



An
Bord
Pleanála

Inspector's Report

ABP-315116-22

Development	House, garage, and associated site works
Location	Mauritustown, Rosslare, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20221146
Applicant(s)	Maureen Dowling
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Maureen Dowling
Observer(s)	None
Date of Site Inspection	9 th May 2023
Inspector	Mary Crowley

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	5
3.4. Third Party Observations	5
4.0 Planning History.....	6
5.0 Policy Context.....	6
5.1. Development Plan.....	6
5.2. Natural Heritage Designations	6
5.3. EIA Screening	6
6.0 The Appeal	6
6.1. Grounds of Appeal	6
6.2. Planning Authority Response	7
6.3. Observations	7
6.4. Further Responses.....	7
7.0 Assessment	7
8.0 Principle	8
9.0 Wastewater Treatment	8
10.0 Other Issues.....	10
11.0 Appropriate Assessment	10
12.0 Recommendation	10

13.0 Reasons and Considerations 11

1.0 Site Location and Description

1.1. The appeal with a stated area of 0.07ha is an infill site located within an established housing estate within Rosslare. 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. Planning permission is sought for the erection of a fully serviced dwelling house and domestic garage together with associated and auxiliary site works.

2.2. The application was accompanied by an Irish Water Pre-Connection Enquiry together with a cover letter prepared by the applicants Architect and a letter from the applicant the contents of these letters can be summarised as follows:

- The applicant was born and lived in Rosslare for 60 years until September 2021 when she and her husband moved to Rosslare Harbour. The applicants husband died in October 2021 and they now wish to return to Rosslare to live beside her sister and family.
- The site is a gift from the applicant's sister and her husband.
- The house is well considered, with modest proportions and is energy efficient.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Wexford County Council issued a notification of decision to refuse permission for the following reason:

Having regard to emerging capacity constraints at the Rosslare Strand wastewater treatment plant it has not been demonstrated that the proposed development can be effectively serviced by effective wastewater infrastructure. As such the proposed development would be prejudicial to public health and therefore contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

3.2.2. The **Case Planner** in their report stated that the Irish Water Confirmation of Feasibility letter provided was no longer valid for wastewater connection as the Rosslare WWTP is now 'amber' status confirming that it fails to meet the requirements of its EPA Wastewater Discharge License (WWDL). The Planner recommended that permission be refused. The notification of decision to refuse permission issued by Wexford County Council reflects this recommendation.

3.2.3. Other Technical Reports

3.2.4. **Rosslare Municipal District (x2)** – There are 2 no reports on the planning file. The first report sought further information in relation to surface water and Irish Water connection agreement. The second report recommended a grant of permission subject to conditions relating to access and roadside drainage.

3.2.5. **Water and Wastewater Operations** – Similar request to Irish Water below. Applicant is required to engage with Irish Water and provide an up-to-date Confirmation of Feasibility together with further information in relation to SUDs, funding for new gravity foul sewer, watermain site layout drawing and storm and foul drain details.

3.3. **Prescribed Bodies**

3.3.1. **Irish Water** – The Irish Water Confirmation of Feasibility letter is no longer valid for wastewater connection. The Rosslare WWTP is now 'amber status confirming that it fails to meet the requirements of its EPA Wastewater Discharge Licence (WWDL). Applicant is required to engage with Irish Water and provide an up-to-date Confirmation of Feasibility together with further information in relation to SUDs, funding for new gravity foul sewer, watermain site layout drawing and storm and foul drain details.

3.4. **Third Party Observations**

3.4.1. None

4.0 Planning History

4.1. No planning history has been made available with the appeal file. There is no evidence of any previous appeal at this location.

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative plan for the area is the **Wexford County Development Plan 2022 – 2028**.

5.2. Natural Heritage Designations

5.2.1. The appeal site is not located in or immediately adjacent to a European Site.

5.3. EIA Screening

5.3.1. Having regard to the nature and scale of the proposed development, there is no real likelihood of significant effects on the environment. 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 first party appeal has been prepared and submitted by Nicholas Mernagh Architects and may be summarised as follows:

- The scheme complies with development plan policy in terms of location.
- The site has been gifted to the applicant from her sister. The applicant has a local, housing, social and economic need to live at this location within the village of Rosslare, for the support of her adjoining family members. This house will be the applicants permanent and full-time residence

- It has been clearly demonstrated that there is sufficient capacity in the wastewater treatment plant to cater the proposed development in letter Re: CDS22000778 pre-connection enquiry- for a single domestic of 1 unit dated the 18 February 2022 from Irish Water with cost of necessary works to be borne by the developer.
- Letters issued by Irish Water by Water Services, Wexford County Council were a request for clarification and additional further information, not refusal.
- Irish Water have confirmed that there is no requirement for "an assessment under the combined approach" and as this application is only for 1 no. dwelling house there is sufficient capacity for both water and wastewater connections and this was clearly demonstrated in the issued letter from Irish Water, RE: CDS22000778 pre-connection enquiry.
- Irish Water also stated that the report by Wexford County Council on the planning file dated 24.10.22 was written on behalf of Irish Water but not by Irish Water
- Following discussions with Irish Water they have confirmed that 1 no. dwelling house shall not have a detrimental impact on the sewerage capacity.

6.2. Planning Authority Response

6.2.1. None

6.3. Observations

6.3.1. None

6.4. Further Responses

6.4.1. 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 the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Wastewater Treatment
- Other Issues
- Appropriate Assessment

8.0 Principle

- 8.1.1. Planning permission is sought for a single dwelling house on lands to the rear of an existing property within an established residential housing estate in Rosslare.
- 8.1.2. It is evident that the design of this modest dwelling has been carefully considered with regard to its context while optimising the sites orientation to maximum benefit for future occupants. The scheme will not have any significant detrimental impact on the residential amenities of adjoining properties.
- 8.1.3. In terms of traffic and pedestrian safety I am satisfied that subject to standard conditions that the vehicular movements generated by the proposed development would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area.
- 8.1.4. The proposed scheme is acceptable in principle.

9.0 Wastewater Treatment

- 9.1.1. Wexford County Council issued a notification of decision to refuse permission having regard to emerging capacity constraints at the Rosslare Strand wastewater treatment plant.
- 9.1.2. The planning application was accompanied by an Irish Water (IW) Confirmation of Feasibility dated 18th February 2022 stating that a wastewater connection was feasible. However, IW in their report of 7th October 2022 to Wexford County Council state the following as summarised:
- The IW Confirmation of Feasibility letter provided is deemed to no longer be valid for wastewater connection.

- The Rosslare WWTP is now 'amber status confirming that it fails to meet the requirements of its EPA Wastewater Discharge Licence (WWDL).
- This was raised as an issue by the EPA during a recent audit, and there is an action for Irish Water to undertake a capital upgrade of the WWTP, however currently such an upgrade is not funded by Irish Water on the current capital programme up to 2024.
- It is also currently not included on the subsequent capital investment plan for 2024-2028.
- As such the applicant is required to engage with Irish Water and provide an up-to-date Confirmation of Feasibility, which shall include confirmation from Irish Water that they, as the Water Authority and WWDL Licensee, have completed an assessment under the "Combined Approach" of the Wastewater Discharge Authorisation (Regulation 43); a copy of this assessment shall be submitted to the Planning Authority also.
- WCC Water Services wish to note that the stated "available capacity" is deemed to be over-estimated and does not take full account of the sustained average weekly loading during the summer season when multiple severe breaches of the WWDL limits occur.
- In addition, the aggregate loading of all COFs issued in the past 2 years by Irish Water is greater than the capacity claimed to exist at the WWTP.

9.1.3. The report of the Wexford County Council Area Engineer Water and Wastewater Operations dated 6th October 2022 is a copy of the IW report of 7th October 2022 above. Both these reports informed the decision of Wexford County Council to refuse permission.

9.1.4. I note from the appeal that the applicant has contacted IW directly seeking clarification on wastewater capacity. It is stated that IW advised that there was no ongoing breach of license and that 1 no dwelling house shall not have a detrimental impact on sewerage capacity. While this may very well be the case without the benefit of written confirmation from IW together with an up-to-date Confirmation of Feasibility I am reluctant to recommended a grant permission in this instance. Particularly when there may be a significant incremental impact in granting a multiplicity of "just one more

dwelling". To this end I refer to the IW Confirmation of Feasibility dated 18th February 2022 where it state as follows:

*The Rosslare Strand & Environs Wastewater Treatment Plant (WwTP) and associated network has currently sufficient capacity to accommodate this development. However please note **Irish Water have issued a large volume of COFs for this area. Should a sufficient number of these developments connect to the network in the interim prior to you receiving a connection offer there may be insufficient capacity.** (emphasis added)*

- 9.1.5. I agree with the comments of the Local Authority Planner that *whilst the principal of the proposal is acceptable, the issues relating to the capacity constraints of the Rosslare WWTP must be addressed before further consideration can be given to this application.* Refusal is recommended.

10.0 Other Issues

- 10.1. **Development Contribution** - I refer to the Wexford County Council Development Contribution Scheme 2018. The development is not exempt from the requirement to pay a development contribution. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.

11.0 Appropriate Assessment

- 11.1.1. Having regard to the nature and scale of the development and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

12.0 Recommendation

- 12.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my

assessment of the planning issues, I recommend that permission be **REFUSED** for the following reason.

13.0 Reasons and Considerations

1. Having regard to documented capacity constraints at the Rosslare Strand wastewater treatment plant, together with the large volume of Confirmation of Feasibility reports issued by Irish Water for this area, An Bord Pleanála 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.

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.

Mary Crowley

Senior Planning Inspector

24th May 2023