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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 20211678**

**Appeal** by Michael Foley and Michael Tierney of 2 Crosstown Manor, County Wexford against the decision made on the 10<sup>th</sup> day of August, 2022 by Wexford County Council to grant subject to conditions a permission to LHM Properties Holdings Limited care of Arcadia Architects of Ardavan, Dublin Road, Wexford, County Wexford, in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Full Planning Permission for the development of a part four-storey and part-two storey nursing home building comprising 150 number bedrooms and ancillary accommodation. Together with building signage, vehicular access, on site car parking, bin store, landscaping, boundary treatments, and connection to existing mains services and all associated site works, at Crosstown, Ardavan, County Wexford.

**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.**

## **Reasons and Considerations**

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered:

1. That the development would not set an undesirable precedent nor be contrary to the proper planning and sustainable development of the area by virtue of the fact that it is was considered a use open for consideration under the 2009-15 Wexford Town and Environs Development Plan, open to consideration and that the development would meet the requirements of Section 15.6.2., SC 32 of the Wexford County Development Plan 2022-28.
2. That a mobility management condition will satisfy concerns in relation to traffic concerns.
3. That compliance with conditions will satisfy concerns in relation to potential interference with the proposed Orbital Inner Relief Road.

## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by the planning authority on the 22nd day of June 2022 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 developer shall submit to the planning authority, for their written agreement, a detailed plan which identifies the consultants responsible for ensuring full compliance with the mitigation measures identified and contained within the Natura Impact Statement. All other plans and particulars submitted with the application, including mitigation measures, shall be implemented in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interests of clarity, and of protecting the environment and public health.

3. All lighting for the proposed development shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting.

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

4. Dust emission or total particulate release to the airborne environment shall not exceed 350 mg/m<sup>2</sup> per day. Dust measurements shall be carried out, in real time, by direct reading airborne particle measuring equipment capable of measuring different dust particle sizes simultaneously, to include a Total Suspended Particles (TSP) and Particle Matter <10 um (PM10) fractions. The equipment shall have English EA MCERTS certification or equivalent.

**Reason:** In the interest of public health.

5. The construction of the proposed 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 all intended construction practice for the proposed development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and residential amenity.

6. Water supply and drainage arrangements, including the attenuation and 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 and surface water management.

7. Prior to commencement of development, the developer shall enter into a water and wastewater connection agreement with Uisce Éireann.

**Reason:** In the interest of public health.

8. The proposed landscaping scheme shall be carried out within 12 months from that date when any building hereby permitted is occupied or carried out as the case may be; any trees or shrubs planted in accordance with this condition which are removed, die, become severely damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

**Reason:** In the interests of residential and visual amenity.

9. The noise emanating from the development shall not, when measured at the outside of any dwelling in the area, on the facing elevation, exceed;-

- 55dB(A) (Laeq 1 hour) between the hours of 0700 to 2100 on Monday to Saturday inclusive
- 42dB(A) (Laeq 1 hour) between the hours of 2100 to 0700 on Monday to Sunday inclusive
- 55dB(A) (Laeq 1 hour) during the day on Sundays and Bank Holidays.

**Reason:** To protect residential amenities of the adjoining dwellings and in the interests of public health.

10. A 10-metre-wide corridor within the site area shall be set aside to facilitate the provision of future road access to the north of the site as shown on the plans submitted. A footpath shall be constructed to demarcate the boundary of the possible future road connection.

**Reason:** To ensure that the development does not impact on the need for future access roads as set out in the Wexford Town and Environs Development Plan 2009-2015, as extended.

11. All footpaths and roadways final designs shall comply with the relevant current standards and design guidance for street design, footpaths and roads including good design practice on accessibility of streetscapes and the Design Manual of Urban Roads and Streets (DMURS), 2019.

**Reason:** In the interest of traffic safety and to ensure access for all.

12. 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.

  
Liam Bergin

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

Dated this 28<sup>th</sup> day of March 2024.