



An
Bord
Pleanála

Inspector's Report

ABP-319204-24

Development

Demolition of an existing house and outbuildings and the proposed erection of 11 no. fully serviced residential apartments together with associated and auxiliary accommodation and site works. Natura Impact Statement (NIS) lodged with application.

Location

Park, Wexford, Co. Wexford

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20231460

Applicant(s)

Richard Browne and Angela Rochford

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal

First party

Appellant(s)

Richard Browne and Angela Rochford

Observer(s)

None

Date of Site Inspection

23rd September 2023

Inspector

Aisling MacNamara

1.0 Site Location and Description

- 1.1. The site is located in the townland of Park, west of Wexford town, located on the western side of the Inner Relief Road and adjacent to the roundabout at the junction of the Ballyboggan / Old Hospital Road and the Inner Relief Road/ Stoney Park Road.
- 1.2. The site is the curtilage of an existing one off dwelling and outhouse which are to be demolished. The house is accessed from the Ballyboggan Road. The front road boundary of the house is treated with a stone wall which wraps around part of the eastern boundary to Stoney Park Road. Hedge forms the north and west boundaries to the adjoining field. A drainage ditch is present along the eastern boundary which links to a stream and open culvert on the adjoining field to the north.
- 1.3. The site is on the western side of the Inner Relief Road / Stoney Park Road. These lands on the western side of the road are predominantly undeveloped greenfield with one off housing and there is a low density housing scheme Slaney Woods located c 300m to the west. On the eastern side of the Inner Relief Road / Stoney Park Road is the built up urban area of Wexford. The closest residential estate Parkside is located 270m to the east of Stoney Park Road with the intervening lands between the Stoney Park Road and Parkside currently in undeveloped field.
- 1.4. There are existing footpaths connecting the site to the surrounding area and cycle paths have been constructed on the Inner Relief Road.
- 1.5. The site is approximately 1.5km/ 20mins walk to the town centre and approximately 2km/ 25 minutes walk to the train station.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - The demolition of an existing 283sqm two storey dwelling and outbuilding
 - The construction of a four storey (fourth floor set back) apartment building incorporating 11 apartments (9 no. 2 bed apartments with gross floor area of 89sqm located on the ground, first and second floor and 2 no. 1 bed

apartments with gross floor area of 67.5sqm located on the third penthouse floor).

- All apartments have private balcony / terrace
- Bin storage and bicycle parking
- Upgraded vehicular entrance and access road and internal 2m wide footpath
- 12 car parking spaces
- Boundary walls, hard and soft landscaping
- Water supply via public mains
- Waste water treatment and disposal via public sewer
- Surface water disposal to public sewer via attenuation tank and pond on the adjoining lands

2.2. The area of the subject site is 0.26ha. The proposed development is to connect to a planned (and permitted) residential development for 37 units on 1.12ha on the adjoining land to the north. The land ownership plan submitted with the appeal submission shows that the applicant owns this 1.38ha site over which the 48 units are proposed.

2.3. The documents submitted including planning report, engineering and landscaping reports, NIS report and drawings for phasing, site layout plan, landscaping, water main layout, foul and storm layout, lighting and density, all show the subject development site in the context of the overall development proposal for 48 units on 1.38ha site.

2.4. The phasing plan relates to the overall development of 48 units on 1.38ha site. This plan shows that the overall development is to be constructed in four phases and that the subject development consisting of the demolition of the existing house and the construction of the apartment block is to be undertaken in the last phase. This is to allow the applicant to remain residing in their family home until the wider development is constructed.

3.0 Planning Authority Decision

3.1. Decision

3.2. The planning authority issued a notification of decision to refuse permission on 7th February 2024 for one reason. The reason stated that the development is dependent on the completion of the development on a separate site for connection to surface water infrastructure and services including public open space and that the development would be premature pending completion of same.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- The planner's report contains an assessment of the development proposal and concludes with a recommendation to refuse permission for one reason as per the decision. The key issues raised in the assessment relate to density, phasing, site layout and design, water services, drainage and flood risk and includes the following:
 - The assessment notes the site is at an outer greenfield site where a density of min 35 units per hectare is required. The proposed application is 42 /ha but with concurrent application the combined density is 34.8/ha.
 - The subject development is dependent on the concurrent application site to the north for public open space and surface water attenuation. In the event that only one permission is implemented, the development would be substandard.
 - Open space within the site is unacceptable, open space is either semi private space for apartment resident or small pockets of substandard open space.
 - Road design, landscaping and parking proposals are generally acceptable.
 - No traffic hazard issues.

- The siting and design of the four storey apartment block is acceptable – provides definition to the inner relief road and no amenity issues.
- Water supply and effluent treatment proposals are satisfactory.
- Fluvial and tidal flood zones adjoin eastern boundary.
- Additional information required regarding ownership, the NIS (birds), bats, archaeology, bin storage, design for accessibility, future management and taking in charge.
- Part V applies.

3.3.2. Other Technical Reports

- Disability Access Officer – Disability Access Certificate is required.
- Housing Department – There is no Part V liability. The Part V liability for the site has been agreed under PA20231461 – 5 units are to be transferred for phase 1.
- Executive Technician Roads – recommends grant permission. Concerns regarding close proximity of the upgraded entrance to the existing roundabout. A sightline of 65m is achieved from exit to west, however sightline of 25m is achieved to the east towards the roundabout. Surface water discharge to ADS Storm Tech system is not acceptable, however in favour of new attenuation tank and attenuation pond. Recommended conditions including a requirement for a 2m wide footpath along boundary of site and L7600-2 local road, the proposed storm water attenuation system located within the site of the concurrent application 20231461 should be constructed and functional before development commences. Other recommended conditions relating to road infrastructure, bicycle storage, construction, drainage, tree planting, signage and road marking, public lighting

Prescribed Bodies

- Department Housing, Local Government and Heritage – The development is located in the environs of a cluster of prehistoric sites. There is a possibility of

archaeological remains on the site. Recommended that an archaeological impact assessment be carried out.

- Uisce Eireann – no objection.

3.4. Third Party Observations

Two observations were submitted and the main points of relevance include:

- Request that existing ditch and trees along the R730 Park Road are retained and that any landscaping proposals be carried out at the start of the project.
- The proposed development would be out of keeping with the existing housing in this area and would set an unwelcome precedent for future development.
- Questions raised regarding validity of the application – the drawings and details do not comply with the Planning and Development Regulation 2001 (as amended).
- The proposed development is unclear. The applicant is making separate applications for the one development. The information presented is unclear. Splitting the proposal means it is not possible to undertake proper assessment either individually or cumulatively. The information provided is not specific to the subject application. Unable to assess each application independently. Raises issues over the implementation and enforcement of a permitted development.
- Concern over the robustness of the NIS.
- Not clear that the public open space is functional and useable.
- New road in the proposed development will become a 'rat run'.
- No Traffic and Transportation Assessment was submitted. No Mobility Management plan.
- Development results in traffic hazard and interferes with free flow of traffic.
- Concern that landscaping proposals are vague and do not adequately protect exiting planting.

- No assessments including childcare demand assessment or social and community infrastructure audit.

4.0 Planning History

The following is the planning history of the appeal site:

- PA 20230574 – Refused July 2023 – Permission for demolition of an existing house and outbuilding and the proposed erection of 11 apartments. Two refusal reasons relating to (i) inadequate permeability, potential for traffic conflict between road users, insufficient construction details and design not accessible for all users, the development is contrary to national and local policy, (ii) development is dependent on completion of a proposed development on a separate site for vehicle access, connection to surface water infrastructure and services such as public open space, that the proposed development would be premature pending completion of same.

The following relates to adjoining lands to the north that are in the control of the applicant:

- PA 20231461– notification of grant March 2024 – permission for a residential development of 22 houses and 15 apartments. Conditions include:
 - Condition 10 which states that the proposed development shall be carried out in accordance with the phasing scheme submitted with the application.
- PA20230573 – Refused July 2023 – permission for residential development of 19 dwellings and 11 apartments.

The following relates to four sites located on the adjoining lands to the west of the subject site:

- PA 20230493 – grant June 2023 – permission for a dwelling house
- PA 20230494 – grant – June 2023 – permission for a dwelling house

- PA 20230491 – grant – June 2023 – permission for a dwelling house
- PA20230492 – grant – June 2023 – permission for a dwelling house

The following relates to lands east of Stoney Park road:

- PA20231563 (on appeal ABP319317) – refused by planning authority Feb 2024 – construction of 92 units comprising 71 apartments and 21 houses and associated site works. Five reasons: (i) insufficient mix of house types, (ii) vehicular access and parking results in adverse traffic safety impacts, (iii) insufficient information to show floor levels are above flood risk levels, (iv) insufficient evidence to show development can connect to UE water and sewer connections, (v) communal refuse storage are inadequate

5.0 Policy Context

5.1. National Policy

Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the NPF ‘Making Stronger Urban Places’ aims to enhance the experience of people who live, work and visit urban places. A number of policy objectives are noted:

- National Planning Objective 11 provides that ‘In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.’.

Chapter 6 of the NPF ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life. A number of policy objectives are noted:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.

- National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

5.2. **Section 28 Ministerial Guidelines**

The following list of Section 28 Ministerial Guidelines are considered of relevance to the proposed development:

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DoHLGH, 2024)
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, 2023)
- Urban Development and Building Heights - Guidelines for Planning Authorities (DoHPLG, 2018)

Other Relevant:

- Design Manual for Urban Roads and Streets

5.3. **Regional Policy**

The Regional Spatial and Economic Strategy for the Southern Region, 2020 sets out the vision for the southern region.

- Wexford is designated a Key Town
- RPO16 sets out objectives for Wexford.
- RPO11 sets out objectives for development of Key Towns. These towns are to be supported in targeting growth of more than 30%.

5.4. **Local Policy**

5.5. Note that the Wexford Town and Environs Development Plan 2009- 2015 (as extended to 2020) has expired. The statutory process of making the new Wexford Town Local Area Plan 2024-2030 has commenced. Pre-draft public consultation was undertaken during summer 2023 and a draft plan has not yet been published.

5.6. **Wexford County Development Plan**

The Wexford County Development Plan 2022-2028 is the development plan for County Wexford. There are a number of chapters in the development plan that are specifically relevant to this development.

- The Core Strategy is provided in Chapter 3.
 - Wexford is designated a level 1 Key Town with a population allocation of 22,849 in 2021 to 26,043 in 2027 and housing unit allocation of 2174 units between 2021 to 2027.
 - CS04 To achieve more compact growth by promoting the development of infill and brownfield/ regeneration sites and the redevelopment of underutilised land within the existing built up footprint of existing settlements in preference to greenfield lands and to identify infill, brownfield and regeneration sites when preparing Local Area Plans, Settlement Plans and settlement boundaries.
- Chapter 4 relates to Sustainable Housing
 - SH01 To ensure that new residential developments contribute to and represent sustainable neighbourhoods which are inclusive and responsive to the physical or cultural needs of those who use them, are well-located relative to the social, community, commercial and administrative services and are integrated with the community within which they will be located.
 - SH04 To ensure that new residential developments minimises the use of natural resources and impacts on natural assets. The locations selected for residential developments should maximise the potential to use sustainable modes of transport such as walking, cycling and public transport to reduce dependence on fossil fuels. The design of

residential units and associated services should maximise the use of renewable energy and minimise the use of water.

- SH15 To ensure the density of residential development is appropriate to the location of the proposed development having regard to the benefits of ensuring that land is efficiently used and in accordance with the Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual-A Best Practice Guide (DEHLG, 2009) and subject to compliance with normal planning and environmental criteria and the development management standards in Volume 2.
- SH16 To require new apartment developments to comply with the Specific Planning Policy Requirements and standards set out in the Apartment Guidelines for Planning Authorities (Department of Housing, Environment and Local Government, 2020, where relevant. Proposals for apartment block developments in excess of 50 units will also be assessed having regard to the nature of existing developments in the area, existing and planned social facilities and the need to ensure that apartment developments contribute to the development of sustainable communities into the future. Generally, where the site permits it, each apartment should have its own door access to the external street/external communal access area.
- Chapter 5 relates to Design and Place making
 - TV34 To require that all new development represents an efficient use of land and supports national policy objectives to achieve compact growth in towns and villages. The location of new development should be based on the sequential approach focussing on the development of lands within and closest to the town and village centre and should avoid 'leap-frogging' where development of new areas is removed from the existing contiguous village. Development of lands with no links to the town or village centre will be refused.
 - TV43 To adopt a presumption in favour of the development of infill and brownfield sites and to apply flexibility in the application of development management standards allowing for the achievement of performance

standards for issues such as the protection of adjoining residential amenities, privacy, light and amenity.

- TV51 To give favourable consideration to buildings higher than the prevailing building heights in the following locations:
 - Neighbourhood Centres.
 - Arterial Routes and in particular routes with public transport and places with high 'place' value along these such as urban villages and major junctions.
 - Routes served by local intra-town public transport.
 - Bounding medium and large amenity areas where tall buildings will increase the sense of enclosure and provide surveillance.
 - Other appropriate 'edge' sites such as quaysides.
 - Local Community Spaces (Gorey LAP and other LAPs as appropriate)
 - Corner sites and landmark sites which assist in way finding.

Subject to considerations of scale, heritage, amenity and design quality and in accordance with the requirements of Objectives TV52, TV53 and TV54.

- Chapter 8 relates to Transportation
- Chapter 9 relates to Infrastructure
- Chapter 10 relates to Environmental Management
- Volume 2 is a Development Management Manual setting out development standards and guidelines for development.

5.7. Natural Heritage Designations

The following heritage designations are located in the area surrounding the site:

- Wexford Harbour and Slobbs SPA and Wexford Slobbs and Harbour pNHA are located approximately 500m to the east.
- Slaney River Valley SAC is located approximately 500m to the east. Slaney River Valley pNHA is located approximately 1.5km to the west.

- The Raven SPA and Raven Point Nature Reserve SAC is approximately 7km to the east
- Sea off Wexford SPA is approximately 8km to the east
- Screen Hills SAC is approximately 8km to the north east.

5.8. EIA Screening

See completed Form 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main points of the grounds of appeal can be summarised as follows:

- The site is located in a transitional area where significant investment in roads infrastructure has opened up the area for development. The site is within proximity of employers, services, sporting facilities and transport. Significant housing developments have been permitted in proximity.
- A planning report is submitted showing assessment of development against national and local planning policy.
- The subject application is submitted as part of a wider development proposal split over two applications. Collectively both applications result in 48 units over 1.38 gross area with a gross density of 35 units /ha with 30% open space.
- Permission has been granted for the larger application of 37 units under PRR 20231461.
- The landholding is owned by Richard Browne and the family home is in the southern corner of the site. The development is split into two development proposals to allow the applicant to demolish the family home after the

completion of the other dwellings and apartments. The submission of separate applications allows for phasing of the overall development. This avoids potential legal issues and facilitates the taking in charge in charge of the initial phase.

- A phasing plan is submitted with the application. Standard conditions to a permission require a development to be carried out in accordance with submitted documents.
- The development is reliant on surface water connections to adjoining lands that are in the ownership of the application. The need for an adjacent development to be constructed prior to another being considered, is not a valid reason for refusal of permission, where the relevant consents are in place or where both applications are in single ownership.
- The subject application is to be considered on its own merits. The proposal is bound by a phasing plan and a commitment to complete phase one and two before commencing the development. The subject development is not presented as a standalone application. The planning authority have ignored these details and the decision is flawed.
- A revised site map clarifying the red line and blue line boundaries is submitted.
- The two applications can be bound together through measures such as condition or section 47 agreements between the applicant and planning authority to implement the phasing.

6.2. Planning Authority Response

None

6.3. Observations

None

7.0 Assessment

7.1. I consider the main issues in determining this appeal are as follows:

- Principle of development
- Sharing of infrastructure and phasing of development
- Design and layout
- Residential amenity
- Transport
- Other issues

7.2. Principle of development

- 7.2.1. This is an application for permission for the demolition of an existing house and construction of 11 apartments on a 0.26ha site. The site layout and phasing plan shows that the proposed development would integrate with the future permitted residential development PA20231461 for 22 houses and 15 apartments on the adjoining 1.12ha site that is also in the control of the applicant and which are the adjoining lands to the north of the application site. Permission has also been granted for four separate detached dwellings on the adjoining lands to the west.
- 7.2.2. The Wexford Town and Environs Development Plan 2009-2015 (extended) has expired. Wexford County Council has commenced the process of the preparation of the Wexford Town Local Area Plan 2024-2030 which is currently at pre-draft stage. In the 2009 plan the site was zoned for medium density residential development. The principle of the proposed development is to be considered on its own merits having regard to relevant national and local policies including the objectives of the Wexford County Development Plan (CDP) 2022-2028.
- 7.2.3. Chapter 3 Core Strategy of the CDP contains table 3-4 which sets out the amount of residential zoned land and number of units required for the target population in specified settlements. Wexford is designated a level 1 Key Town with a housing unit allocation of 2174 units between 2021 to 2027, of which 652 are to be located within the built up area. It states that there is a requirement of 62ha of zoned land. There is 406ha of existing zoned land and an excess of 344ha of zoned land in the settlement. I am satisfied that there is a need for additional housing growth within Wexford town and that the proposed development would contribute to this growth.

- 7.2.4. National policy as set out in the National Planning Framework and the planning guidelines for Sustainable Residential Development and Compact Settlements promote the compact, sequential and sustainable development of urban areas. This approach is also adopted in the Wexford CDP which includes objectives such as CS04 (compact growth), SH01 (sustainable neighbourhoods), SH04 (sustainable transportation), SH15 (efficient use of land), TV34 (sequential development) and TV43 (brownfield development).
- 7.2.5. Having regard to the housing allocation figures in the core strategy, there is a need for 2174 new units in Wexford town of which 652 are to be within the built up area and 1522 elsewhere. In order to determine whether the proposed development is acceptable, there is a need to consider the degree to which the proposed development is consistent with the principles of compact, sequential and sustainable development.
- 7.2.6. Objective CS04 of the CDP is to achieve compact growth by promoting the development of infill and brownfield / regeneration sites and to redevelop underutilised land within the existing built up footprint of existing settlements. Tailte Éireann provide maps of Urban Areas based on 2022 national statistic data. The boundaries in the maps are developed by CSO, Tailte Eireann and the Department of Housing. A building is within an 'urban area' if it is within a group of at least 100 buildings and buildings are required to be within 65m of another building and building groups of 100 buildings or more must be within 500m of each other. The map of the urban area of Wexford shows that the proposed site containing the curtilage of the existing house is located within the urban area. The map shows that the urban area extends from the town west towards Stoneybatter and wraps south around the undeveloped lands in the vicinity of the site to then encompass a large area around the western side of Park and Ballyboggan. I therefore consider that the site is within the built up area.
- 7.2.7. Objective TV43 of the CDP is an objective to favour development of infill and brownfield sites. It is proposed to redevelop the site of an existing developed site that contains an existing single house. I am satisfied that this is a proposal to re-use existing developed lands and that it is consistent with the objective to promote brownfield developments.

- 7.2.8. Objective TV34 of the CDP aims to promote the sequential development of lands. The applicant has submitted a map showing the location of the site in the context of all lands that were zoned under the expired local area plan. The lands within approximately 300m of the site are for the most part predominately undeveloped with a small number of one off buildings. However, in a wider context, the site is approximately 1.8km distance to Wexford town centre and is closer to the town centre than other developed housing areas including the low density Slaney Woods estate to the west on Ballyboggan road. I also note that permission has been granted for 37 units on adjoining lands to which the proposed development is to connect with and there is permission for four houses on the adjoining lands to the west of the site. Permission was also sought for 92 units on lands to the east of Stoney Park Road (refused by Wexford County Council and currently on appeal). Having regard to this wider development context, I am satisfied that the development of the site would contribute to 'infilling' of the undeveloped lands between Slaney Woods and Stonybattery / Carricklawn and would be an acceptable extension of the urban area.
- 7.2.9. In terms of accessibility, the site is approximately 25 minutes walk to Wexford train station. There is a local link bus stop located outside the site on Stoney Park Road providing a link service to the town centre and train station running approximately every hour during peak times. The site is connected by footpaths and cycle paths to the surrounding areas.
- 7.2.10. In terms of proximity to services, the site is about 20 minutes walk to the town centre and 20 minutes walk to Aldi on the Newtown Road. The site is within easy walking distance of major employers Wexford County Council and Department of Housing, Planning and Local Government (c 6 mins / 500m distance) and Wexford General Hospital (c 7 mins / 600m distance). Sporting clubs and fields including GAA, football, cricket, rugby are all located within 7 minutes walk / 450m to the north. Whilst some day to day needs are located within a short walk of the site, others including food, schools and childcare are not. However, on balance, I consider that the site is reasonably accessible to services and facilities.
- 7.2.11. A key tenant of compact development is promoting higher densities at appropriate sites. Wexford is a level 1 Key Town. The Sustainable Residential and Compact Settlements Development Guidelines sets out in table 3.5 that suburban and urban extension areas in Key Towns should cater for density ranges of between 30 – 50

dwellings per hectare. The Apartment Guidelines also address density and describe 'intermediate urban locations' as sites within reasonable walking distance (10 min or 800-1000m) of centres or employment locations that may include hospitals and indicate that such locations would be suitable for medium to high density residential development of any scale that includes apartments to some extent (will vary but broadly greater than 45 dwellings per hectare net). The proposed development of 11 units on 0.26ha has a density of 42 units per hectare. The density of the proposed and permitted development of the 48 units on 1.38ha is a density of 35 units per hectare. I am satisfied that the density is in accordance with the density ranges set out in the Sustainable Residential and Compact Settlement Guidelines and the Apartment Guidelines and that the density of the proposed development is acceptable.

- 7.2.12. Having regard to the above, I consider that the proposed development will contribute to required housing growth, is an appropriate location for more intensive development being an accessible location within the built up area and is an appropriate form and density of development. Therefore, I consider that in principle, the proposed development is an acceptable form of development at this location.

7.3. Sharing of infrastructure and phasing of development

- 7.3.1. Under PA20231461 permission was granted for infrastructure including an access road, services including water services and open spaces which would commonly serve both the 37 units and the 11 units on the subject site and which are on lands that are in the control and ownership of the applicant.
- 7.3.2. The planning authority refused permission for the subject development on the basis that the development is reliant on the completion of the development of this adjoining separate site for connection to surface water infrastructure and public open space and that the development was premature pending the completion of these. The main issue for consideration is therefore whether the development would be premature pending the infrastructure it requires.

Surface water infrastructure

- 7.3.3. The engineering drawings show that surface water collected from the subject apartment block development is to be piped to a new surface water attenuation tank and pond which are located within the central open space area that is part of the

development permitted under PA20231461 and that from here surface water is to be piped to the mains point on the R730. The surface water system is designed to take account of the loading of the 48 units of both the permitted and proposed development. It is clear that the subject development is reliant on the infrastructure of the adjoining development.

- 7.3.4. I am satisfied that the lands for the required surface water infrastructure are in the control of the applicant and I am satisfied that there is permission in place under PA20231461 for the infrastructure. I am also satisfied that the applicant has stated that he intends to construct the larger permitted development with the infrastructure before the subject development. The developer has the means and commitment to deliver the surface water infrastructure. There are no constraints to the carrying out of works for delivery of the surface water infrastructure on which the development is reliant. The development can reasonably be carried out and therefore I do not consider that the development would be premature.
- 7.3.5. In order to ensure the phased delivery of housing in conjunction with the required services, it is recommended that a condition be attached prohibiting the commencement of the proposed development until the required services are in place. I consider that the inclusion of this condition is reasonable to address any concerns raised in the planning authority's reason for refusal.
- 7.3.6. Furthermore, the applicant has stated that the proposed apartment block is to be constructed in the final phase of development and it is recommended that a phasing condition be attached so that the subject development does not commence until after the commencement of phases 1, 2 and 3 (which is the permitted development on the adjoining northern lands).

Open space

- 7.3.7. The planning authority considered that the open space proposals were not acceptable and that the development would be substandard and that the development would be reliant on public open space in a separate adjoining development site and that the proposed development would be premature pending the completion of the adjoining development.
- 7.3.8. The Guidelines for Sustainable Urban Housing Design: Design Standards for New Apartments set out the design standards for new apartments. The standards require

apartments to be provided with communal amenity space for the amenity needs of residents. The guidelines state that the communal amenity space may be provided adjoining an apartment block and that it should be provided with adequate sunlight. The space should be accessible, secure and usable outdoor space.

- 7.3.9. The minimum required areas of public communal amenity space are set out in Appendix 1. As per the standards in Appendix 1, communal amenity space is to be provided of 5sqm per one bed apartment and 7sqm per two bed apartment. The development therefore requires 73sqm communal open space.
- 7.3.10. Communal open space is located adjoining the block in parcels around the corners of the block. I have calculated the area of these larger spaces to be conservatively in the region of 140 sqm at the southeast corner of the block, 70sqm at the northeast corner of the block and 35sqm at the northwest corner of the block. I am satisfied that the minimum quantity of required space is provided and that the spaces are accessible, secure, usable and will be provided with adequate sunlight. It should be noted that the spaces are to be landscaped and additional tree planting is proposed in parts. This in my view will enhance the amenity of the spaces and can provide added interest etc.
- 7.3.11. Therefore, I am satisfied that the proposed apartment block would be provided with an acceptable standard of communal open space that will provide for the amenity needs of residents in accordance with the Guidelines for New Apartments.
- 7.3.12. The proposed development is to connect to the adjoining permitted development. Whilst residents of the proposed apartment block would benefit from the additional amenity value of a larger open space, having regard to the small scale of the subject development and the adequacy of the communal open space, it is considered that the subject development is not reliant on the provision of the larger open space to satisfy the amenity needs of residents.
- 7.3.13. Having regard to the above, I consider that the development is not reliant on open space on lands outside of the site and therefore the proposal is not premature pending the delivery of open space on the adjoining site.

7.4. Design and layout

7.4.1. The Sustainable and Compact Settlement Guidelines in section 3.4.2 states that it is necessary to ensure that the quantum and scale of development at a location can integrate successfully into the receiving environment and new development should respond to the receiving environment in a positive way and should not have a significant negative impact on the character or amenity of the natural environment. It is proposed to construct a single four storey apartment block with ground to ridge height of 13m finished in brick and metal cladding. Whilst the area surrounding the site is somewhat undeveloped and greenfield, the character of the area has been altered somewhat with the construction of the towns Inner Relief Road. I note that objective TV51 of the CDP gives favourable consideration to higher buildings at arterial routes and roads served by local transport. I consider that the site is suitable for a higher building and that the form, mass and architectural treatment of the proposed apartment building can be accommodated and is acceptable form of development for this changing urban rural area.

7.4.2. Permission has been granted for development of 38 units on the adjoining lands. The permitted development includes a four storey apartment block located approximately 22m from the northern elevation of the proposed new block. Both the permitted block and the proposed new block are of similar height, mass and architectural treatment and together they address the road providing a visual focal point and will successfully define the interface between the road and the development. The layout plan shows how the permitted and proposed developments will connect together via a shared road link traversing both sites between the Ballboggan and R730 road.

7.4.3. In conclusion, I am satisfied that the layout and design of the proposed development is acceptable and will integrate successfully with the permitted development on the adjoining land and that the proposals will have an acceptable impact on the visual amenity and character of the area.

7.5. Residential amenity

7.5.1. The proposed development provides two one bed apartments and nine two bed apartments in a four storey apartment block. I note that the permitted development comprises 22 two, three and four bed dwellings (detached, semi detached and terrace) and a four storey apartment block containing 15 apartments. I am satisfied

that a good mix of unit types will be provided at this location and that the proposed apartments will increase the tenure mix in the area.

- 7.5.2. The proposed development is required to be in accordance with the specific planning policy requirements (SPPRs) in the Guidelines for New Apartments. I am satisfied that the proposed development complies with the relevant SPPRs in relation to mix, minimum floor area, dual aspect, ground floor ceiling height and lift / stair cores.
- 7.5.3. All units are provided with adequate floor areas and private open space in accordance with the standards in Appendix 1. The ground floor terrace / balconies adjoin the back of the communal open space and would benefit from a privacy strip or additional screening measures. Should permission be granted, a condition should be attached requiring the introduction of additional measures to protect the privacy of these apartments.
- 7.5.4. The guidelines set out minimum standards for internal storage of 6sqm for two bedroom apartments and 3sqm for one bedroom apartments. Six of the nine two bed apartments are provided with storage of about 5sqm storage. These apartments have a gross floor area of 89sqm which is well in excess of the minimum 73sqm required. I consider that there would be sufficient free space within the apartments to provide for any additional storage needs. Apartment no. 48 is a 1 bed apartment and provided with about 2.5sqm storage which is short of the required 3sqm. However, these are large 67sqm apartments well in excess of the minimum required floor area and therefore I consider that there would be sufficient space to allow for any additional storage requirements.
- 7.5.5. External bin storage facilities are provided near the apartment block and these facilities are to be surrounded by a brick wall for visual screening.
- 7.5.6. In conclusion, I am satisfied that residents would be provided with a satisfactory level of amenity generally in accordance with the Guidelines for New Apartments, subject to a condition for the introduction of additional screening measures to protect the privacy of ground floor terrace/ balcony areas abutting the public communal open space.

7.6. Transport

Traffic and car parking

- 7.6.1. It is proposed to access the development via the location of the existing entrance to the existing house. This entrance is to be upgraded. The Design Manual for Urban Roads and Streets (DMURS) sets out the applicable standards for the design of roads and streets. The entrance is to the local road L3012 and due to the proximity of the entrance to the roundabout at the junction with the Inner Relief Road, traffic speeds are low. DMURS indicates that visibility on roads with design speed of 50km/hour should be 45m. I am satisfied that a sightline of 45m either direction of the entrance can be achieved however a condition should be attached requiring final designs of the entrance and roadside boundary to be agreed prior to development. The entrance links to a 5.5m wide internal estate road which is in accordance with DMURS standards. The road is to connect to the permitted development on the adjoining lands which will provide a future link through the site between L3012 and R730. This is in accordance with good design to promote permeability. I am satisfied that the roads designs are acceptable and would not result in traffic safety or obstruction of road users.
- 7.6.2. The development is provided with 12 car parking spaces. The Wexford County Development Plan includes car parking standards in table 6-7 of the Development Management Manual which applies a maximum of 1 car parking space per apartment. The Apartment Guidelines describes an intermediate urban location as having characteristics including being within reasonable walk of employment locations that may include hospitals and sites within easy walking distance of reasonably frequent urban bus services. I consider that the site has these locational characteristics. These locations are appropriate for reduced car parking standards. The Guidelines for Sustainable and Compact Settlements includes SPPR 3 which relates to car parking and states that in intermediate and peripheral locations, the maximum rate of car parking for residential development shall be two spaces per dwelling. I am satisfied that the number of car parking spaces proposed is acceptable and is in accordance with SPPR3 of the Guidelines for Sustainable Compact Settlements and is in accordance with the County Development Plan and the Guidelines for New Apartments.

Active travel

- 7.6.3. The site is connected by existing footpaths on Ballyboggan Road and the Inner Relief Road which connect to the surrounding area. It is proposed to construct a new 2m footpath through the development site linking the development with the existing footpath on the public road and with the planned footpath on the adjoining permitted scheme.
- 7.6.4. The site benefits from connection to the cycle paths constructed on the Inner Relief Road. The Guidelines for New Apartments includes guidelines for cycle facilities. The standards require that 1 cycle storage space is provided per bedroom with additional storage for visitors of 1 space per two units. The proposed development should be provided with 25 cycle storage spaces. The site layout shows a small area for communal bike parking near the bin store. Whilst this is a good location near the front of the apartment block and near the main entrance to the scheme, it is not clear that the facility is large enough and insufficient design details are provided. If permission is granted, it is recommended that a condition be attached so that the scheme is provided with cycle parking facilities in accordance with the Guidelines.
- 7.6.5. I am satisfied that the proposed development would be provided with acceptable walking and cycling facilities, subject to condition for cycle facilities, and that the scheme would promote active travel.

7.7. Other issues

Archaeology

- 7.7.1. The Department of Housing, Local Government and Heritage has submitted a report indicating that there is a possibility of archaeological remains on the site and recommends that an archaeological impact assessment be carried out involving geophysical survey followed by archaeological testing. It is noted that there are no national monuments near or in the immediate vicinity of the site. I am satisfied that the issues raised by the Department can be adequately addressed by a condition for monitoring of site clearance and groundworks by an archaeologist and that this would adequately protect any potential archaeology on the site.

Bats

- 7.7.2. The planning authority in their assessment make reference to need for a bat survey to be carried out on the site. I note that the site contains an existing house and outbuilding which are to be demolished. The house is currently occupied and is habituated. The landscaping plan makes reference to existing trees and boundary which are to be retained and supplemented with additional planting. The submitted NIS report indicates that an on site survey was carried out and states that there are no protected species on the site. On the basis of this information, I consider that an impact on bats is unlikely and therefore a bat survey is not warranted.

Part V

- 7.7.3. The Housing Department submitted a report stating that the Part V liability of this subject development is to be provided under the adjoining development PA 20231461. Should permission be granted, it is recommended that a condition be attached requiring the developer to enter into a Part V agreement with the planning authority.

Flooding

- 7.7.4. The site is outside of the flood zones on the CFRAM Final flood extent maps showing fluvial and tidal flooding and therefore the development is not considered to be at flood risk from these sources.

8.0 AA Screening

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 1777 U of the Planning and Development Act 2000 (as amended), I determine that the project individually or in combination with other plans or projects would not be likely to give rise to significant effect on the following European Sites:

- Wexford Harbour and Slobs SPA
- Slaney River Valley SAC
- Seas off Wexford SPA
- The Raven SPA
- Raven Point Nature Reserve SAC

or any other European site, in view of the sites conservation objectives, and Appropriate Assessment is not therefore required.

A stage 2 NIS is submitted with the application. As set out in the attached Appendix 3, I have carried out a stage 1 screening and I conclude that stage 2 NIS is not required. This determination is based on the following:

- The NIS relates to the proposed development of 11 units on 0.26ha and to a permitted development of 37 units on 1.12ha, and therefore does not relate solely to the subject development.
- Due to the weak and indirect pathways between the development site and the Natura 2000 site network, standard best practice construction methods are not specifically required to avoid adverse impact on a Natura 2000 site.
- Having regard to the relatively modest size and location of the subject development on the site of an existing house on serviced lands, including the lack of direct hydrological or ecological connections to the Natura 2000 site network and the distance from European sites, it is considered that the proposed development is not likely to have a significant effect on a Natura 2000 site and therefore a NIS is not required.
- Permission has been granted by the planning authority for the development of the 37 units on 1.12ha on the adjoining lands. The permitted development includes the storm water service infrastructure for the proposed development. The permitted development has been subject to appropriate assessment and this assessment has taken account of the in combination impacts of both developments. There are no significant additional in combination effects arising from this development.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this determination.

9.0 Recommendation

I recommend that permission for the proposed development be granted subject to conditions as outlined below.

10.0 Reasons and Considerations

Having regard to

- (a) National and local policy objectives which support compact growth,
- (b) Section 28 Ministerial Guidelines including the guidelines on Sustainable Residential Development and Compact Settlements (2024) and Sustainable Urban Housing Design Standards for New Apartments (2023),
- (c) Wexford County Development Plan 2022-2028,
- (d) the nature, scale and design of the proposed development,
- (e) the pattern of existing and permitted development in the area including permitted PA20231461,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Reason: In the interest of clarity.

2. (a) No development shall commence on this site until after the commencement of the construction of units permitted under PA20231461 and this shall be subject to the written agreement of the planning authority.
(b) Construction of the proposed apartment building shall not commence until the surface water drainage measures set out in PA20231461 have been completed to the written satisfaction of the planning authority.

Reason: To ensure the timely provision of services and in the interests of public health and environmental protection.

3. The proposed development shall be amended as follows:
 - a. Privacy screening measures shall be introduced to ground floor apartment terrace / balcony areas that abut the public communal open space.
 - b. Facilities shall be provided for the storage of 25 cycle spaces for the development.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

5. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to

the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

6. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. Prior to the commencement of development, the developer shall submit to and for the written agreement of the Planning Authority detailed design proposals for the internal road network to serve the proposed development (including junctions, footpaths and kerbs) and for the proposed upgraded entrance (including roadside boundary) to the public road. The design shall comply with the detailed standards of the planning authority for such road works and shall comply with all relevant aspects of the Design Manual for Urban Roads and Streets.

Reason: In the interests of amenity and of traffic and pedestrian safety.

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located

underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

10. Ducting shall be provided for all in-curtilage car parking spaces, to facilitate the installation of electric vehicle charging points. Details in this regard shall be submitted to, and agreed in writing with, the planning authority before making available by the developer for occupation of any of the residential units in the proposed development.

Reason: In the interest of sustainable transportation.

11. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

12. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of any works associated with the development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and

surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

14. The landscaping scheme shown on drawings submitted to the planning authority on the 6th December 2023, shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

16. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

17. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping and groundworks. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or

maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

19. 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.

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.

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.

Aisling Mac Namara
Planning Inspector

22nd November 2024

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

An Bord Pleanála Case Reference	319204			
Proposed Development Summary	Demolition of existing house and outbuildings and the erection of 11 no. fully serviced residential apartments together with associated and auxillary accommodation and site works			
Development Address	Park, Wexford, 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	X	
		No	No further action required	
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		Class.....	EIA Mandatory EIAR required	
No	X		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	x	Schedule 5, Part 2, 10 (b) (i) Construction of more than 500 dwelling units		Proceed to Q.4

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

Inspector: _____ Date: 22nd November 2024

Appendix 2
Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference	319204	
Proposed Development Summary	Demolition of existing house and outbuildings and the erection of 11 no. fully serviced residential apartments together with associated and auxillary accommodation and site works	
Development Address	Park, Wexford, Co.Wexford	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposal is for the demolition of an existing house and the construction of 11 apartments. The development is located at the outer edge of Wexford town and adjacent to the Inner Relief Road. A proposal for a modest housing development is not exceptional in this context.</p> <p>The development involves treatment and disposal of effluent to the public sewer. Irish Water have confirmed that this proposal is acceptable.</p> <p>Surface water is to dispose on site and to the public sewer. Subject to design of the system in accordance with the relevant standards, this proposal is acceptable in principle and would not result in pollution.</p> <p>It is proposed to construct 12 car parking spaces of which two are electric charge</p>	No

	<p>points. A communal bike park is to be provided. The site is served by existing footpath and cycleway. The development will not result in significant transport emissions.</p> <p>Subject to best construction and waste management practice the construction would not result in significant waste, emissions or pollution.</p> <p>Therefore the development will not result in the production of significant waste, emissions or pollutants.</p>	
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The proposed construction of 11 apartments on site of 0.26ha is not exceptional in the context of this environment.</p> <p>Permission has been granted on the adjoining lands for 4 detached houses (20230493, 20230494, 20230491, 20230492) and for 37 units under 20231461.</p> <p>Having regard to the type, nature and scale of development permitted, there is no real likelihood of significant environmental cumulative effects with other permitted developments.</p>	No
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>There are no significant ecological sensitivities on the site. The submitted BiologiQ Appropriate Assessment report states that the site has a moderate level of biodiversity and contains fossitt habitats of dry meadow/ wet grassland, river drainage ditches, scrub / immature woodland, hedgerows and tree lines. These are locally important habitats. No protected species were recorded on the site.</p> <p>A landscaping scheme is submitted showing proposals to retain existing roadside hedging and for additional planting.</p>	No

	<p>The Coolree Stream (moderate quality) flows near the site. The development does not impact the stream.</p> <p>The site does not contain Natura 2000 or pNHA sites. There are none in the immediate vicinity.</p> <p>There is an open culvert area in the north east of the site which is to be retained.</p> <p>A construction and environmental management plan is submitted.</p> <p>The development does not have potential to significantly affect environmental sensitivities in the area.</p>	
Conclusion		
<p>X</p> <p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector: _____ Date: 22nd November 2024

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3

Appropriate Assessment Screening

Screening the need for Appropriate Assessment

The proposed development and site characteristics

I have considered the proposed development comprising the demolition of an existing house and construction of 11 apartments on site of 0.26ha at Park in Wexford in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Natura Impact Statement has been prepared by BiologiQ Solutions (Dr. Douglas McMillan) on behalf of the applicant and the objective information presented in that report informs this screening determination. This report was prepared for a housing development of 26 apartments and 22 houses on site of 1.38ha. Two separate planning applications have been lodged for this overall development:

- (i) Permission has been granted under PA20231461 for 22 houses and 15 apartments on 1.12ha on the northern part of the overall development. There is a stream (Coolree stream) running parallel to the R730 along the northern boundary of the site which links to the open culvert area at the northeast of the site. This site is currently in an undeveloped natural greenfield state.
- (ii) The site of the proposed development comprises the demolition of an existing house and the construction of 11 apartments on 0.26ha at the southeast corner of the overall development lands. The site is in a developed state being the curtilage of an existing house, outbuilding, entrance and driveway and lawn area. The boundaries are formed by a mixture of stone wall, hedge and planting. There is an existing drainage ditch that runs along the east side of the boundary wall of the site that connects to the Coolree stream. On day of site visit this drainage ditch was dry. Storm water gathered from the proposed development on this site is to be piped to the permitted attenuation tank and pond located on the adjoining northern site from which there is a pipe connection to the mains point on the R730.

The submitted NIS states that the Coolree Stream (WFD moderate water quality status) does not connect to Wexford Harbour and terminates on lands just to the north in the grounds of a GAA club and there is no direct connection with the Slaney River SAC or Wexford Harbour and Slob SPA. However, the EPA water features maps show that the Coolree Stream links at a linear distance of c 400m to the Lower Slaney Estuary (WFD poor status) and to the Slaney River SAC and Wexford Harbour and Slobs SAP.

The underlying geology is poorly drained mineral soil. Groundwater is part of the Castebridge North ground water body which is of good WFD status.

A fossitt survey has been carried out which describes the habitats of the larger 1.38ha site as containing dry meadow / wet grassland, depositing / lowland river – drainage ditches, scrub / immature woodland, hedgerows and tree lines. The report states that the site has a moderate level of biodiversity and that there are no protected species on the site.

In the assessment of this subject application, the planning authority prepared an appropriate assessment screening report which concluded that there was no potential of significant effects to the Natura 2000 site network and stage 2 AA was not required. The planners report makes reference to the fact that a NIS is submitted and concludes that clarification is required regarding bird species that may be qualifying species for Wexford Harbour and Slob SPA.

The NIS report includes a screening assessment which concluded that there is no potential for any effects on any Natura 2000 site and that the need for Appropriate Assessment is screened out. However to ensure best environmental practice is followed, a Natura Impact Statement (NIS) was carried out for the development.

European sites

Table 1 below outlines the European sites that are located within a potential zone of influence of the proposed development.

Table 1 Identification of relevant European Sites using source- pathway- receptor model

European site	List of qualifying interests	Distance from proposed development Approx.	Connections (source, pathway receptor)	Considered for further screening
Wexford Harbour and Slob SPA 004076	<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Bewick's Swan (<i>Cygnus columbianus bewickii</i>) [A037]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p>	500m	<p>Hydrological connection via Coolree stream.</p> <p>Wastewater discharge to Wexford Town WWTP</p> <p>Ex-situ birds</p>	yes

Wigeon (<i>Anas penelope</i>) [A050]			
Teal (<i>Anas crecca</i>) [A052]			
Mallard (<i>Anas platyrhynchos</i>) [A053]			
Pintail (<i>Anas acuta</i>) [A054]			
Scaup (<i>Aythya marila</i>) [A062]			
Goldeneye (<i>Bucephala clangula</i>) [A067]			
Red-breasted Merganser (<i>Mergus serrator</i>) [A069]			
Hen Harrier (<i>Circus cyaneus</i>) [A082]			
Coot (<i>Fulica atra</i>) [A125]			
Oystercatcher (<i>Haematopus ostralegus</i>) [A130]			
Golden Plover (<i>Pluvialis apricaria</i>) [A140]			
Grey Plover (<i>Pluvialis squatarola</i>) [A141]			
Lapwing (<i>Vanellus vanellus</i>) [A142]			
Knot (<i>Calidris canutus</i>) [A143]			
Sanderling (<i>Calidris alba</i>) [A144]			
Dunlin (<i>Calidris alpina</i>) [A149]			
Black-tailed Godwit (<i>Limosa limosa</i>) [A156]			
Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]			
Curlew (<i>Numenius arquata</i>) [A160]			
Redshank (<i>Tringa totanus</i>) [A162]			
Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]			
Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]			
Little Tern (<i>Sterna albifrons</i>) [A195]			

	Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wetland and Waterbirds [A999]			
The Raven SPA 004019	Red-throated Diver (<i>Gavia stellata</i>) [A001] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Common Scoter (<i>Melanitta nigra</i>) [A065] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Sanderling (<i>Calidris alba</i>) [A144] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wetland and Waterbirds [A999]	7km	Hydrological connection via Coolree stream. Wastewater discharge to Wexford Town WWTP Ex situ birds	yes
Seas off Wexford SPA 004237	Red-throated Diver (<i>Gavia stellata</i>) [A001] Fulmar (<i>Fulmarus glacialis</i>) [A009] Manx Shearwater (<i>Puffinus puffinus</i>) [A013] Gannet (<i>Morus bassanus</i>) [A016] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Common Scoter (<i>Melanitta nigra</i>) [A065] Mediterranean Gull (<i>Larus melanocephalus</i>) [A176] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]	8km	Hydrological connection via Coolree stream. Wastewater discharge to Wexford Town WWTP Ex situ birds	yes

	<p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Sandwich Tern (<i>Sterna sandvicensis</i>) [A191]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p> <p>Puffin (<i>Fratercula arctica</i>) [A204]</p>			
<p>Slaney River Valley SAC 000781</p>	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche-Batrachium</i> vegetation [3260]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p>	500m	<p>Hydrological connection via Coolree stream.</p> <p>Wastewater discharge to Wexford Town WWTP</p> <p>Ex situ mammals ,e.g. otter</p>	Yes

	<p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twaite Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>			
Raven Point Nature Reserve SAC 000710	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</p>	7km	<p>Hydrological connection via Coolree stream.</p> <p>Wastewater discharge to Wexford Town WWTP</p>	yes
Screen Hills SAC 000708	<p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>European dry heaths [4030]</p>	8km	Due to distance and lack of hydrological or ecological connections, there is not likely to be a pathway to this SAC.	No
Long Bank SAC 002161	Sandbanks which are slightly covered by sea water all the time [1110]	13km	Due to distance and lack of connections, there is not	No

			likely to the pathway to this SAC.	
Blackwater Bank SAC 002953	Sandbanks which are slightly covered by sea water all the time [1110] Phocoena phocoena (Harbour Porpoise) [1351]	15km	Due to distance and lack of connections, there is not likely to be a pathway to this SAC.	No
Carnsore Point SAC 002269	Mudflats and sandflats not covered by seawater at low tide [1140] Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]	16km	Due to distance and lack of connections, there is not likely to be a pathway to this SAC.	No

Potential impacts of the project (alone or in combination)

The following are the potential impacts that may result in significant effects on the conservation objectives of a European site, taking account of the size and scale of the project

- Habitat destruction –There is potential for vegetation to be cleared during demolition and construction which may be a habitat for QI species. This particular development proposal relates to an existing developed site containing an existing house, outbuilding, driveway etc and there are no open watercourses on the site other than a drainage channel that was dry on day of site visit. There are existing trees and vegetation however these are to be substantially retained and supplemented with additional planting and therefore there is no significant impact on birds. The submitted NIS report states that otter can potentially travel over land and they may be present on the site. Again, I note that this is the site of the existing house, the Coolree Stream and open culvert is located approximately 40m from the site on the northern part of the adjoining site. I do not consider that the subject site is likely to support otters. Furthermore, the existing stream is narrow and may not support fish or be a satisfactory feeding grounds for otter. It is unlikely that mammals such as otter would be attracted out of the rich habitat of the estuary and travel inland towards the narrow streams near the site. This would also involve crossing culverts and roads. It is considered that this impact can be ruled out at this stage.

- Air – During construction there is a risk of uncontrolled release of sediments etc to air that could impact habitats and species. Due to the distance, it is considered that a potential impact is not likely and this impact can be ruled out at this stage.
- Noise – During construction there is a risk that noise and vibration may impact on QI species. However, due to the distance to European sites and due to the location of the site in an urban location beside significant urban roads and existing noise levels, it is considered that there would not be a likely significant effect on any QI species. It is considered that a potential impact is not likely and this impact can be ruled out at this stage.
- Impact on stream and groundwater
 - During construction of the subject development there is a risk of contamination of surface water or transfer of sediment to the stream from soils or dust settling on the stream or being washed into the storm water drainage channels linking to the stream channel which discharges to the estuary. There is a risk of leakage of construction contaminants to groundwater – Effect A
 - During the operational phase, contaminants and sediments in surface water from this development could impact on water quality of the stream which links to the estuary– Effect B
- At operational phase, foul wastewater from the development will be treated at the Wexford Wastewater treatment plant. The additional loading poses a risk of pollution to the seas. Wexford town WWTP discharges to the Lower Slaney Estuary. The WWTP is compliant with the emission limit values of the discharge licence (Irish Water 2022). The plant is to be operated with a discharge licence that has been subjected to appropriate assessment. It is also noted that Irish Water have submitted a report stating that connection to mains water and sewer is feasible. It is considered that a potential impact is not likely and this impact can be ruled out at this stage.
- In combination – The subject development is to be developed in combination with an adjoining permitted development PA 20231461. The one NIS has been prepared for the overall development. PA2031461 relates to 37 of the 48 planned units and relates to 1.12ha of the 1.38ha overall site. It also contains the stream and open culvert which link to the European site network and is a natural state. Permission has been granted including the services infrastructure which is designed to cater for the 48 units. The impact of the larger development in combination with the subject development on the Natura 2000 site network has been considered.

Any other developments in the area that have received planning permission are subject to AA assessment. The process has commenced for the preparation of a new

LAP and this will be subject to appropriate assessment. It is considered that there is no significant risk of in combination effect with any other projects.

Consideration of 'likely' significant effects on a European site

Effects	QI possibly impacted	Effects	Likely significant effect
<p>Contamination and sedimentation of stream and groundwater during construction (effect A)</p> <p>Contamination and sedimentation of stream at operational stage (Effect B)</p>	<p>Wexford Harbour and Slob SPA: Wetland and waterbirds</p> <p>Slaney River Valley SAC: QI flora, Freshwater pearl mussel, Lamprey, Twaite shad, Salmon, Otter, Seal</p>	<p>There are no streams or ponds on the subject site. There is a drainage ditch running along the eastern side of the site which was dry on day of site visit and which is to be retained in its current state. The drainage ditch would not support QI species.</p> <p>The ditch links to the Coolree stream and open culvert on the adjoining northern site, however there is a distance of c45m between the site and this stream and culvert.</p> <p>The Coolree stream links a linear distance of c 400m to the Lower Slaney Estuary which connects via a stretch of another c 250m to the Wexford Harbour and Slob SPA and Slaney River Valley SAC with potential impacts on QI habitats and species that are water dependent. At its closest point, the site is c 500m distance to the Wexford Harbour and Slob SPA and Slaney River Valley SAC.</p> <p>Reduced water quality may adversely impact aquatic life or invertebrate in the stream on</p>	Not likely

		<p>which QI waterbirds or mammals including otter may feed. In this regard, it is noted that in its current state, the existing stream at the site is narrow and culverted in sections and this may limit potential for fish.</p> <p>The impact of the demolition and construction works of the proposed development as a stand alone development is not likely to have a significant effect on the European sites. This is because there is a weak and indirect pathway between the development and the Natura 2000 sites. A CEMP has been submitted with the application however due to the weak and indirect pathway, the employment of best practice construction methods are not explicitly required to avoid an adverse impact on a Natura 2000 site.</p> <p>Furthermore, the proposed development in combination with the permitted development is not likely to have a significant effect on the European sites. The permitted development has already been subject to appropriate assessment and would not result in adverse impacts on a Natura 2000 site.</p> <p>Surface water from the subject site is to connect to an already permitted surface water drainage system that has been designed to take the loading of the subject development containing the 11 apartments. The permitted</p>	
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		<p>system incorporates nature based solutions to dispose of surface water on site and measures such as silt and oil traps to prevent contamination of surface water entering the piped system and the pond. Surface water from the attenuation tank is to be piped to the mains storm sewer and is not connected to the stream. The system has already been subjected to AA. There are not likely to be significant impacts on water quality arising from this development.</p> <p>The existing drainage channel along the eastern boundary of the site will not be impacted by the development and will not be used to discharge surface water from the development.</p>	
	Seas off Wexford SPA: QI species	Due to distance and dilution effects, there is unlikely to be a significant effect on the qualifying interests of the Seas off Wexford SPA.	Not likely
	The Raven SPA: Wetland and Waterbirds	Due to distance and dilution effects, there is unlikely to be a significant effect on qualifying interests of the Raven SPA	Not likely
	<p>Raven Point Nature Reserve SAC</p> <p>The qualifying interests are mudflats and sandflats not covered by seawater, vegetation of drift lines, meadows and dunes.</p>	Due to the distance and nature of the qualifying interests, the development is not likely to impact on the QIs	Not likely

In summary and having regard to the above, I conclude as follows:

The NIS report prepared by the applicant includes a stage 1 screening that concludes stage 2 appropriate assessment is not required for the proposed development,

The planning authority carried out a stage 1 screening report which concluded that stage 2 appropriate assessment is not required.

A stage 2 NIS was nonetheless submitted by the applicant and accordingly was assessed by the planning authority.

However it is noted that the NIS relates to a larger overall development and that the subject appeal site is a small part of this overall development. The larger development has been through an appropriate assessment process and has been granted planning permission and therefore it is considered that that part of the development would not result in adverse impacts on a Natura 2000 site.

There is only a weak and indirect hydrological pathway between the proposed development and any Natura 2000 site, namely Slaney River Valley SAC and Wexford Harbour and Slob SPA.

Other than a query regarding the need for a bird survey no significant appropriate assessment concerns were raised by the planning authority. In this regard, the development is located within the curtilage of an existing house and garden. Existing trees are to be retained and supplemented and it is unlikely that there would be any significant effects on birds.

I have carried out a stage 1 screening exercise and I conclude that it is not likely that there would be a significant effect on a Natura 2000 site in combination with any other plans or projects.

No mitigation measures are required to come to these conclusions.

Screening Determination

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 1777 U of the Planning and Development Act 2000 (as amended), I determine that the project individually or in combination with other plans or projects would not be likely to give rise to significant effect on the following European Sites:

- Wexford Harbour and Slob SPA
- Slaney River Valley SAC
- Seas off Wexford SPA
- The Raven SPA
- Raven Point Nature Reserve SAC

or any other European site, in view of the sites conservation objectives, and Appropriate Assessment is not therefore required.

A stage 2 NIS is submitted with the application. I have carried out a stage 1 screening and I conclude that stage 2 NIS is not required. This determination is based on the following:

- The NIS relates to the proposed development of 11 units on 0.26ha and to a permitted development of 37 units on 1.12ha, and therefore does not relate solely to the subject development.
- Due to the indirect pathways between the development site and the Natura 2000 site network, standard best practice construction methods are not specifically required to avoid adverse impact on a Natura 2000 site.
- Having regard to the relatively modest size and location of the subject development on the site of an existing house on serviced lands, including the lack of direct hydrological or ecological connections to the Natura 2000 site network and the distance from European sites, it is considered that the proposed development is not likely to have a significant effect on a Natura 2000 site and therefore a NIS is not required.
- Permission has been granted by the planning authority for the development of the 37 units on 1.12ha on the adjoining lands. The permitted development includes the storm water service infrastructure for the proposed development. The permitted development has been subject to appropriate assessment and this assessment has taken account of the in combination impacts of both developments. There are no significant additional in combination effects arising from this development.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this determination.

Inspector: _____

Date: 22nd November 2024