



An
Bord
Pleanála

Inspector's Report

ABP-319004-24

Development	1 no. two storey detached house and ancillary site works
Location	Whitehouse, Rosslare, Co. Wexford
Planning Authority	Wexford Co. Co.
Planning Authority Reg. Ref.	20231481
Applicant(s)	Brian Kehoe
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Brian Kehoe
Observer(s)	Richard and Caroline Fernandes
Date of Site Inspection	14 th March 2024
Inspector	Bernard Dee

1.0 Site Location and Description

- 1.1. The appeal site is located on Strand Road (L3049) in Rosslare village, Co. Wexford. Strand Road west of the appeal site runs in a north-south direction and is one block back from the shoreline which lies to the east of the appeal site. The area is suburban in nature and a detached single storey dwelling is adjacent and to the south of the appeal site. The west boundary is defined by Strand Road and the northern boundary by an unnamed private access lane.
- 1.2. The eastern boundary of the site is defined by a derelict cottage (Fern Cottage) and mobile home which are in the ownership of the appellant but do not form part of the appeal site. There is an active application on this site by the mother of the current appellant, Ref. 20231444, which is currently on hold awaiting a response to a further information request issued by the Planning Authority on 26th January 2024.
- 1.3. The appeal site itself has an area of 0.07ha and is currently vacant and overgrown. To the front of the site fronting onto Strand Road is a large pine tree and a low concrete wall with a pedestrian gate. A ditch defines the northern boundary of the appeal site fronting the private laneway.

2.0 Proposed Development

- 2.1. The proposed development is comprised of the erection of a fully serviced dwelling house together with ancillary site works. The design of the proposed dwelling is contemporary and the design proposed is for a part two storey, part single storey four bedroom house. The house is finished in painted render, timber cladding and black aluminium.
- 2.2. Vehicular access is proposed onto Strand Road and parking for 2 no. cars is also proposed to the rear of the dwelling. The existing pine tree is proposed to be felled and the site landscaped.
- 2.3. The site is proposed to be serviced by mains water supply and the public sewer system.

3.0 Planning Authority Decision

3.1. Decision

Permission for the proposed development was refused on 31st January 2024 for one reason.

Development of the kind proposed would be premature by reference to the prospective deficiency in Rosslare Strand Wastewater Treatment Plant and it has not been demonstrated that there is sufficient discharge capacity in the Rosslare Strand Wastewater 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 Wastewater Discharge (Authorisation) Regulations 2007 (S.I. No. 684 of 2007)) due to the wastewater discharge from the development resulting in the Rosslare Strand Wastewater Treatment Plant not being in compliance with the requirements of the Urban Wastewater 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 Wastewater Discharge (Authorisation) Regulations 2007. The proposed development is therefore considered premature pending the upgrade of the wastewater 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.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner's Report on file, in summary, had regard to the following planning issues:

- The proposal for a residential development at this location is acceptable in principle.
- The design of the proposed house is appropriate to its context.
- Landscaping proposals have not been submitted with the application but could be conditioned if permission is granted.
- Access proposals are acceptable.
- Water supply is available but more information on surface water drainage has been requested by the Drainage Section.
- Irish water has requested Further information regarding connection of the proposed development to wastewater infrastructure. However, while connection to the wastewater system may be technically possible the

Rosslare Waste Water Treatment Plant (WWTP) has no capacity currently and therefore permission should be refused for the proposed dwelling.

- Neither AA nor EIA is required in relation to the proposed development.

3.2.2. Other Technical Reports

- Roads Section – noted that the site was located within the 50km speed limit zone and that adequate sightlines are achievable at the proposed vehicular access point.
- The Drainage Section requested that Further Information be sought regarding surface water disposal proposals relating to the development of the subject site.
- Senior Executive Scientist (Environment) – recommended that permission be granted subject to conditions including obtaining a connection agreement with Irish Water prior to the commencement of development.

3.2.3. Prescribed Bodies

- Irish Water – requested Further Information be sought from the applicant regarding site layout drawings showing the proposed watermain and foul drainage service connections and routes back to the public mains and the drawings should show any existing services on site. Connection to any services on Fern Lane which is private property should be accompanied with letters of consent to connect to the services from the relevant landowners.
- In addition, Irish Water advised that while the decision to grant or refuse planning permission rests with the Planning Authority, the Rosslare WWTP is at 'Amber Status' and the Planning Authority should carry out a Combined Approach Assessment to determine the potential impact on receiving water attached to the proposed dwelling (and the application for a house to the east – Ref. 20231444).
- Irish Water commented that references by the applicant to Ref. ABP-315166 where the Board granted permission for a house on appeal that the Planning Authority had refused due to limited capacity at the WWTP should be balanced with Board refusals for this reason in case Refs. 314789, 314793

and 314794. Irish Water asked the Planning Authority that the terms of the EPA discharge licence is routinely breached every summer – June to August.

3.2.4. Observations

- An Observation was received from Richard and Caroline Fernandes in relation to boundary treatment preferences at the appeal site. They have also submitted an Observation on this current appeal. Their home is immediately south of the appeal site.

4.0 Planning History

The planning history cited below is quite extensive and more detailed than normally provided in an Inspector's Report but it was necessary to explore the issue of capacity at the Rosslare WWTP and the Planning Authority decision making with regard to this issue. In addition, several of the history cases below are cited in the First Party appeal submission and in the Irish Water response to the Planning Authority referral.

4.1. On the Appeal Site

- Ref. 20120511 – on the current appeal site and also the site to the rear (east) of the current appeal site (combined sites) permission was refused on 12th August 2012 for the demolition of the existing cottage and the construction of 4 no. two storey dwellings and ancillary site works.
- There were 3 no. reasons for refusal relating to (i) overdevelopment of the site, (ii) traffic hazard associated with the proposed access arrangements, and (iii) lack of capacity in the Rosslare WWTP.
- Ref. 20074389 – on the current appeal site and also the site to the rear (east) of the current appeal site (combined sites same as Ref. 20120511 above) permission was refused on 14th February 2008 for the demolition of the existing dwelling house and the construction of 4 no. two storey dwellings and ancillary site works.
- There were 2 no. reasons for refusal relating to (i) lack of capacity in the Rosslare WWTP and (ii) overdevelopment of the site.

4.2. In the Vicinity of the Appeal Site

- Ref. 20231444 – relates to a site to the rear (east) of the appeal site where an application from the current appellant's mother for proposed alterations and extensions to an existing cottage (vacant at the time of my site visit] together with ancillary site works has been submitted to the Planning Authority.

Further Information was sought on 26th January 2024 and there has been no response received to date. The second item of Further Information sought information regarding connection to the sewage infrastructure system, see below.

1. The applicant has indicated a dormer style window on submitted plans which is clearly shown on north and south elevations in addition to the visuals provided. This dormer window has not been indicated on the west elevation and should be visible as it exceeds the height of the single storey aspect of the dwelling. The west elevation indicates solar panels which overlap with where this window should be located. The applicant is requested to provide revised drawings clarifying this. ✓
2. Uisce Eireann has no record of the existing dwelling being already connected to the public sewers and understand there is no private or public sewers mains on Fern Lane, and several existing dwellings on Fern Lane are not connected to the public sewers. The applicant site, read in conjunction with application 20231481, will no longer have direct access to Strand Road to make any new connection in this direction, or if an alleged existing connection exists it would be via Strand Road rather than Fern Lane, in which case a wayleave from the third party who intends to form a site over this existing service connection would be required. The applicant is therefore requested to submit fully annotated site layout drawings for water and wastewater clearly showing any existing service connections on the site and their route back to existing public mains and submit evidence of previous existing connection made to the public foul sewers including CCTV survey and as-built record (to be overseen by a competent indemnified Chartered Engineer) and receipt of connection fee paid. If services are to pass through a third-party site submit confirmation of agreement to do so from the property owner and draft wayleave agreement. ✓

- Ref. 20200748 – relates to a site two plots to the north of the appeal site where permission for a part two-storey (dormer) and part single-storey detached dwelling, the removal of existing vehicular entrance and provision of new vehicular entrance from Cedar Court, and the landscaping and all ancillary site works necessary to facilitate the development was granted on 28th August 2022 subject to 9 no. conditions. One condition requires the applicant to gain permission from Irish Water for connection to mains water and sewage infrastructure prior to the commencement of development. The Planner's Report available online in relation to effluent treatment notes that

the discharge is to the public sewer. No reference is made in the Planner's Report to capacity issues at Rosslare WWTP. There is no Irish Water submission on file and no reference was made to Irish Water in the Planner's Report in relation to this application.

- Ref. 20201542 – relates to a site three plots to the north of the appeal site (north of the entrance to Cedar Grove) where permission for the demolition of the existing structure; the construction of 1 no. part two-storey and part single storey, four-bedroom detached dwelling and all ancillary landscaping and site works necessary to facilitate the development. Planning permission was granted on 2nd June 2021 subject to 7 no. conditions. One condition requires the applicant to gain permission from Irish Water for connection to mains water and sewage infrastructure prior to the commencement of development. The Planner's Report available online in relation to effluent treatment notes that the discharge is to the public sewer. No reference is made in the Planner's Report to capacity issues at Rosslare WWTP. No submission was made by Irish Water in relation to this application.
- Ref. 20201541 – relates to a site four plots to the north of the appeal site (north of the entrance to Cedar Grove) and adjacent and north of Ref. 20201542 above where permission for the demolition of the existing structure; the construction of 1 no. part two-storey and part single storey, four-bedroom detached dwelling and all ancillary landscaping and site works necessary to facilitate the development was granted on 3rd June 2022 subject to 6 no. conditions. One condition requires the applicant to gain permission from Irish Water for connection to mains water and sewage infrastructure prior to the commencement of development. The Planner's Report available online in relation to effluent treatment notes that the discharge is to the public sewer. No reference is made in the Planner's Report to capacity issues at Rosslare WWTP. No submission was made by Irish Water in relation to this application.

Ref. ABP-318007-23 [appeal is still active] (20230715) – relates to a site to the north of the appeal site (north of Cedar Grove estate and Beach Court road) and north of Ref. 20201541 above where permission for the construction of a detached dwelling and all ancillary landscaping and site works necessary to facilitate the development was refused on 16th August 2023 for three reasons:

1. It has not been demonstrated that there is sufficient capacity in the wastewater treatment plant to cater for the proposed development. Therefore, the proposed development is considered premature pending the upgrade of the wastewater treatment infrastructure in the village and in the absence of such upgrades, would be prejudicial to public health.
2. The proposed dwelling, by virtue of its location and design, would have an overbearing impact on the existing adjacent dwelling which is listed in the Wexford County Development Plan 2022 – 2028 on the Record of Protected Structures (ref. WCC1372). The proposed development would be contrary to objective BH06 & BH07 which seeks to protect the curtilage of Protected Structures or proposed Protected Structures from any works which would cause loss of, or damage to, the special character of the structure and loss of or damage to, any structures of heritage value within the curtilage or attendant grounds of the structure. The proposed development would therefore be contrary to the Wexford County Development Plan 2022 - 2028 and the proper planning and sustainable development of the area.
3. Information regarding surface water drainage and footpath details has not been supplied and 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.

The submission made by Irish Water in relation to this application requests Further Information in the form of a connection agreement be sought from the applicant. The Planner's Report available online in relation to effluent treatment notes the following:

Water and Wastewater Supply

A pre-connection offer from Irish Water dated 14 March 2023 is enclosed. A water connection is feasible without upgrade. In relation to wastewater it states that While capacity is currently available to service the Development and comply with Urban Wastewater Treatment requirements, please note that the proposed Development is in an area serviced by a constrained wastewater treatment plant (WwTP). As the network capacity changes constantly, this review is only valid at the time of its completion. Therefore, this letter does not constitute an offer, in whole or in part, to provide a connection to any Irish Water infrastructure. ✓

This letter does not constitute an offer, in whole or in part, to provide a connection to any Irish Water infrastructure. Before the Development can be connected to our network(s) you must submit a connection application and be granted and sign a connection agreement with Irish Water.

Irish Water have requested Further Information and stated the applicant shall enter into a connection agreement with Irish Water.

- Ref. ABP-315116-22 (20221146) – relates to a site to the north of the appeal site (north of Cedar Grove estate and Beach Court road) and north of Ref. ABP-318007-23 (20230715) above where permission for the construction of a detached dwelling and all ancillary landscaping and site works necessary to facilitate the development was refused by the Planning Authority due to capacity constraints at the Rosslare WWTP and granted on appeal by the Board on 31st October 2023 contrary to the Inspector's recommendation for refusal.

In deciding not to accept the Inspector's recommendation, the rationale of the Board was stated as being thus:

In their report, the Inspector noted that the file did not have the benefit of an up-to-date Confirmation of Feasibility from Uisce Éireann, and the Inspector did not recommend a grant of permission in this instance. In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the additional information subsequently received from the appellant in response to the Board's request for information under Section 132 of the Planning and Development Act 2000 (as amended), which comprised an up-to-date Confirmation of Feasibility from Uisce Éireann, which the Board considered addresses the concerns set out in the Inspector's Report.

- Ref. 20230438 – relates to a site approximately 700m to the SW of the current appeal site where permission for the construction of detached dwelling and all ancillary landscaping and site works necessary to facilitate the development was granted on 16th June 2023 subject to 6 no. conditions. One condition requires the applicant to gain permission from Irish Water for connection to mains water and sewage infrastructure prior to the commencement of development. The Planner's Report available online recommended refusal due to lack of capacity in the Rosslare WWTP but a supplementary report by the Senior Planner (see attachment to appeal submission) noted that Irish Water has indicated there is sufficient capacity in the Rosslare WWTP to accommodate the proposed dwelling (notwithstanding EPA concerns with respect to the discharge licence of this facility). The report notes that due to potential pollution risks that only small infill residential development for

individual housing needs will be permitted in Rosslare pending the upgrade of the in the Rosslare WWTP.

[INSPECTOR'S NOTE: Infill residential development up to 10. no. units can be permitted by the Planning Authority without compromising the capacity of Rosslare WWTP – see for reference Inspector's Report, Section 3.2.1 and file for appeal ABP-318551-23, Senior Planner's Supplementary report dated 22nd August 2023]

- The Irish Water submission to the Planning Authority in relation to this case cites three cases where the Board has confirmed refusal of permission for residential development in Rosslare on the grounds that there is insufficient capacity in the WWTP. The cases referenced are: ABP-314789-22 (20220731), ABP-314793-22 (20220732) and ABP-314794-22 (20220733) Having reviewed these cases online I can confirm to the Board that in each case and on the same date, 2nd November 2023, the Board confirmed the Planning Authority reason for refusal in the Board Orders as follows:

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

5.0 Policy and Context

5.1. Development Plan

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

The following policy objectives are of relevance when assessing the proposed development. Development Plan polices regarding housing design and other development management standards have not been reproduced below as the primary issue in this appeal relates to wastewater treatment.

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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.

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 Slobs SPA (004076).
- Wexford Slobs 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.
- Following direct discussions with Irish Water a connection agreement – CDS23004223 dated 26th June 2023 – was issued and appended to the planning application that confirms there is capacity in Rosslare WWTP to accommodate the proposed dwelling.
- There are 3 no. applications for houses in the immediate vicinity of the appeal site where the Planning Authority granted permission with connection to the main sewer being conditioned. No reference was made by the Planning Authority in these cases to there being no available capacity at the Rosslare WWTP – Refs. 20200748, 20201541 and 20201542.
- It is the policy of Irish Water that small infill sites in serviced areas will be accommodated with sewage and water connections but that larger housing estates cannot be connected in Rosslare at this point in time. See for reference an Irish Water report dated 6th October 2023 in relation to ABP-318007-22 (20221146).
- Irish Water has confirmed that there is capacity in the system to connect to the Rosslare WWTP for the proposed development – see attachments to the appeal submission.
- The supplementary report by the Senior Planner on Ref. 20230438 dated 15th June 2023 confirms that permission will be granted, all other elements being equal, for individual houses on infill sites in Rosslare as Irish Water has confirmed that there is sufficient capacity in the Rosslare WWTP to accommodate this type of development – see attachments to the appeal submission.

- The nearby case Ref. ABP-315116-22 (20221146) sets a precedent for granting permission for a single house with a condition requiring that a connection agreement be obtained from Irish Water prior to the commencement of development and there are several other precedent cases for the same type of decision in the vicinity of the current appeal site – see the appeal submission.

6.2. Planning Authority Response

- The Planning Authority has not responded to this appeal.

6.3. Observations

The Observation submitted by Richard and Caroline Fernandes makes the following points:

- Any proposed screen planting on the southern boundary of the appeal site between the applicant's property and the Observer's property should be set back 1m from the property boundary and restricted to 2m in height to prevent loss of light in the property to the south of the appeal site.
- It is proposed to erect a 1.8m high boundary wall to the front of the proposed dwelling which may impact upon sightlines currently available at the vehicular entrance to the Observer's property. A lower boundary wall would resolve this issue.

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 capacity of the Rosslare WWTP to accommodate additional connections having regard to its current 'Amber Status'.

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

7.3. Rosslare WWTP Capacity

- 7.3.1. The issues around the capacity of the Rosslare WWTP to accommodate the proposed dwelling seem to be reasonably clear. At no point in either the application documentation or in the documentation available online in relation to the history files detailed in Section 4.0 of my report above have I discovered a statement from Irish Water saying 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.
- 7.3.2. On the contrary, documentation on file, available online and submitted with the First Party appeal confirms to me that the policy of Irish Water in relation to servicing residential development within Rosslare village is that individual houses or even small 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 and there is no planned upgrade of the Rosslare WWTP for the programme up to 2024. [See also for reference to this issue the Inspector's Report on Ref. ABP-318551-23 (20230757)]
- 7.3.3. 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 29th 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.
- 7.3.4. During the determination of this case by the Planning Authority Irish Water responded that Further Information be sought from the applicant regarding site layout drawings showing the proposed watermain and foul drainage service connections and routes back to the public mains and the drawings should show any existing services on site. There was no recommendation for refusal due to capacity issues contained in the Irish Water response to the referral issued by the Planning Authority.

- 7.3.5. I note also that the Senior Executive Scientist (Environment) recommended that permission be granted subject to conditions including obtaining a connection agreement with Irish Water prior to the commencement of development. No reference to capacity issues at the Rosslare WWTP are made in this report.
- 7.3.6. Having regard to the above, it is inexplicable why the Planner's Report states that there is no capacity in the Rosslare WWTP and that a refusal of planning permission was recommended and issued for this reason. It is unfortunate that this recommendation was not intercepted by the Senior Planner as happened in the case of Ref. 20230438, a site approximately 700m to the SW of the current appeal site, where a supplementary report by the Senior Planner confirmed the Irish Water position on capacity being available for individual house proposals on infill sites in Rosslare and overruled a recommendation of refusal proposed by the EP and SEP.
- 7.3.7. 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. A condition requiring the agreement of Irish Water confirming capacity in the Rosslare WWTP to accommodate the effluent load for proposed residential development on a case by case basis will allow Irish Water to monitor the capacity of the WWTP and refuse any further connections if 'Red Status' occurs. In this regard Section 34(13) of the Planning and Development Act 2000 (as amended) is of relevance - *A person shall not be entitled solely by reason of a permission under this section to carry out any development.*
- 7.3.8. There is one issue however which the Board should have regard to, there are several planning application cases and appeal cases cited in the planning history above and in case ABP-318551-23 (20230757) that demonstrates a certain level of inconsistency in decision making at Planning Authority and Board level. Grants and refusals of permissions can be observed throughout Rosslare on a somewhat random basis. It may be appropriate for the Board to invoke an Oral Hearing for a future case that is appeal relating to the capacity issue at Rosslare WWTP so that a definitive position regarding the servicing of future residential development proposals in Rosslare may be formed. Having regard to the nature of an Oral Hearing and the cross questioning of all parties, Including Irish Water and the Planning Authority, that would be afforded to an Inspector in such a context an Oral Hearing may be the best

method of obtaining information on the issue. This item is aside from the remainder of my report and does not relate to my recommendation below.

7.3.9. I have examined other aspects of the proposed development such as layout, design, access arrangement, overlooking potential, overshadowing, standard of amenity and potential impacts on the visual and residential amenity of the area and I find that all planning aspects of the proposed development are satisfactory.

7.4. AA Screening

7.4.1. 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 treatment of waste water, it is considered that the proposed development would not an adverse impact on the receiving environment or seriously injure the visual or residential amenity of the area. 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 8th day of December 2023, 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-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
3.	<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>

4.	<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>
5.	<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>
6.	<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>
7.	<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> <ul style="list-style-type: none"> (a) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment (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 (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>Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.</p>

8.	<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>
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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.

Bernard Dee
Planning Inspector

21st March 2024

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

An Bord Pleanála Case Reference	ABP-319004-24		
Proposed Development Summary	Construction of a new dwelling, vehicular entrance and all ancillary site works		
Development Address	Whitehouse, Rosslare, Co. Wexford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	
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?			
Yes			EIA Mandatory EIAR required
No	√		Proceed to Q.3
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]?			

		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: 21st March 2024

Bernard Dee