



An  
Bord  
Pleanála

## Inspector's Report

**ABP-318940-24**

<b>Development</b>	1 no. two storey detached house, shared vehicular entrance and ancillary site works
<b>Location</b>	Mauritiustown, Rosslare, Co. Wexford
<b>Planning Authority</b>	Wexford Co. Co.
<b>Planning Authority Reg. Ref.</b>	20231351
<b>Applicant(s)</b>	Harry Farrell
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal for 4 no. reasons
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Harry Farrell
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> March 2024
<b>Inspector</b>	Bernard Dee

## **1.0 Site Location and Description**

- 1.1. The appeal site is located in Mauritiustown in Rosslare village, Co. Wexford and accessed from Mauritiustown Road which lies to the NW of the appeal site.  
Mauritiustown Road is a link road that connects the R736 to the west and the Coast Road to the east of the appeal site. The road is characterised by rows of detached houses and estate entrances leading to small residential development in backland areas of the village. To the north of the appeal site on the opposite side of Mauritiustown Road is a holiday caravan/mobile home park which is in the ownership of the applicant and his brother.
- 1.2. The appeal site itself has an area of 0.06ha and is currently vacant and overgrown with trees and shrubs. The front (NW) of the site facing onto Mauritiustown Road is defined by a low wall and metal bar access gate. To the SW of the appeal site is a dormer dwelling that sits at the corner of the junction of Mauritiustown Road with the R736. To the SE are located several cottages fronting onto the R736 and to the NE there is a large dwelling fronting onto Mauritiustown Road.
- 1.3. The Board should note that this vacant site is partially occupied by this appeal and partly occupied by an appeal Ref. ABP-318939-24 (20231351) south of the current appeal site against a refusal of permission by the Planning Authority for an identical dwelling to the house in this current appeal where the applicant is the appellant's brother, Bill Farrell. The same 4 no. reasons for refusal were issued by the Planning Authority in both cases.
- 1.4. The Board should also note that the red line boundaries of both applications overlap where a shared vehicular access to Mauritiustown Road is proposed. Both appeals should be considered together and the Inspector's Reports for both appeals are virtually identical in structure, content and recommendation.

## **2.0 Proposed Development**

- 2.1. The proposed development is comprised of the erection of 1 no. dwelling house, a shared entrance with the dwelling proposed to the south and all ancillary site works. The design of the proposed dwellings is contemporary and the design proposed is for two storey (dormer style), three bedroom house with a ridge height of

approximately 6.5m. The GFS of the proposed house is approximately 110m<sup>2</sup>. The houses are finished in painted render and black aluminium cladding in certain sections.

- 2.2. Vehicular access is proposed onto Mauritiustown Road via a shared entrance with the house proposed to the south and parking for 2 no. cars per house is also proposed. Mains water supply and connection to the mains sewer are proposed to service the site. The side and rear areas between the two houses is defined by a rendered block wall approximately 1.8m in height (as revised in a drawing submitted with the First Party appeal). Private open space measuring 75m<sup>2</sup> is proposed to the rear of the dwelling.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission for the proposed development was refused on 10<sup>th</sup> January 2024 for 4 no. reasons:

1. The proposed entrance does not achieve the required sightlines and would create an additional traffic hazard when trying to enter/exit the site at this location so close to the junction. In the absence of a suitable means of vehicular access to the site, it is considered that the development for which permission is sought would fail to satisfy the requirements of the Wexford County Development Plan 2022-2028, would interfere with the free flow of traffic, would endanger public safety by reason of traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Development of the kind proposed would be premature by reference to the prospective deficiency in Rosslare Strand Waste Water Treatment Plant and it has not been demonstrated that there is sufficient capacity in the Rosslare Strand Waste Water Treatment Plant to cater for the proposed development. In such circumstances the proposed development would result in non-compliance with the "combined approach" - (as defined in the Waste Water Discharge (Authorisation) Regulations 2007 (S.I. No. 684 of 2007)) due to the waste water discharge from the development resulting in the Rosslare Strand Waste Water Treatment Plant not being in compliance with the requirements of the Urban Waste Water Treatment Regulations 2001 (S.I. No. 254 of 2001) as amended. It is further considered that it is not possible to achieve such controls or limits by way of condition and consequently the Planning Authority must refuse permission having regard to Regulation 43 of the Waste Water Discharge (Authorisation) Regulations 2007. The proposed development is therefore considered premature pending the upgrade of the waste water treatment infrastructure in the village and in the absence of such upgrades, would be prejudicial to public health and contrary to the proper planning and sustainable development of the area.

3. No surface water details were submitted. It cannot be determined whether the existing surface water treatment system can accommodate this type of development in this location. In the absence of this information the Planning Authority were unable to make a full assessment and therefore the development is considered contrary to the proper planning and sustainable development of the area.
4. Insufficient detail has been provided in relation to the proposed boundary treatments between the proposed dwellings on site. In the absence of this information the Planning Authority were unable to make a full assessment and therefore the development is considered contrary to the proper planning and sustainable development of the area.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Planner's Report dated 5<sup>th</sup> January 2024 in summary, had regard to the following planning issues:

- The proposal for a residential development at this location is acceptable in principle.
- The contemporary design, layout and materials proposed for the house is acceptable and the private open space provision is adequate.
- Access proposals are not acceptable as per Roads Section report – reason for refusal.
- The boundary treatment between the two houses proposed in the concurrent applications is of insufficient detail – reason for refusal.
- The water supply and effluent disposal proposals have been confirmed by Irish Water as being feasible subject to a connection agreement. However, having regard to the 'Amber' status of the Rosslare WWTP the proposed development would be prejudicial to public health – reason for refusal.
- No surface water disposal details have been submitted with the application documentation – reason for refusal.
- Neither AA nor EIA is required in relation to the proposed development.
- Recommend a refusal of permission for 4 no. reasons.

### 3.2.2. Other Technical Reports

- Roads Section – recommended a refusal of permission as the required 45m sightlines cannot be achieved at the proposed shared entrance especially looking left (to the SW) given the close proximity of the R736/ Mauritiustown Road junction.

### 3.2.3. Prescribed Bodies

- Irish Water – confirms that a connection of the proposed development to their infrastructure is still feasible but that a condition should be attached to any grant of permission.

### 3.2.4. Observations

- None received.

## 4.0 Planning History

### 4.1. On the Appeal Site

- Concurrent appeal Ref. ABP-318939-24 (20231351) for a single house to the south of appeal Ref. ABP-318940-24 (20231352) – see my Inspector's Report discharged on 28th March 2024.

### 4.2. In the Vicinity of the Appeal Site

- Ref. 20000892 – on the site immediately SW of the appeal site outline permission was refused on 12<sup>th</sup> of May 2000 for 3 no. reasons for the construction of 1 no. detached house.

- 1 The proposed development by virtue of its location very close to the roadside boundary would be out of character with other new development in the vicinity and would set a precedent for further such development.
- 2 The site of the proposed development is located at the junction of two heavily trafficked roads and the proposed development would give rise to dangerous traffic turning movements onto and off these roads and would therefore endanger public safety by reason of traffic hazard.
- 3 The proposed development would infringe on existing building line.

## 5.0 Policy and Context

### 5.1. Development Plan

The Wexford County Development Plan 2022-2028 is the relevant Development Plan for the area.

#### Volume 1: Written Statement

The Wexford County Development Plan 2022-2028 is the relevant Development Plan for the area.

Rosslare is located in a designated 'Coastal Zone' (Volume 1, Map 3) where the following policy objectives apply:

#### 12.4 Coastal Zone Management Spatial Strategy

##### 12.4.1 The Coastal Zone

The policies and objectives of this chapter refer to the entire coastal area of our County. It includes the foreshore and the areas within any of our coastal towns and villages. It will also include the new nearshore once defined. The area to which these policies apply are not defined on a map.

The Plan contains two maps which relate to the coastal area and they each have a different application:

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.

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.

Objective CZM03 -To maximise the economic development potential of the county's coastal and maritime areas subject to compliance with the objectives of the County Development Plan with regard to the location of economic development, the protection of the scenic amenity and views associated with coastal areas and the maritime area which is crucial to the tourism industry, the protection of the amenity, livelihood and cultural well-being of coastal communities, the protection and

restoration of coastal features, habitats and species, compliance with the Habitats Directive and normal planning and environmental criteria and the proper planning and sustainable development of these areas.

Objective CZM08 -To implement any future Marine Planning and Development Management Act in so far as it relates to the duties and functions of the Planning Authority, in particular, the assessment of planning applications and planning enforcement in the newly designated nearshore area.

Objective CZM35 (new developments within settlements with no coastal protection works) -Within established coastal settlements located on a soft shoreline and where there is an identified coastal erosion risk and where there are no coastal protection works in place and no such work is underway or planned by the Council, the Council will only consider the development of infill sites where the development is **a minimum of 100m** (or such greater distance as may be specified by the Planning Authority having regard to the data sources referred to in Objective CZM29) from the soft shoreline. In those circumstances the following applies:

- The development must not extend the length of the coastline that may require coastal protection works in the future.
  - The applicant must objectively establish based on the best scientific information available at the time of the planning application that the likelihood of erosion at the location is minimal taking into account, inter alia, any potential impacts of the proposed development on erosion or deposition.
  - The onus will be on the applicant to provide the evidence (including appropriate modelling which incorporates climate change) to demonstrate that the development will not be at risk over its lifetime. The Planning Authority will have regard to recent and historic trends and events and the data sources referred to in Objective CZM29 in assessing such applications.
  - The applicant must also demonstrate that the proposed development will not pose a significant or potential threat to coastal habitats or features and is compliant with the Habitats Directive.

## 8.8 Sightlines which Require Works

The Council will ensure that all developments are served by safe accesses onto public roads in accordance with the standards contained in Volume 2 Development Management Manual. Following monitoring by the Planning Department in 2019 it became apparent that some vehicular accesses were constructed without the required sightline measures conditioned by the planning permissions. This issue was more prevalent where the achievement of sightlines necessitated works to lands outside the ownership of the applicant and required consent from an adjoining landowner. As a result the Council will now require the measures outlined in Objective TS79.

### Objective TS79

Where works are required to achieve sightlines at a vehicular access, the following criteria must be complied with:

The necessary works to achieve the required sightlines must be indicated within the site edged red submitted with the planning application.

No construction of the dwelling shall take place until the sightlines are in place.

## Section 9.6 Wastewater

Table 9-3 Overview of Public Wastewater Infrastructure - Level 3a Service Settlements - Rosslare Strand – Capacity = 8,500PE and Headroom = 2,826PE. (Source: Irish Water Wastewater Capacity Register 29th April 2020 but subject to change).

Table 9-4 which lists EPA Urban Wastewater Areas of Concern does not include Rosslare on the list.

Table 9-5 which lists Irish Water Investment Plan Public Wastewater Projects 2020-2024 does not include Rosslare on the list.

- Objective WW04 - To facilitate Irish Water in the delivery of public wastewater services which address the residential, commercial and industrial needs of the county subject to compliance with all relevant EU and national legislation and guidelines and normal planning and environmental criteria.



- Objective WW05 - To work alongside Irish Water to facilitate the wastewater projects identified in Table 9-5 and any other projects that may arise during the lifetime of this Plan subject to compliance with all relevant EU and national legislation and normal planning and environmental criteria.
- Objective WW06 - To ensure that proposals in the coastal and maritime area do not significantly adversely affect existing and planned wastewater management and treatment infrastructure (where a consent, authorisation or lease has been granted to or formally applied for by Irish Water) unless compatibility with such infrastructure can be satisfactorily demonstrated or there are exceptional circumstances.
- Objective WW07 - To work with Irish Water, other public infrastructure agencies and local communities to develop the programme for 'new homes in small towns and villages' as set out in NPO 18b of the National Planning Framework for the settlements listed in Table 9-6. This programme will provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages in the county and is subject to complying with the Habitats Directive and normal planning and environmental criteria.
- Objective WW08 - To facilitate the connection of existing developments to public wastewater services wherever feasible and subject to connection agreements with Irish Water and to ensure that any future development connects to the public wastewater infrastructure where it is available.
- Objective WW13 - To protect existing wastewater infrastructure, including way leaves and buffer zones, from inappropriate development and zoning.

## Volume 2: Development Management

### 6.2.6 Siting and Design of Access/Egress Points

B. Sightlines Road speed limit of less than 60 kph The Planning Authority will have regard to the principles, approaches and standards of DMURS in the assessment of appropriate sight distances where a new or materially intensified access/egress point is proposed to a public road where a speed limit of less than 60 kph applies. Where the proposed access/egress point crosses an existing or potential future footpath

(generally in towns and villages) the access/egress point shall be designed to facilitate visibility of and by pedestrians, and other road users. This may require limits on the height of boundary walls/fences and/or landscaping where the boundary treatment directly adjoins an existing or potential future footpath as detailed on Figure 6-6 below. This requirement is in addition to vehicle intervisibility sightline considerations.

## 5.2. Natural Heritage Designations

The following natural Heritage designations are located in the vicinity of the appeal site:

- Seas off Wexford SPA (004237).
- Wexford Harbour and Slob SPA (004076).
- Wexford Slob and Harbour pNHA (000712).

## 5.3. EIA Screening

Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity/ the absence of any connectivity to any 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

The relevant planning issues raised by the First Party are, in summary, as follows:

- The Planning Authority have no issue with the principle of the development of a house on this site nor with the layout, design or materials proposed. Aside from the refusal reasons - traffic hazard, waste water treatment, and the inadequacy of detail in the application documentation relating to surface water disposal and boundary treatment between the two houses, all other elements of the proposed development were favourably assessed by the Planning Authority.

- The applicant (and his brother on the adjacent site to the south) have a genuine social and economic reason to build permanent homes at this location in order to manage the caravan park they own immediately north of the appeal site.
- The **first reason for refusal** relating to traffic hazard associated with the proposed shared entrance onto Mauritiustown Road can be addressed by moving the proposed entrance northward which would give a sightline of 35m-40m (min-max) to the centre line of the road looking left (SW) toward the junction with the R736 and a sightline of 45m looking right (NE).
- Given that the entrance proposed is located in a speed control zone (50kph) the achievable sightlines at the relocated shared entrance do not represent a traffic hazard. A revised site layout plan showing the relocated shared site entrance is submitted with this appeal for the Board's consideration.
- The **second reason for refusal** relating to a lack of capacity at the Rosslare WWTP contradicts the confirmation of Irish Water that there is capacity available at the WWTP providing a connection agreement with Irish Water is completed by the applicant.
- A connection agreement can be sought from Irish Water post planning permission on foot of a condition specifying such a requirement and this is standard planning practice. Indeed, the Board has on several occasions previously overturned this type of reason for refusal and included a connection agreement condition in a grant of permission for residential development in Rosslare.
- A precedent case where this has happened is Ref. ABP-315113-22 (20221146) located in Mauritiustown where the Board overturned the Planning Authority refusal of permission on the grounds that the Board had regard to the Irish Water submission confirming the feasibility of connection to its infrastructure. The Board Order in relation to this case is appended to this appeal submission.

- There have been several recent decisions by the Planning Authority in the locality to grant permission for dwellings where the issue of lack of capacity in the Rosslare WWTP was not an obstacle to a positive decision – Refs. 20221527, 20230438, 20230275, 20221101, 20221076 and 20230757 [Inspector's Note – Ref. 20230757 was refused by the PA for WWTP capacity reasons and is currently on appeal, ABP-318551-23, see my Inspector's Report was discharged on 21<sup>st</sup> March 2021]
- The **third reason for refusal** relating to a lack of information regarding surface water disposal plans can be addressed by the inclusion of an attenuation system designed in accordance with SuDS requirements and this issue can be the subject of a condition attached to a grant of permission.
- The **fourth reason for refusal** relating to a lack of information regarding the boundary treatment between the two houses proposed on this vacant site could have been clarified by a Further Information request or addressed by condition. It is proposed to erect a 1.8m rendered block wall between the houses that will run the length of the rear gardens and in between the houses.

## 6.2. Planning Authority Response

- The Planning Authority has not responded to this appeal.

## 6.3. Observations

- No Observations received.

## 7.0 Assessment

7.1. Having examined all the application and appeal documentation on file, I consider that the main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise.

7.2. The assessment issue therefore relates to the 4 no. reasons for refusal issued by the Planning Authority – traffic hazard; capacity of the Rosslare WWTP to accommodate additional connections having regard to its current 'Amber Status'; surface water disposal; and boundary treatments.

7.2.1. The issue of AA Screening is also addressed in this assessment.

### 7.3. Traffic Hazard

- 7.3.1. The report from the Roads Section dated 8<sup>th</sup> December 2023 notes that the original entrance location proposed achieves only a 25m sightline looking left (SW along Mauritiustown Road) at the entrance to the site but could achieve a sightline of 35m if the proposed entrance was relocated to the northern end of the application site. The proposed entrance is 35m from a busy junction and the required 45m sightline cannot be achieved even if the entrance were to be relocated northward.
- 7.3.2. The First Party appellant states that the 50kph speed limit applies on Mauritiustown Road and that the relocated shared entrance can achieve a minimum sightline of 35m looking left and 45m looking right (NE along Mauritiustown Road) which is sufficient in an urban context and therefore the entrance does not constitute a traffic hazard.
- 7.3.3. I note the views of both parties but having visited the site and having had the opportunity of monitoring traffic movements in the area, notwithstanding the non-scientific nature of my observations, I am of the opinion that the proposed shared entrance to the appeal site as relocated northwards is within acceptable parameters in relation to the creation of a safe ingress/egress at the site.
- 7.3.4. Sightlines to the right at 45m are not in dispute. A shortfall of between 5m-10m from the 45m sightline requirement to the left is I believe acceptable given that traffic either coming from the R736 to the west or heading towards the junction from the east will be slowing down due to the proximity of said junction thereby reducing the traffic hazard risk at the shared entrance of the appeal site.
- 7.3.5. Ideally a 45m sightline towards the road junction should be achievable but given the site specific situation at the appeal site I believe that the Board should not refuse planning permission for the proposed dwelling (and the concurrent appeal for a dwelling on the same site south of this appeal site) for reasons of potential traffic hazard.

#### 7.4. Rosslare WWTP Capacity

- 7.4.1. The issue of the capacity of the Rosslare WWTP is a recurring issue in refusals of permission by the Planning Authority for individual houses and small infill developments within Rosslare and where in most cases the Irish Water response (if any) confirms that a connection of the proposed development to the sewage system is feasible. I refer the Board to my reports ABP-318551-23 (20230757) and ABP-319004-24 (20231481) discharged on 21<sup>st</sup> March 2024 which deals with this issue in depth and contain extensive planning histories which reveal a disturbing pattern of inconsistency in Planning Authority decisions regarding the wastewater treatment issue.
- 7.4.2. It is a fact as confirmed by Irish Water in other cases that the status of the Rosslare WWTP is 'Amber' which means that potential spare capacity is available for individual house and small infill development (up to 10 no. units) and that applications are to be considered on an individual basis considering their specific load requirements and that any grant of permission should be conditional on the applicant receiving a connection agreement from Irish Water prior to the commencement of development .
- 7.4.3. A supplementary report from the Senior Planner dated 22<sup>nd</sup> August 2023 contained in appeal Ref. ABP-318551-23 (20230757), states that *"while the Planning Authority would have serious concerns about potential risks of environmental pollution but that it had been agreed with the Water Services Section of Wexford County Council that infill/brownfield residential development of up to 10 no. units would be permitted as such developments would not represent a risk with respect to capacity issues at the Rosslare WWTP"*.
- 7.4.4. This Planning Authority's own position as set out above appears to have been disregarded in the current case with no obvious indication in documents on file as to the rationale for doing so in the absence of a response from the Planning Authority to this First Party appeal.
- 7.4.5. The Irish Water response to the Planning Authority confirms that a connection of the proposed development to the water and sewage system was feasible but that any grant of permission should be subject to conditions including a connection

agreement being obtained by the applicant from Irish Water prior to the commencement of development.

- 7.4.6. The issues around the capacity of the Rosslare WWTP to accommodate the proposed development seem to be reasonably clear. At no point in the application documentation on file have I discovered a statement or opinion from Irish Water explicitly stating that permission should be refused for the proposed dwelling on the grounds there is insufficient capacity in the Rosslare WWTP to service the proposed development.
- 7.4.7. On the contrary, documentation on file confirms in my mind that the policy of Irish Water in relation to servicing residential development within Rosslare village is that individual houses or even small infill developments can be accommodated but that large scale residential development cannot be accommodated as such developments would reduce capacity at the Rosslare WWTP to minimal levels.
- 7.4.8. In addition, Table 9-3 Overview of Public Wastewater Infrastructure of the Wexford County Development Plan 2022-2028 confirms a capacity of 8,500PE and headroom of 2,826PE at the Rosslare WWTP (Source: Irish Water Wastewater Capacity Register 29<sup>th</sup> April 2020 but subject to change). This Development Plan information further underlines the position of Irish Water in respect of applications for individual houses on infill sites in Rosslare and should have informed the Planning Authority decision in this case.
- 7.4.9. Having regard to the above, I would advise the Board that there is no obstacle with respect to capacity issues at the Rosslare WWTP in granting permission for the proposed development if it is minded to do so.

## 7.5. Surface Water Disposal

- 7.5.1. I would comment with regard to this reason for refusal that given the traffic hazard and lack of capacity in the Rosslare WWTP reasons for refusal, the lack of surface water disposal details in the application documentation is not a legitimate reason for refusal when a Further Information request or an appropriate condition attached to a permission would have been in line with best practice in this instance.

7.5.2. I note that the appellant has submitted revised drawings indicating that the surface water will be disposed of via a surface water attenuation tank located to the front of the proposed houses and that this attenuation tank will comply with SuDS specifications. I am satisfied that this is an appropriate proposal to deal with surface water disposal issues at the appeal site (and neighbouring appeal site) and that should the Board be minded to grant permission in this case a condition reflecting this proposal has been included in Section 10 of this report below.

## 7.6. Boundary Treatments

7.6.1. Similarly, as with the insufficiency of the surface water disposal information in the planning application documentation, the lack of boundary treatment details between the two houses in the application documentation is not a legitimate reason for refusal when a Further Information request or an appropriate condition attached to a permission would have been in line with best practice in this instance.

7.6.2. The revised drawings submitted with the First Party appeal indicate that the boundary between the two proposed houses will be a rendered block wall approximately 1.8m in height. I am satisfied that this is an appropriate structure to delineate the boundary between the two properties and that should the Board be minded to grant permission in this case a condition reflecting this proposal has been included in Section 10 of this report below.

7.6.3. The low density residential development proposed is in line with compact growth policies, government guidance and complies with the policies and objectives of the Wexford County Development Plan 2022-2028 and with the development management standards contained in the Development Plan.

## 7.7. AA Screening

7.7.1. Having regard to the relatively minor development proposed within an existing housing estate and the distance from 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.



## 8.0 Recommendation

I recommend that planning permission be granted for the proposed dwelling for the reasons and considerations set out below.

## 9.0 Reasons and Considerations

Having regard to the provisions of the Wexford County Development Plan 2022-2028, especially those regarding the topics of traffic safety, treatment of waste and surface water and boundary treatments, it is considered that the proposed development would not seriously injure the visual or residential amenity of the area, nor constitute a traffic or public health hazard or have an adverse impact on the receiving environment. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 9<sup>th</sup> day of November 2023, as amended by the revised drawings received by the Board on the 29<sup>th</sup> day of January 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise, dust and vibration management measures, rock breaking/excavation methodologies and off-</p>

	<p>site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
3.	<p>The proposed side boundary wall shall consist of rendered blockwork the exact height and location of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and the protection of privacy.</p>
4.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Prior to commencement of development, the developer shall enter into a water and sewage connection agreement with Irish Water.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) Specifications for mounding, levelling, cultivation and other operations</p>

	<p>associated with plant and grass establishment</p> <p>(b) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established</p> <p>(c) A timescale for implementation, including details of phasing, which shall provide for the planting to be completed before the dwelling is first made available for occupation.</p> <p>Reason: In order to screen the development and assimilate it into the surrounding urban landscape, in the interest of visual amenity.</p>
9.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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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**Bernard Dee**  
**Planning Inspector**

**28<sup>th</sup> March 2024**

**Appendix 1 - Form 1**  
**EIA Pre-Screening**  
**[EIAR not submitted]**

<b>An Bord Pleanála</b> <b>Case Reference</b>	ABP-318940-24		
<b>Proposed Development Summary</b>	Construction of a new dwelling, shared vehicular entrance and all ancillary site works		
<b>Development Address</b>	Mauritiustown, Rosslare, Co. Wexford		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>	√		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			

		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	√			Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: \_\_\_\_\_

Date: 28<sup>th</sup> March 2024

Bernard Dee