



An  
Bord  
Pleanála

## Inspector's Report

**ABP-319540-24**

<b>Development</b>	Construct a single storey dwelling house, connect to public services, all ancillary site works and services.
<b>Location</b>	Mauritiustown, Rosslare, Co. Wexford
<b>Planning Authority</b>	Wexford Co. Co.
<b>Planning Authority Reg. Ref.</b>	20230754
<b>Applicant(s)</b>	Tom Kealy
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Tom Kealy
<b>Inspector</b>	Conor McGrath ADP

## **1.0 Introduction**

- 1.1. This is an addendum report on foot of a Direction from the Board dated 27/11/2024. The Board Direction followed from a previous Inspector's Report dated 06/09/2024, in which it was recommended that the decision of the planning authority be upheld and that permission be refused for the proposed development on ground of prematurity and wastewater treatment capacity.
- 1.2. The original reporting inspector was a Fee per Case consultant and having regard to nature of the request set out in the Board Direction below, I have prepared this addendum report for the consideration of the Board.

## **2.0 Board Direction**

- 2.1. The Board Direction requires that the following items be addressed:
  - i. That the Inspectorate clarify their view that certainty of available capacity to facilitate the proposal cannot be demonstrated and overloading of the facility will not occur, potentially causing and adverse impact on the receiving environment.
  - ii. That the Inspectorate clarify their view as to the usefulness and adequacy of a Confirmation of Feasibility in ascertaining the prematurity of the proposed development and to clarify on what basis, if any, the inspectorate considers exists for considering the proposed development to be premature and whether there is a mechanism being developed or in place to monitor the cumulative effect of grants of permission on the wastewater treatment capacity.

## **3.0 Assessment**

- 3.1. This report restricts itself to the consideration of the items raised in the Board Direction.

### 3.2. The availability of Treatment Capacity

*That the Inspectorate clarify their view that certainty of available capacity to facilitate the proposal cannot be demonstrated and overloading of the facility will not occur, potentially causing and adverse impact on the receiving environment.*

I have reviewed the inspector's report, the decision of the planning authority and the documentation on the appeal file. I note the following points:

- The planning application, lodged in June 2023, proposed a new connection to the public sewer.
- Uisce Eireann's submission on the planning application (02/08/2023) sought further information, to include a copy of the Confirmation of Feasibility and details of water and sewerage layouts. This observation did not conclude that the development would be likely to cause overloading of the treatment plant.
- At further information stage (28/02/2024) a copy of a Confirmation of Feasibility from Uisce Eireann dated 22/03/2023 was submitted to the planning authority. This letter noted the following:

*While capacity currently (sic) 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.*

- The planning authority subsequently decided to refuse permission for the proposed development on 22/03/2024.

I note that the proposed development would connect to Rosslare Strand Wwtp. The Uisce Eireann Wastewater Capacity Register (June 2023) identifies the status of this treatment plant as Amber\*\*\*.

*\*\*\* Potential spare capacity. Connection applications and enquiries currently being processed may impact on capacity availability. Connection applications will be assessed on an individual basis considering their specific load requirements, engagement with Uisce Éireann's Connections and Developer Services Team ahead of planning a project is required.*

This status would appear to reflect the letter of Confirmation of Feasibility issued in March 2023.

The 2023 Annual Environmental Report (AER) for Rosslare Strand WwTP (Licence ref. D0173-01), is dated 28/05/2024. This indicates that the plant was non-compliant with the limit values of the discharge licence, and further notes that capacity will be exceeded within the next 3 years.

The EPA have recorded incidents of non-compliance / breach of licence ELV's at the plant on multiple occasions. This includes a breach of ELV for TON, due to excessive peak seasonal loadings during the peak tourist season. While minimal impact was expected due to the high dilution of the receiving waters (Discharge to Rosslare Harbour), I note that waters at Rosslare Harbour are designated as part of an SPA (Seas off Wexford SPA).

On the basis of the foregoing, I conclude that it is not clear that the proposed development can be satisfactorily accommodated at Rosslare Strand Wwtp, which is already non-compliant with its ELV's. The Board is not in a position to demonstrate that capacity is available or that overloading will not occur, however, the information available indicates that there are significant constraints on the operation of the treatment plant and no current information is available to confirm that adverse impact on the receiving environment would not occur.

This conclusion is consistent with the decisions of the Board in respect of the following cases:

Ref.	Description	Board Decision
<b>318004</b>	Construction of a house and associated works, Bearlough, Rosslare, Co. Wexford	Refuse permission 18/07/2024
<b>318007</b>	Construction of a house and associated works. Bearlough, Rosslare, Co. Wexford	Refuse Permission 25/07/2024
<b>318551</b>	Permission for 4 no. two storey detached dwelling houses together with all associated site works and ancillary	Refuse Permission 18/07/2024

	services. Walsheslough, Rosslare, County Wexford.	
<b>318939</b>	Construction of a house and all associated site works. Mauritiustown, Rosslare, Co. Wexford	Refuse Permission 10/07/2024
<b>318940</b>	Construction of a house and all associated site works. Mauritiustown, Rosslare, Co. Wexford	Refuse Permission 29/07/2024
<b>318945</b>	3 houses, upgrading of private access laneway and all associated site works. Drimagh, Rosslare, Co. Wexford.	Refuse Permission 18/07/2024

### 3.3. Confirmation of Feasibility

*That the Inspectorate clarify their view as to the usefulness and adequacy of a Confirmation of Feasibility in ascertaining the prematurity of the proposed development and to clarify on what basis, if any, the inspectorate considers exists for considering the proposed development to be premature and whether there is a mechanism being developed or in place to monitor the cumulative effect of grants of permission on the wastewater treatment capacity.*

I refer to the Confirmation of Feasibility submitted in respect of the proposed development dated 22/03/2023. This letter confirms that a connection is feasible at a point in time, but strongly advises that the availability of capacity changes with time. It further specifically identifies capacity constraints at Rosslare Strand Wwtp.

The submitted Confirmation of Feasibility confirms neither the availability of treatment capacity nor the prematurity of the development. I refer, however, to the referenced capacity constraints at the treatment plant and the on-going recorded incidents of non-compliance / breach of licence ELV's, evidenced in the Annual Environmental Report under wastewater discharge licence D0173-01. I therefore conclude on the basis of the available information, that in the absence of confirmation of available treatment capacity a decision to grant permission would be premature.

The Board is not in a position to confirm whether there is any mechanism in use or being put in place by the planning authority to monitor the cumulative effect of grants of permission on the wastewater treatment capacity, or to comment thereon.

#### **4.0 Recommendation**

- 4.1. On the basis of the information on the file I would concur with the original recommendation of the reporting inspector.

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.

---

Conor McGrath

Assistant Director of Planning

09/12/2024