

An
Coimisiún
Pleanála

Commission Order
ACP-323578-25

Planning and Development Act 2000, as amended

Planning Authority: Wexford County Council

Planning Register Reference Number: 20250793

Appeal by Simon Horgan of Apartment 4, 17A Lower Baggot Street, Dublin against the decision made on the 8th day of August, 2025 by Wexford County Council to grant subject to conditions a permission to Sharon Osborne care of O'Dea and Moore Architects of 9 Castlewood Park, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Replacement of existing partially demolished house (Foley's Cottage) with a new two-storey house and all associated site works at Main Street, Ferns, Ferns Upper, 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

Having regard to the Wexford County Development Plan 2022-2028, and having regard to the pattern of development in the area of the site, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of design, would not seriously injure the visual or residential amenities of the area, including the adjacent former bank building to the north west, and would not contravene the policies or provisions of the development plan. 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. (a) The developer shall engage a suitably qualified archaeologist (licensed under the National Monuments Acts) to carry out archaeological monitoring of all demolition and site clearance works and a programme of pre-development archaeological testing in the proposed development site and to submit an archaeological impact assessment report to the Planning Authority and the Department of Housing, Local Government and Heritage in advance of any construction works. The report shall include an archaeological impact statement and mitigation strategy. No construction works shall be carried out on site until the archaeologist's report has been submitted and approval to proceed is agreed in writing by the planning authority.
- (b) 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 Department, shall be complied with by the developer.
- (c) Where necessary, 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, shall be submitted to the planning authority and the Department.
- (d) All archaeological costs shall be borne by the developer.

Reason: As the site is located within a zone of archaeological potential associated with Ferns Historic Town (Sites and Monuments Record Ref WX015-003) there is a risk that archaeological material could be damaged or destroyed as a result of the development.

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 with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

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

5. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

6. 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 construction traffic management, noise management measures and off-site disposal of construction/demolition waste.

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

7. 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 the 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 Coimisiún 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.



MaryRose McGovern

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 25th day of November 2025.