



Planning and Development Acts 2000 to 2019

Planning Authority: Wexford County Council

Planning Register Reference Number: 20191014

Appeal by Eugene Doyle and others care of Martin Sinnott Chartered Civil Engineer of Finchogue, Enniscorthy, County Wexford against the decision made on the 6th day of September, 2019 by Wexford County Council to grant subject to conditions a permission to Green DCBM Limited care of Mosart Architects of Wicklow County Campus, Clermont House, Rathnew, County Wicklow in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of 60 number dwellings consisting of 16 number two bedroom dwellings (unit type A01), 4 number two-bedroom dwellings (unit type A02), 18 number three-bedroom dwellings (unit type D01), 12 number three-bedroom dwellings (unit type D03), 10 number three-bedroom dwellings (unit type G01), together with all site ancillary works at Clonhasten, Enniscorthy, County Wexford. Site access off the R744 and Templeshannon Roads, main services connections, attenuation tanks, together with overall site ancillary works previously granted under planning reference number 20180945.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the nature, extent and design of the proposed development and the relevant provisions of the Wexford County Development Plan 2013-2019 and the Enniscorthy Town and Environs Development Plan 2008-2019, 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, would be acceptable in terms of pedestrian and traffic safety and would provide for an appropriate form and density of residential development on zoned lands. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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. All houses shall be provided with minimum storage provision as set out in Table 5.1 of the 'Quality Housing for Sustainable Communities' issued by the Department of the Environment, Heritage and Local Government in 2007. Suitable access to attic storage shall be indicated if chosen as a storage location. 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 interest of residential amenity and to ensure that future permeability is protected.

3. All mitigation measures outlined in Sections 9.1 and 9.2 of the Natura Impact Statement prepared by Verdé Environmental Consultants Limited and the environmental management measures detailed in the Construction Environmental & Waste Management Plan shall be implemented in full by the developer.

Reason: To ensure the continued conservation and preservation of natural habitats and species listed in the Habitats Directive.

4. All mitigation measures outlined in Section 6 - Conclusions & Recommendations of the Noise Impact Assessment prepared by Verdé Environmental Consultants Limited shall be implemented in full by the developer.

Reason: In the interest of residential amenity.

5. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works and shall comply with all relevant provisions of the Design Manual for Urban Roads and Streets (DMURS), including carriageway widths and corner radii.

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

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, 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 by the developer for occupation of any dwelling unit.

Reason: In the interests of amenity and public safety.

7. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

8. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

9. (a) The developer shall engage the services of a suitably qualified archaeologist to carry out the archaeological mitigation measures as outlined in Section 8 of the Archaeological Assessment Report submitted with the application. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.

- (b) The archaeologist shall carry out licensed metal detection surveys (including the field boundaries to be removed), develop an archaeological and artefact retrieval strategy on the basis of results and in consultation with the Department of Culture, Heritage and the Gaeltacht and the National Museum of Ireland, agree protective measures in advance of site preparation and construction works to ensure the preservation/protection of archaeological features (burnt mound material) discovered during previous testing licence (licence 07E1124 Carroll) and archaeological monitoring of topsoil stripping (licensed under the National Monuments Acts 1930-1994).

- (c) A detailed final report describing the results of all archaeological work carried out on site, including any subsequent archaeological excavation by hand and required specialist post-excavation reports, shall be submitted to the relevant authorities following the completion of all archaeological works and the costs shall be borne by the developer.

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

10. 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. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

11. All rear gardens shall be bounded by block walls, 1.8 metres in height, capped and rendered, on both sides, to the written satisfaction of the planning authority. Post and timber panel fences shall not be used.

Reason: In the interests of residential and visual amenity.

12. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
- (i) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder,
 - (ii) details of screen planting which shall not include cupressocyparis x leylandii,

- (iii) details of roadside/street planting which shall not include prunus species, and
 - (iv) hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels,
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation, including details of phasing.

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.

13. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 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 amenities of property in the vicinity.

14. 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 noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

15. 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 area.

16. The roads, footpaths and public lighting which are the subject of this planning application shall be carried out and completed to the construction standards as set out in the Wexford County Council's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority. The areas of public open space shown on the plans submitted with the application shall be soiled, seeded and landscaped in accordance with the landscape scheme submitted with the application. These works shall be completed before any of the dwellings are made available by the developer for occupation and shall be maintained as public open space by the developer until taken in charge by the planning authority. At the time of taking in charge, these open spaces shall be vested in the planning authority as public open space, at no cost to the authority.

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

17. 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 in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may 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 of the area.

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.

Chris McGarry
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.