



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314794-22

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<b>Development</b>	House, access, parking and associated site works.
<b>Location</b>	Mauritustown, Rosslare, Co Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20220733
<b>Applicant(s)</b>	Rosie Nolan.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Rosie Nolan.
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	2 <sup>nd</sup> March 2023
<b>Inspector</b>	Peter Nelson

## **1.0 Site Location and Description**

1.1. The site is located on the Mauritiustown Road in Rosslare approximately 140m from the beach. Directly to the northeast of the site is 'The Bay' Pub. To the southwest of the site is the access road to The Bay residential development. The site is flat with block boundary walls on three sides and a lower block wall adjoining the access road to The Bay. There is an existing splayed entrance to the site. The site has a stated site area of 0.8 hectares. The site overlaps the site of two proposed dwellings which are subject to separate appeals. (ABP 314789-22, ABP 314793).

## **2.0 Proposed Development**

2.1. A fully serviced two-storey, four-bedroom dwelling with access and parking and ancillary site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Wexford County Council issued a decision to refuse on the 23<sup>rd</sup> of September 2022 for one reason relating to emerging capacity constraints in the Rosslare wastewater treatment plant.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

It is noted that the Planning Authority assessed this application under the Wexford County Development Plan 2013-2019.

- The planner's initial report, dated the 19<sup>th</sup> of July 2022, considered that the scale and design of the proposed dwelling was acceptable. The report noted that further information was required relating to the proposed access, public sewer and public water connections, surface water management, a turning area for service vehicles and Part V requirements.

- A request for further information issued. The applicant was requested to submit revised elevations, details of the upgrades required for the public sewer connection, a written agreement from Irish Water confirming necessary upgrades and costs to facilitate connection, a watermain site layout, details of SuDS and storm attenuation design calculations, details of a suitable sized turning area for service vehicles and details of proposals to comply with Part V.
- Following the submission of further information, the Planner's report dated the 22<sup>nd</sup> of September 2023, noted the comments of Wexford County Council Water services on the up-to-date capacity issues with the Rosslare Strand Wastewater Treatment Plant (WWTP) and while having no objection in principle recommended refusal.

### 3.2.2. Other Technical Reports

Roads Inspection Report dated 7<sup>th</sup> of September 2022 deemed the further information to be acceptable and recommended a grant of permission subject to conditions.

Report of the Water Services Operations Engineer dated 13<sup>th</sup> of September 2022, recommend a refusal or a request of clarification of further information relating to the Rosslare Strand WWTP failing to meet the EPA discharge licence requirements.

### 3.3. Prescribed Bodies

- 3.3.1. From the information provided by the Planning Authority it does not appear that there was a report from Irish Water on this application. Reports were received from Irish Water on the planning application for the adjoining two sites. (ABP 314789-22, ABP 314793).
- 3.3.2. An Irish Water pre-connection enquiry dated 7<sup>th</sup> of February 2022 was submitted with the planning application.

### 3.4. Third Party Observations

None.

## 4.0 Planning History

### 4.1. Subject Site

**P.A. Ref:** 20220732 (ABP 31493)

Permission refused on the 23<sup>rd</sup> of September 2022 by the Planning Authority for a fully serviced dwelling with access and parking for one reason relating to the emerging capacity constraints at the Rosslare Strand WWTP.

**P.A. Ref:** 20220731 (ABP 314789)

Permission refused on the 23<sup>rd</sup> of September 2022 by the Planning Authority for a fully serviced dwelling with access and parking for one reason relating to the emerging capacity constraints at the Rosslare Strand WWTP.

**P.A. Ref:** 200732

Permission granted on the 19<sup>th</sup> of October 2007 for a 3-storey building consisting of a ground floor shop unit, a second-floor restaurant and one apartment. The appropriate period of this application was extended however permission expired in 2017.

### 4.2. Relevant Sites in Rosslare Strand

**P.A. Ref:** 0221657

Permission refused on the 10<sup>th</sup> of February 2023 for the erection of 3 no. residential dwelling houses and all associated site works for 4no. reasons. Reason no.2 related to the emerging capacity constraints at the Rosslare Strand Wastewater Treatment Plant.

**P.A. Ref:** 20221266 (ABP 315341)

Permission refused by the planning authority on the 23<sup>rd</sup> of September 2022 for the demolition of 5 no. dwellings and the development of 7 no. dwellings and new vehicular and public access entrance off Station Road. for 3no.reasons which included reason no.1 relating to insufficient information demonstrating sufficient capacity in the wastewater treatment plant.

This application is currently on appeal.

**P.A. Ref:** 20221003

Permission refused on the 9<sup>th</sup> of September 2022 for 77 no. residential units, for 5no.reasons which included reason no.1 relating to insufficient information demonstrating sufficient capacity in the wastewater treatment plant.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The Wexford County Development Plan 2022-2028 is the operative County Development Plan for the area. This plan came into effect on the 25th of July 2022.
- 5.1.2. The site is located within the settlement boundary of Rosslare Strand which has been designated as a Service Settlement (Level3(a)).
- 5.1.3. Relevant Development Plan objectives include: -

#### **Objective TV43:**

To adopt a presumption in favour of the development of infill and brownfield sites and to apply flexibility in the application of development management standards allowing for the achievement of performance standards for issues such as the protection of adjoining residential amenities, privacy, light and amenity.

#### **Objective RS08 (Rosslare Strand):**

To require new infill developments to maximise opportunities for enclosure by ensuring continuity of existing buildings and forms where it exists and to address weaknesses in building lines through rationalisation as part of the infill development or redevelopment.

#### **Objective RS22 (Rosslare Strand):**

To have regard to the available capacity of the wastewater treatment plant and its seasonal capacity when assessing planning applications in the area.

## 5.2. National Policy

### 5.2.1. National Planning Framework – Project Ireland 2040 (DoHP&LG 2018)

National Policy Objective 35:

Increase residential density in settlements through a range of measures including reduction in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building height.

## 5.3. Natural Heritage Designations

- The Wexford Harbour and Slobs Special Protection Area (Site Code: 004076), approximately 1.5 km west of the site.
- The Wexford Slobs and Harbour Proposed Natural Heritage Area (Site Code: 000712), approximately 1. km southwest of the site.

## 5.4. EIA Screening

- 5.4.1. Having regard to the nature and scale of the proposed development, comprising of an additional dwelling in a built-up 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

The main issues raised are as follows:

- The proposed development would not seriously injure the visual or residential amenities of the area or be prejudicial to public health.
- The proposed house will be the applicant's permanent and full-time residence.
- Sufficient capacity has been received demonstrated in the Irish Water pre-connection enquiry.
- Following discussion with Irish Water, they confirmed that there is no requirement for an assessment under the combined approach as the proposal is for a single dwelling.
- Irish Water have confirmed that Rosslare only reaches near full capacity during the month of August, during the high holiday and there is no ongoing breach of the Licence limits.

## 6.2. **Planning Authority Response**

- None

## 6.3. **Observations**

- None

## 7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including the appeal, and having inspected the site, and having regard to the relevant national and local policy and guidance, I consider the main issues in relation to this appeal are as follows:

- Wastewater
- Appropriate Assessment

## 7.2. **Wastewater**

7.2.1. It is noted that the Planning Authority has no objection in principle to the proposed development however permission was refused as it was considered that it had not

been demonstrated that the proposed development can be effectively serviced by effective wastewater infrastructure.

- 7.2.2. Since the original Irish Water Confirmation of Feasibility was submitted the Rosslare Strand Waste Water Treatment Plant (WWTP) has been assigned a 'amber' status on the Irish Water Wastewater Treatment Plant Capacity Register 2022 confirming that it fails to fully comply with its EPA discharge licence. I note that an Amber indication means that the WWTP has potential spare capacity which is to be considered on a case-by-case basis. I also note from the current Irish Wastewater Capacity register, that there is no improvement project for the Rosslare WWTP underway or planned.
- 7.2.3. The council engineer states that due to the 'amber' status that the proposed development will now be assessed by Irish Water under the 'combined approach' before any grant of permission can be made.
- 7.2.4. I note on other subsequent planning applications for new dwellings in Rosslare that Irish Water have requested the applicants to update the Irish Water Confirmation of Feasibility letters as the Rosslare Strand WWTP now has an amber status, requiring a Combined Approach assessment under Regulation 43 of the Waste Water Treatment Act of 2007 to be carried out. This assessment is to be carried out by the local authority or Irish Water. To date, this has not been carried out.
- 7.2.5. The Irish Water report on planning application P.A. Ref: 20221266 (see section 4.2), states that Wexford Water Services notes that the stated 'available capacity' in the WWTP is deemed to be overestimated and does not take full account of the sustained average loading during the summer season when multiple sever breaches of the Waste Water Discharge Licence limits occur.
- 7.2.6. As an assessment under the combined approach has not yet been carried out, I consider it has not been demonstrated that there is sufficient capacity in Rosslare Wastewater Treatment Plant for the proposed development. I consider, therefore that the proposed development would be premature having regard to the existing deficiencies in the Rosslare Strand Wastewater Treatment Plant and the period within which this constraint may reasonably be expected to cease.



### **7.3. Appropriate Assessment**

- 7.3.1. Having regard to the minor nature and scale of the proposed development, the site location within a built-up area outside of any protected site and the nature of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

### **8.0 Recommendation**

- 8.1. I recommend that the permission be refused for the proposed development for the reason and consideration set out below:

### **9.0 Reasons and Considerations**

The proposed development would be premature having regard to the existing deficiencies in the wastewater network in the area, specifically the Rosslare Strand Wastewater Treatment Plant and the period within which this constraint may reasonably be expected to cease.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Peter Nelson  
Planning Inspector

5<sup>th</sup> May 2023