



An
Bord
Pleanála

**S. 6(7) of Planning and
Development (Housing) and
Residential Tenancies Act 2016**

**Inspector's Report on
Recommended Opinion**

306977-20

Strategic Housing Development	413 no. residential units (182 no. houses, 205 no apartments), childcare facility and associated site works.
Location	Carcur Park, Wexford.
Planning Authority	Wexford County Council
Prospective Applicant	William Neville & Sons.
Date of Consultation Meeting	17.06.2020
Date of Site Inspection	15 th May 2020
Inspector	F. Fair

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority and the documentation received from the prospective applicant, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1.1. The subject site, c. 13.84ha is in Wexford c2km west of the town centre and train station. It lies between the railway and the shore of the estuary of the Slaney River which define most of its boundaries.
- 2.1.2. It was formerly used for the extraction of sand and gravel. Most of its landcover consists of artificial surfaces, bare ground, and scrub. The levels on the site reflect previous excavations upon it, with depressions surrounded by mounds in several locations. The remains of a concrete batching plant stand near the middle of the site. There is a stone arch bridge over the railway near to those remains. Access to that bridge from the town side of the railway is along a disused track that crosses land occupied by a sports club. The land on the opposite side of the railway from the site is largely occupied by playing pitches served by clubhouses.
- 2.1.3. A modern road has been built along the eastern side of those pitches from a roundabout on the R730 Regional Road. It has a carriageway between 7m and 8m wide and footpaths on both sides that are 1.2m wide. It has a dead end at the top of the railway cutting opposite the south-eastern end of the site boundary.
- 2.1.4. The county council formerly operated a waste disposal facility near the site on the other side of the railway.

3.0 Proposed Strategic Housing Development

3.1.1. The proposed residential development comprises of 413 residential units consisting of:

- 175 houses (12 four bedroom detached houses + Garages, 20 four bedroom Semi-Detached houses, 2 four bedroom corner detached houses, 80 three bedroom Semi Detached Houses, 20 three bedroom terraced houses, 7 three bed end of terrace houses, 4 three bedroom corner houses, 20 two bedroom terraced houses, 6 two bedroom end of terrace, 4 Semi-Detached houses),
- 7 apartment blocks with a total of 238 Apartments:
 - Block One: (47 units over 5 floors: 40 two bed, 7 three bed),
 - Block Two: (50 units over 7 floors: 4 one bed, 38 two bed, 8 three bed),
 - Block Three: (45 units over 7 floors: 3 one bed, 34 two bed, 8 three bed),
 - Block Four: (20 units over 4 floors: 1 one bed, 19 two bed),
 - Block Five: (38 units over 5 floors: 1 one bed, 37 two bed,)
 - Block Six: (19 units over 4 floors: 3 one bed, 15 two bed, 1 four bed)
 - Block Seven: (19 units over 4 floors: 3 one bed, 15 two bed, 1 four bed).
- Together with two crèche facilities (Crèche A: 346.4 sqm floor area. Crèche B 395.3 sq. m floor area) and a retail unit of 86.3 sq. m (located in Block 10).
- 769 Car parking spaces (250 private parking spaces, 501 public spaces and 18 creche spaces)
- All associated site works.

The proposal shall be delivered over four phases of development.

An EIAR (Environmental Impact Assessment Report), an NIAR (NATURA Impact Assessment Report) and a SSFRA (Site Specific Flood Risk Assessment) have been prepared as part of the planning application.

3.1.2. It is submitted that while the preservation of habitat associated with wintering birds and the protection of the existing otter population take precedent, proximity to the river will be exploited insofar as is possible. A linear park with a bird viewing platform form part of the proposal in addition to walkways through the site with views of the river and estuary. All hard fencing required to protect both the Otter and wintering bird habitats will be suitably screened with planting. Detailed landscaping proposals will be included with any subject application.

3.1.3. A summary of the parameters of the proposed development is listed below:

Parameter	Site Proposal
Application Site	13.84ha
No. of Units	413 (175 Houses, 238 apartments)
Density	30 dwellings per hectare gross area 40 dwellings per ha net area
Plot Ratio	0.51
Site coverage	13.08%
Other Uses	Two Creches: Crèche A: 346.4 sqm, Crèche B 395.3 sq. m and Retail floorspace of 86m ²
Public Open Space (ha)	3.92 ha POS and 3.6 ha shared green and boulevard.
Car Parking	769 spaces
Vehicular Access	Access to the site is by way of the established 40m diameter 4-arm R730 Ferrycarrig Road

	roundabout which was recently constructed at the applicant's expense.
Part V	41 units

3.1.4. The breakdown of residential unit types in the BTR building is as follows:

	1 bed	2 bed	3 bed	4 bed	Total
	15	228	136	34	413
% Total	4%	55%	33%	8%	100%

4.0 National and Local Planning Policy

4.1.1. National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- 'Sustainable Urban Housing: Design Standards for New Apartments' (2018)
- 'Design Manual for Urban Roads and Streets' (2013)
- 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') (2009)
- 'Architectural Heritage Protection- Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)

4.1.2. Development Plan

4.1.3. The subject site is located within the Borough boundary of Wexford Town and as such is subject to the requirements of the Wexford Town and Environs Development Plan 2009 - 2015 extended). The site is located within 'Zone 4' of the Plan.

4.1.4. The subject lands are zoned for 'Mixed Use Residential' under the Wexford Town and Environs Development Plan 2009 – 2015 (Extended). With regards to the site specifically, the plan makes the following statements:

4.1.5. "New public sector quarter is developing with the headquarters for the DOE, New County Hall and expansion of Wexford Hospital. This will result in the opening of lands for development on adjoining sites which will also deliver a significant proportion of the orbital route linking New-town Road with Park and eventually to the reserved lands for the third river crossing.

4.1.6. Higher densities will be considered along this route, but new developments must have regard to establishing residential units and along these boundaries a transition density will be required.

4.1.7. **Carcur/Park**

4.1.8. The lands, former landfill and quarry on the banks of the Slaney, have been the subject of a previous action area plan. The community area could be considered for second level education replacement or a new secondary school could be accommodated. Given the Heritage designation of the inlet the open space/park will be located adjacent to this area.

4.1.9. On the Old Quarry site, the opportunity exists to create a landmark building at the point of the third river crossing. This site will act as a future gateway to the town. Studies may be required on the third bridge prior to determining the location of these buildings.

4.1.10. The Development Plan includes a number of site-specific development objectives:

- Objective T8 of the Development Plan relates to the provision of an inner orbital relief road which runs from Sinnottstown lane at the southern extreme of the town boundary in a south-westerly direction until it reaches Clonard. At this point, it changes direction and runs in a north-easterly direction along the rear of Wexford racecourse and on through the subject site to the point where the third river

crossing is proposed. Objective T8 terminates on the opposite side of the river. In the context of Area 4 of the Development Plan, Objective T8 has been substantially completed up to the rear boundary of the site.

- 4.1.11. The proposed development will further extend the Objective T8 inner relief road to the point where a third river crossing is feasible and viable.
- 4.1.12. It is an objective of the development plan to provide the following:
- TO2: To ensure the full recreational potential of the River Slaney and its estuary is realised.
 - TO3: Provide a pedestrian walkway along the banks of the River Slaney estuary.
- 4.1.13. It is a site-specific objective of the Development Plan to provide a landmark building on site as a gateway to the town. The site will form an important entrance experience to the town once the third river crossing is realised. Landmark buildings at key nodal locations create a sense of place and urban legibility by making locations more readily identifiable. In addition, they add more variance to the urban fabric and act as magnets to public activity.
- 4.1.14. The site is located adjacent to the Wexford Harbour and the Raven Special Protection Areas for birds (SPAs) in addition to the Slaney River Valley Special Areas of Conservation (SACs) all of which are Natura 2000 sites.

5.0 Planning History

- 5.1.1. The most relevant history associated with the site is noted as follows:

ABP-304066-19 (Refused 03/07/2019) This application was also for Strategic Housing Development for a similar development to that as currently proposed (A total of 413 number residential units consisting of 175 number houses).

Reasons for Refusal:

1. The Environmental Impact Assessment Report, together with the other documentation submitted with the application, does not provide sufficient information regarding the proposal to drain surface water runoff to individual soak pits, in order to demonstrate that this would adequately minimise flood risk to the people and material assets in the proposed development and that the residual flood risk can be managed to an acceptable level. The proposed development

would, therefore, fail to meet the justification test set out in section 5.15 of the Guidelines for Planning Authorities on the Planning System and Flood Risk Management issued by the Department of the Environment, Heritage and Local Government in November 2009, which applies to the site because parts of it are within Flood Risk Zones A and B as described in those Guidelines. The proposed development would, therefore, be contrary to those Ministerial Guidelines, and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the information contained in the Environmental Impact Assessment Report does not fully identify and describe the extensive infill works and groundworks that are proposed in order to deal with the issue of flood risk. The information before the Board is not sufficient, therefore, to complete an environmental impact assessment of the proposed development with regard to the factors of soil and water, and accordingly it is considered that the Board cannot be satisfied that the proposed development would not have significant adverse effects on the environment.

Note: In making its decision, the Board accepted the concerns of the planning authority in relation to the unacceptability of the proposed method of surface water attenuation, involving the use of individual soak pits for the proposed houses and apartment blocks, but agreed with the Inspector that this issue could not be adequately addressed by condition. In relation to Environmental Impact Assessment, the Board concurred with the Inspector's reasoned conclusions in relation to the other factors, other than soil and water. However, in the case of the factors of soil and water, and therefore the interactions of the factors, the Board agreed with the Inspector's conclusion with regard to the Environmental Impact Assessment as a whole, and considered that sufficient information had not been provided by the applicant to demonstrate the absence of likely significant environmental effects and, hence, the Board was not in a position to complete an Environmental Impact Assessment of the proposed development.

- 5.1.2. The Board granted permission for a club house across the railway from the application site under PL26. 244574, in December 2015 after carrying out an

appropriate assessment for its implications of the SAC at Slaney River Valle SAC and the Wexford Harbour and Slobbs SPA.

6.0 Section 247 Consultation(s) with Planning Authority

6.1.1. A formal pre-application meeting under Section 247 of the Act was undertaken with Wexford County Council (the Planning Authority) on the 05/02/2020.

This meeting was held following the decision to refuse planning permission (ABP-304066-19) for a similar development to that currently proposed.

The meeting focused on the following topics:

- Planning / Policy:
- Surface Water Disposal
- Services
- Access
- Housing
- Building Control
- Environment
- Design
- Roads
- Fire office

The following is noted with respect to Surface Water Disposal:

- Applicant proposes to divert surface water to 6 no. connected gallery's which would attenuate stowmwater prior to discharge to ground water via an oil interceptor.
- Applicant is advised to contact the EPA / Environment Section Wexford County Council to clarify the requirement of a discharge licence to groundwater.
- As discussed, the Planning Authorities preferred option if possible, would be to discharge surface water via attenuation ponds (otter pond) and oil interceptors directly into the estuary.
- Applicant is advised to consult with the Department of Agriculture, Food & Marine and other relevant bodies to discuss the feasibility of a Foreshore Licence which would permit the discharge of treated surface water into the estuary.

- Details for surface water attenuation, designed in accordance with SuDS guidelines, will be required to be submitted as part of any subsequent planning application.
- Surface Water Discharge licence if required to be submitted with the application.
- Surface water attenuation will be required to be included in the initial phase of development.

The following is noted with respect to Environment:

- Care should be given to the flood risk zone on the subject site. Please find enclosed flood risk maps for the site.
- Please be advised that a Flood Risk Assessment may be required as part of a subsequent planning application.
- Appropriate Assessment screening may be required for this proposed development.
- Please ensure surface water attenuation and discharge are screened having regard to Appropriate Assessment procedures.
- Further discussions regarding EIAR in relation to screening of the proposed development, and if so, requested by the developer, scoping for an EIAR may be required.
- Natura Impact Statement is likely to be required given the proximity of the stream, which is a natural pathway to the Slaney River Valley SAC and Wexford Harbour & Slobbs SPA.
- A Noise Assessment will be required to be submitted with any subsequent planning application. This should take account of existing and future noises.
- Both a Waste Management Plan and Construction Management Plan will be required to be submitted with any subsequent planning application.
- A Construction Management Plan, including any variations to it, will be subject to review to ensure that no significant impacts to the Natura 2000 sites occur.

7.0 Submissions Received

7.1.1. Irish Water

Irish Water has issued a conformation of feasibility for this development for 413 no. residential units.

In respect of wastewater treatment:

The Wexford Town Wastewater Treatment Plant (WWTP) has sufficient capacity at this time to accommodate this development. Please note however that IW has received a large volume of Pre-Connection Enquiries for this area and connection applications are assessed by IW on an ongoing basis. In regard to the applicant's connection proposal to install a foul pumping station on site, the wastewater services should be designed within the development site to ensure the entire development can drain to one wastewater pumping station. The applicant will be required to obtain appropriate permission and consents for the onsite pump station. The pumping station should not be located in areas that are susceptible to flooding at a frequency of more than 1:30 year occurrence. The finished slab level of the pumping station shall be positioned above the 1:1000-year flood level. All electrical control equipment shall be above the 1:200 year flood level. The applicant will be required to submit a FRA in the design submission which the applicant will be required to submit prior to obtaining a Statement of Design Acceptance prior to any connection.

In respect of wastewater:

A connection to the IW wastewater network is feasible subject to infrastructural upgrades. IW is currently undertaking a Drainage Area Plan (DAP) of Wexford Town. The completion of the DAP is expected Q1 2022, however, based on an initial network assessment, upgrade works to increase the flow rate and storage at Carcur pump station are required in order to accommodate the proposed connection.

The wastewater network upgrade required the provision of a fourth pump in Carcur Wastewater Pump Station to bring maximum pump rate up to 350l/s. There is space within the wet well for this upgrade. The applicant will be required to contribute a relevant portion of the costs of upgrades required to service this development.

In respect of public water connection, IW confirms a connection is feasible for the development as proposed. All new connections are subject to a valid connection agreement with IW.

8.0 Forming of Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide brief detail on each of these elements hereunder.

9.0 Documentation Submitted

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, Pre-Application Consultation Application Form, Cover Letter, Statement of Consistency, A3 booklet of drawings and masterplan, Engineering and Drainage drawings, Details of Part V Agreement, IW Statement of Design Acceptance and Traffic Impact & Appendices. I have considered all of the documentation submitted by the prospective applicant, relating to this case.

10.0 Planning Authority Submission

In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Wexford County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on the 8th May 2020.

The planning authority's 'opinion' included the following matters: Site Description, Planning Policy Context, Biodiversity, Surface Water Disposal, SUDs, Access, POS, Part V, Flood Risk, Childcare, Gateway Buildings, Construction Phase, Invasive Species, EIAR, Other Issues. .

The report addresses the following:

Surface Water Disposal

Applicant proposes to divert surface water to 6 no. connected galleys which would attenuate stormwater prior to discharge to ground water via an oil interceptor.

Applicant is advised to contact the EPA / Environment Section Wexford County Council to clarify the requirement of a discharge licence to groundwater.

The Planning Authorities preferred option if possible, would be to discharge surface water via attenuation ponds (retention pond) and oil interceptors directly into the estuary.

Applicant is advised to consult with the Department of Agriculture, Food & Marine and other relevant bodies to discuss the feasibility of a Foreshore Licence which would permit the discharge of treated surface water into the estuary.

Surface Water Discharge licence if required to be submitted with the application.

Surface water attenuation will be required to be included in the initial phase of development.

SUD's

Surface water attenuation measures are required due to rising sea levels and flood risk from the River Slaney on the low-lying portion of the site.

Details for surface water attenuation, designed in accordance with SuDS guidelines, will be required to be submitted as part of any subsequent planning application.

Access

Applicant must submit plans for access to the site, a key consideration will be the creation of a new bridge over the railway line to facilitate uninterrupted access to the site. In addition, the site layout must take cognisance of the provision of the orbital inner route (T8) linking the Newtown Road with Park and to the lands reserved for a new bridge over the River Slaney

Public Open Space

In view of the environmental sensitivity of the site and the adjacent environmental designations, it is the opinion of the Planning Authority that the main bulk of public open space should be provided along the shoreline in order to provide an adequate buffer zone between the development and the SAC / SPA / pNHA. The proposed public open space should be designed so that it is fully integrated and linked into a future riverside walk that would link the proposed site with the town centre.

Flood Risk

Although not located within a designated floodplain, the site is subject to coastal flooding and therefore a full Flood Impact Risk Assessment is required for the entire site.

EIAR

Full EIAR is required under Section 10, Schedule 5, Article 93 of the Planning and Development Regulations

Other Issues,

- A portion of the site is adjacent to an historic 'landfill' and as such gas monitoring will be required.
- Consideration should be given to the provision of charging points for electric vehicles on site. These charging points should be Triple Standard AC/DC 50kW Rapid Charge points.

Conclusion and Opinion

The proposed development is compliant with the policies and objectives of the Wexford Town & Environs Development Plan 2009 – 2015 (as extended) and the Wexford County Development Plan 2013 - 2019

I have reviewed and considered all of the documentation submitted by the planning authority relating to this case.

11.0 Consultation Meeting

11.1.1. A Section 5 Consultation meeting took place by way of conference call on the 17th June 2020, commencing at 10.00 pm. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

The main topics raised for discussion at the tripartite meeting were as follows:

1. Response to Previous Refusal Reasons on foot of ABP-304066-19
 - Proposals to drain surface water from the site.
 - Details for surface water attenuation designed in accordance with SuDS guidelines.
 - Clarify the requirement for a Surface Water Discharge licence to groundwater.
 - Surface Water Discharge licence if required to be submitted with the application.
 - Demonstrate that Flood Risk and residual Flood Risk has been dealt with, regard being had to the justification test set out in section 5.15 of the Guidelines for Planning Authorities on the Planning System and Flood Risk Management, Nov 2009.
 - Identify and describe the extensive infill works and groundworks that are proposed. Clarification of quantity and description of infill material to be imported in order to deal with the issue of flood risk.
 - The feasibility of a Foreshore Licence which would permit the discharge of treated surface water into the estuary.
2. Connection Agreements with Irish Water
3. Design and Layout (strong corner units, adequate privacy strips around ground floor apartments, cycle Provision)

4. Levels across the site arising from proposed access over the railway bridge and possible future bridge over the Slaney regard being had to FFL of proposed Apartment Blocks 2 and 3 and Main Boulevard access through the site.
5. Traffic Impact Assessment and Road Safety Audit.
6. Response to Planning Authority Report dated 8th May 2020 and Issues Raised
7. Any Other Matters

11.1.2. In relation to previous refusal (dated 03/07/2019) An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Clarification that there have been no significant design alterations to the proposed development compared to the previous application.
- Clarification on how the reason to refuse permission in the case of ABP-304066-19 has been overcome.
- Further consideration to the possibility of contamination reaching the Estuary through the medium of ground water from the proposed development site. Implications for infilling of the site, surface water drainage, flood risk and connectivity with the EU designated sites and their Qualifying Interests (shellfish / freshwater pearl mussel) and conservation objectives. The site is located adjacent to the Wexford Harbour and the Raven Special Protection Areas for birds (SPAs) in addition to the Slaney River Valley Special Areas of Conservation (SACs) which are EU designated Natura 2000 sites.
- Further collaboration with the PA, prior to lodging application, to fully address and set out proposals for quality of surface water discharge into the Estuary.
- Detailed and adequate information needs to be set out in the EIAR so An Bord Pleanála can procedurally assess any proposal.
- Clarification with respect to the need for a Discharge Licence and or a Foreshore Licence.

11.1.3. In relation to Connection Agreements with Irish Water, An Bord Pleanála representatives sought further elaboration / discussion / consideration on the following:

- Clarification that full agreement has been reached with Irish Water and that all necessary agreements, appropriate permissions and consents are in place.

11.1.4. In relation to design and layout, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Clarification on any amendments between this application and the previously permitted application ABP 304066 -19
- Further justification of the design and layout proposed given the strategically important location of the site along the Slaney Estuary, appropriateness of non-inclusion of riverside walk, given issues with respect to AA.
- Further detail required with respect to legibility of plans and drawings, imperative they are to a high quality and easily legible (scale appropriate and in accordance with Planning and Development Act 2000, as amended, requirements) in any application documentation submitted.
- Analysis and assessment of the proposed development, regard being had to matters raised previously in Inspectors Report ABP-304066-19, i.e. strong corner units and adequate privacy strips around ground floor apartments.
- Further consideration and or justification of the documents as they relate to a cycle strategy. This strategy should take account of the National Cycle Manual which sets out best practice for cycle provision.

11.1.5. In relation to levels across the site arising from proposed access over the railway bridge and possible future bridge over the Slaney regard being had to FFL of proposed Apartment Blocks 2 and 3 and Main Boulevard access through the site An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Analysis and assessment of the proposed development in terms of levels across the site. Imperative that plans and drawings submitted clearly illustrate a cross section of the Main Boulevard and how it connects with the road bridge and the railway bridge.

11.1.6. An Bord Pleanála sought further elaboration/discussion/consideration of Traffic Impact and need for a Road Safety Audit:

- There is a need for a Transportation Strategy this is a large site of significant scale. The Transportation Strategy should follow DMURS and have regard to similar SHD applications in relation to DMURS.
- There is a need to carry out a Stage 3 / 4 Road Safety Audit which has regard to the new proposed bridge over the Slaney River.

11.1.7. An Bord Pleanála sought a response to Planning Authority Report dated 8th May 2020 and Issues raised therein:

- A portion of the site is adjacent to historical landfill, proposed development should have regard to gas monitoring, future proposals for gas monitoring and mitigation measure proposed.
- Details of public lighting to be submitted which have regard to ecological sensitivity of the site.

11.1.8. In relation to any other matters, An Bord Pleanála sought further elaboration/discussion/consideration of the following:

- Further clarification that all reports submitted including report on importation of soil, ground water Risk Assessment, Ground Water Management, AA screening Report and NIS are consistent, have cognisance to one another and to the EIAR.

11.1.9. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-306977-20' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

Submission from Irish Water

11.1.10. Irish Water has issued a Confirmation of Feasibility which confirms that subject to a compliant water and wastewater layout and a valid connection agreement being put in place between Irish Water and the developer, the proposed

connection(s) to the Irish Water network(s) can be facilitated. See section 7.1.1 of this report above.

11.1.11. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

12.0 Conclusion and Recommendation

- 12.1.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.1.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.
- 12.1.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **constitutes a reasonable basis for an application for strategic housing development** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 12.1.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

13.0 Recommended Opinion

- 13.1.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 13.1.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, **An Bord Pleanála is of the opinion that the documentation submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.**
- 13.1.3. Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:
1. A robust Water Environment Risk Assessment, Ground Water Management Plan, AA screening report and NIS which support and have regard to one another, and which inter alia, consider the possibility of contamination reaching the Estuary (An EU designated SPA and SAC with Qualifying Interests incl. shellfish / freshwater pearl mussel and consequent conservation objectives) from the proposed development site, through the medium of ground water.
 2. A report on surface water drainage, surface water management strategy and flood risk which deals specifically with quality of surface water discharge to the Estuary and possible need for a Discharge Licence and or a Foreshore Licence.

3. An updated Architectural Design Statement. The statement should include a suit of plans and drawings which are of high quality and easily legible (scale appropriate and in accordance with the requirements of the Planning and Regulations 2001, as amended) and indicate how the proposal successfully overcomes the site constraints to achieve an accessible, integrated, permeable site layout and design. The statement should specifically address the levels across the site arising from the proposed access over the railway bridge and possible future bridge over the Slaney regard being had to the FFL of proposed Blocks 2 and 3 and the Main Boulevard, strong corner units and adequate privacy strips around ground floor apartments and the interface along key frontages, in particular, along the Estuary. The statement should be supported by contextual plans and contiguous elevations and sections.
4. A report prepared by a suitably qualified and competent person demonstrating specific compliance with the requirements set out in the Design Manual for Urban Roads and Streets and the National Cycle Manual, as well as a map illustrating pedestrian, cycle and vehicular links through the site and connectivity with the wider area.
5. A Construction and Demolition Waste Management Plan (CDWMP) that identifies and describes the extensive infill works and groundworks that are proposed. Clarification of quantity and description of infill material to be imported in order to deal with the issue of flood risk.
6. A Report on management, future monitoring and mitigation of gas emissions from the disused landfill.
7. A response to matters raised within the PA Opinion submitted to ABP on the 08 May 2020.

13.1.4. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water

2. National Transport Authority (NTA)
3. Transport Infrastructure Ireland (TII)
4. Department of Culture Heritage and the Gaeltacht
5. Environment Protection Agency
6. Sea Fisheries Protection Authority
7. Inland Fisheries Ireland
8. Marine Institute
9. An Taisce
10. Heritage Council
11. Health Service Executive

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Fiona Fair
Senior Planning Inspector
24.06.2020