



An
Coimisiún
Pleanála

Direction
CD-020226-25
ABP-319317-24

The submissions on this file and the Inspector's report were considered at a meeting held on 15/07/2025.

The Commission decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner: *Eamonn James Kelly*

Date: 15/07/2025

Eamonn James Kelly

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the policies and objectives of the Wexford County Development Plan 2022-2028, Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage (2021), the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January, 2024, and to the proposed development of a mix of apartments, houses and duplexes, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable scale, density and mix of residential development, would not seriously injure the residential amenities of the area, would not exacerbate flooding risks or adversely impact upon water quality,

and would not adversely impact the natural heritage of the area. The development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Commission was satisfied that the submissions and assessments received upon application and in response to the Section 132 notice provided sufficient detail and assurance that the proposed development would not exacerbate flooding risks or adversely impact upon water quality and therefore is in accordance with Objectives FRM14, SWM01 and WQ15. Notwithstanding its consideration that there were no deficiencies in the surface water and SuDS strategy, the Commission further considered that the managed and mitigated conveyance of freshwater into European Sites via the Carricklawn Stream at a location immediately adjacent to the Slaney River would not, individually or in combination with other plans or projects, adversely affect the integrity of European Sites or cause deterioration of waterbody status under the Water Framework Directive.

Appropriate Assessment: Stage 1 Screening

The Commission agreed with the screening assessment and conclusion carried out in the Inspector's report that the Slaney River Valley SAC, Wexford Harbour and Slobbs SPA, Raven Point Nature Reserve SAC and The Raven SPA are European sites for which there is a possibility of significant effects and must therefore be subject to Appropriate Assessment.

Appropriate Assessment: Stage 2

The Commission considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites in view of the site's Conservation Objectives (Slaney River Valley SAC, Wexford Harbour and Slobbs SPA, Raven Point Nature Reserve SAC and The Raven SPA). The Commission considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites conservation objectives using the best available scientific knowledge in the field.

In completing the assessment the Commission considered, in particular, the following;

- (i) Site Specific Conservation Objectives for these European Sites,
- (ii) Current conservation status, threats and pressures of the qualifying interest features as summarised in the Inspector's report,
- (iii) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, specifically (a) potential impacts from surface water (increased run-off, sedimentation and contamination) during construction and operation and (b) the spread of invasive species during construction, and
- (iv) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report as it relates to the spread of invasive species during construction in respect of the implications of the proposed development on the integrity of the aforementioned European sites, having regard to the site's Conservation Objectives.

However, the Commission did not agree with the assessment and conclusion of the Inspector that deficiencies existed in the surface water and SuDS strategy and therefore potential effects on European Sites have not been adequately mitigated against. Rather, on the basis of the submissions received including inter alia the Natura Impact Statement Report, the Commission was satisfied that there were no deficiencies in the surface water and SuDS strategy, and determined that the managed and mitigated conveyance of freshwater into Wexford Harbour and Slobbs SPA and Slaney River Valley SAC via the Carricklawn Stream at a location immediately adjacent to the Slaney River would not, individually or in combination with other plans or projects, adversely affect the integrity of European Sites or cause deterioration of waterbody status under the Water Framework Directive.

In overall conclusion, the Commission concurred with the assessment of the planning authority, and was satisfied that the proposed development would not adversely affect the integrity of European site(s) in view of the site's Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

Conditions

- 1) The development shall be carried out 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) Prior to the commencement of development, the applicant shall submit the following for the written agreement of the planning authority prior:
 - a) Details of the permeability link between Stoney Park and the development,
 - b) Revised details of an overall quantum of car parking in accordance with the Development Plan requirements, to include arrangements for dedicated parking for the creche within the boundary of the development site, and
 - c) The proposed new pedestrian footpath along the southern side of the R730 shall be omitted, and replaced by a new pedestrian crossing to the existing footpath on the northern side of the R730.

Reason: In the interests of the proper planning and sustainable development of the area.

- 3) The 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: In the interest of public health.

- 4) Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

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

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

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

- 6) Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of the agreed landscaping plan. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

- 7) 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.

Reason: In the interests of visual and residential amenity.

- 8) The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the

planning authority prior to commencement of any development. Prior to commencement of any development on the overall site, details of the first phase shall be submitted to, and agreed in writing with, the planning authority.

Reason: To ensure the timely provision of services, and for the benefit of the occupants of the proposed dwellings.

- 9) A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of 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 residential amenities, public health and safety, and environmental protection.

- 10) Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 11) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan. This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

- 12) Prior to commencement of development, a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) shall be prepared and submitted to the planning authority for written agreement. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interests of reducing waste and encouraging recycling.

- 13) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

Reason: In the interests of sustainable transport and safety.

- 14) The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

- 15)(a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, and kerbs shall comply with the detailed

construction standards of the planning authority for such works and design standards outlined in Design Manual for Urban Roads and Streets (DMURS).

(b) Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of all locations and materials to be used shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

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

16) All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

17) The landscaping scheme as submitted to the planning authority 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 interests of residential and visual amenity.

18) The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance

of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record, archaeological excavation and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

- 19) The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

- 20) Proposals for an apartment 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 apartment 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 placenames for new residential areas.

21) 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 provision of housing on the land 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.

22) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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 that the public road is satisfactorily reinstated, if necessary.

23) 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.

Note

1. The Commission were satisfied there was sufficient information on the file concerning the levels on the eastern boundary including, inter alia, Plate 10 of the Inspector's images and the contour lines on drawing number A1.1 rev A, to determine that the omission of unit numbers 81 and 92 would not be warranted.