



An
Bord
Pleanála

Board Direction
BD-012469-23
ABP-316019-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/06/2023.

The Board decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Reasons and Considerations

1. The site is not currently zoned for residential use under the Wexford County Development Plan (CDP) 2022-2028. Having regard to the Core Strategy as set out in chapter 3 of the CDP which identifies a zoned land requirement of 62.11ha which is a significant decrease on the land previously zoned for residential use of which this site formed a part and notes that in preparing Local Area Plans, the Council will ensure a tiered approach to zoning, so that land is developed in a phased and sequential manner in accordance with the availability of infrastructure. The Board was not satisfied that a case has been presented as to why the appeal site would reflect a sustainable approach to sequential development of the area, in preference to other sites available for residential development in the town. The proposed development is therefore contrary to National Strategic Outcome 1 'Compact Growth' under the NPF and Objective CS02 of the Wexford County Development Plan 2022- 2028.
2. The proposed design strategy does not provide the optimal design solution for the site, particularly in relation to the layout approach and a lack of defined character areas through design. With specific reference to the proposed layout of houses to the north west of the site (no.'s 12 and 129) and to the

south (no.49), and in light of the established context, the proposed development results in an unnecessary overbearing relationship upon existing adjacent gardens. The Board noted the quantum and disposition of the proposed open space and shared the concerns of the Inspector in light of Objectives ROS17 and ROS11, and the associated quantitative standards set out in Section 14.5.4 of the Wexford County Development Plan 2022-2028. In addition, the proposed layout fails to follow the approach set out in the Design Manual for Urban Roads and Streets (DMURS), including lacking a hierarchical arrangement to proposed streets, unnecessary cul-de-sacs to the north west of the site and poorly laid out and excessive provision of car parking. As such, the proposal is contrary to Objective TV52, TS16, TS25, and TV27, as well as table 6-7 of the Development Management Manual, in the Wexford County Development Plan 2022-2028.

3. The Board shared the view of the Inspector that the application failed to incorporate an assessment of existing schools and a number of other types of infrastructure in the area in accordance with Objectives SC22 and SC37 of the Wexford County Development Plan 2022-2028.

4. Having regard to the deficiencies in the submitted Ecological Impact Assessment (EclA), particularly in relation to:
 - Failure to identify habitats on the site as key ecological receptors (KERs) for the site and identify the potential consequences of removal of these habitats upon associated fauna, including protected species.
 - No mitigation is described to reduce potential impact upon birds.
 - With respect to cumulative impact, the EclA fails to identify nearby large scale residential development.

In the absence of adequate identification of KERs and potential impact upon species as a result of the proposed development, significant permanent adverse impact upon protected species and birds cannot be excluded. As a result, the proposed development is contrary to Objectives GI01, ROS19 and section 7.4 of the Development Management Manual.

5. Having regard to the deficiencies in the information provided in the submitted Natura Impact Statement (NIS), there is a lack of certainty that the proposed development, in-combination with other plans or projects, would not adversely affect the integrity of the Wexford Harbour and Slobbs SPA, in view of those sites' conservation objectives. In such circumstances, the Board is precluded from granting permission.

Note

The Board noted the Inspector's views in relation the requirement of an Archaeology Assessment, a Daylight and Sunlight Assessment, Road Safety Audits (RSAs), site or layout plans for septic tanks in accordance with article 23(1)(a) of the Planning and Development Regulations 2001 (as amended) and that the submitted Environmental Impact Assessment Screening Report failed to identify a nearby planning approval for a large scale residential development with respect to potential cumulative impact, and while in other circumstances it might have sought Further Information in respect of these issues in light of the decision of the Board to refuse the permission the Board decided that it was not required in the circumstances.

Board Member



Date: 15/06/2023

Peter Mullan

