

An
Coimisiún
Pleanála

Direction
CD-021066-25
ABP-322458-25

The submissions on this file and the Inspector's Report were considered at meetings held on 28/08/2025, 13/10/2025 and 20/10/2025.

At the Commission meeting held on the 13/10/2025 the Commission made a determination in relation to this case. Subsequently, it became clear that owing to an inadvertence, on the 29th of September '25, a response was received from the HSA in response to the S132 notice that had not been placed on the file, and therefore this response had not been available to the Commission on the date of that meeting.

The Commission decided to reconvene at a meeting held on the 20/10/2025, to review and consider the content of the submission received, before it reached a final overall determination of the case, on 20/10/2025.

The Commission decided to grant permission generally in accordance with the Inspectors recommendation, for the following reasons and considerations, and subject to the following condition.

Reasons and Considerations

The Commission made its decision consistent with the Climate Action and Low Carbon Development Act 2015, as amended; and the Climate Action Plan 2024 and Climate Action Plan 2025.

Having regard to the nature and extent of the proposed road development, to the nature of the site, and to the existing and permitted pattern of development in the area, including a

Protected Structure in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would comply with the Core Strategy and Objectives as set out in the Wexford County Development Plan 2022-2028, including Core Strategy Objectives CS01, CS06, and CS13, and Objectives TS42, ED06, ED09, ED47, ED48 and ED64, would not seriously injure the residential amenities or the character of the area, would be acceptable in terms of traffic safety and convenience and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Commission considered the documents submitted with the application, and all the other relevant submissions on file, and carried out an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that Wexford Harbour and Slobbs Special Protection Area, (Site Code 004076), Slaney River Valley Special Area of Conservation (Site Code 000781), Seas off Wexford Special Protection Area (Site Code 004237), The Raven Special Protection Area (Site Code 004019), and Raven Point Nature Reserve Special Area of Conservation (Site Code 000710) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an Appropriate Assessment of the implications of the proposed development on Wexford Harbour and Slobbs Special Protection Area, (Site Code 004076), Slaney River Valley Special Area of Conservation (Site Code 000781), Seas off Wexford Special Protection Area (Site Code 004237), The Raven Special Protection Area (Site Code 004019), and Raven Point Nature Reserve Special Area of Conservation (Site Code 000710), in view of the sites' conservation objectives. 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 conservation objectives of the sites using the best available scientific knowledge in the field.

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

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal including adoption of the Construction Environmental Management Plan (CEMP), and
- (c) the proposed development will not affect the attainment of conservation objectives for the identified European Sites, or prevent or delay the restoration of favourable conservation condition for these Sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites in view of their conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 26th day of February, 2025, 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. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

3. The development shall comply with the following requirements:
 - (a) drainage arrangements, including 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,
 - (b) prior to the commencement of development, design and construction details of the proposed tree pits and soakaways shall be submitted for the written agreement of the planning authority, and
 - (c) no surface water shall discharge from the sites onto adjoining land, the access road or the public road.

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

4. The landscaping scheme shown on drawing numbers 24/MORCE/DM/R/001 and 24/MORCE/DM/R/002, as submitted to the planning authority on the 26th day of February 2025, shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating,
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes, including of the proposed entrance wall.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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, 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 visual amenity.

- 5. (a) All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Assessment by Maurice F. Hurley dated February 2025 submitted as further information to the planning authority shall be implemented in

full, except as may otherwise be required in order to comply with the conditions of this permission. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

- (b) No groundworks within the development exclusion area in Site 3 and 4 shall be permitted that could potentially impact negatively on the archaeological site;
- (c) The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, and/or the implementation of agreed preservation in-situ measures associated with the development, following consultation with the Local Authority Archaeologist or the National Monument Service (NMS). 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 (preservation in-situ/excavation).
- (d) 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.
- (e) 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 archaeological 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 either in situ or by record of places, caves, sites, features or other objects of archaeological interest.

6. Upon completion of the development of the road infrastructure, the developer shall complete Stage 3 and 4 Road Safety Audits, to be carried out by an independent, approved and certified auditor. Recommendations contained in the Road Safety Audit and agreed actions shall be signed off by the audit team and agreed in writing with the planning authority.

Reason: In the interest of pedestrian and traffic safety.

7. 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 prior to the first use of the site the access road serves.

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

8. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be available at the construction site office for inspection by the

planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

9. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) the location of areas for construction site offices and staff facilities;
 - (c) details of on-site car parking facilities for site workers during the course of construction;
 - (d) details of root protection areas and tree protections;
 - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) a wheel washing facility shall be provided for the duration of the construction period, adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development;
- (k) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (m) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

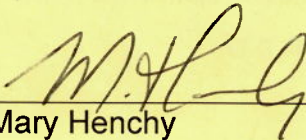
Reason: In the interest of amenities, public health and safety and environmental protection.

10. 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.

Planning

Commissioner:


Mary Henchy

Date: 24/10/2025