including the lack of an overriding functional need to live in the rural countryside by reason of the nature and location of the employment of the applicants as stated in the documentation, the Board is not satisfied that the applicants have established a demonstrable economic or social need to live at this specific site in this rural area in a Coastal Area, under Strong Urban Influence, in accordance with the criteria in Table 4.6 of Section 4.9 of the Wexford County Development Plan 2022-2028, or that their housing needs could not be satisfactorily met in an established smaller town or other settlement. The proposed development would contribute to the encroachment of random rural development in the area, would militate against the preservation of the rural environment and the efficient provision of public services and infrastructure and would be contrary to the Ministerial Guidelines and to the over-arching provisions of the National Planning Framework. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development would add to a proliferation of vehicular entrances onto this public road and would endanger public safety by reason of traffic hazard because of the additional traffic turning movements the development would generate at a point where sightlines are restricted in a westerly direction. As such it would be contrary to Section 6.2.6 of Volume 2 the Wexford County Development Plan 2022-2028 relative to the siting and design of access/egress points. The proposed development would, therefore, result in traffic hazard and be contrary to the proper planning and sustainable development of the area.

Angela Brereton
Planning Inspector

25th of January 2023