



An
Bord
Pleanála

Inspector's Report PL 26.248159

Development	220 dwellings, a crèche and associated site works
Location	Kilnahue and Gorey Hill, Gorey Rural, County Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20160623
Applicant(s)	Gerard Gannon Properties
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Charles Somers Paula Redmond & Victor Breen Matt & Anne Hudson & Others
Date of Site Inspection	13 th June 2017
Inspector	Kevin Moore

1.0 Site Location and Description

- 1.1. The site of the proposed development is located to the south-west of the town of Gorey in County Wexford, located between the Carnew and Kilnahue Roads. It comprises four agricultural fields of irregular shape that slope north-west to south-east. The boundaries of the site comprise hedgerow. A former cottage and associated outbuildings in a derelict state are located at the north-east part of the site.
- 1.2. The site is bounded to the north by Kilnahue Lane, to the south by the Carnew Road (R725) and detached houses, to the west by agricultural lands and to the east by agricultural lands and detached housing. Residential development in the immediate vicinity generally consists of detached dwellings. Kilnahue Lane is a local access road serving a number of detached houses, two primary schools and a motor service unit. It has a footpath and a cycle path along its northern side for approximately 300m from the junction with Carnew Road which provide access to the schools. Carnew Road is a recently upgraded regional road. From the junction with Kilnahue lane it has a footpath, cycle path and layby parking for the first 80m of its northern edge. Beyond this a footpath continues on its southern edge. A 50kph speed limit applies in this general area.

2.0 Proposed Development

- 2.1. The original proposed development comprised the construction of 219 dwellings and a crèche on a site area of 15.3 hectares. The applicant seeks a ten-year planning permission and proposes the development be undertaken in nine phases.
- 2.2. The original housing mix consisted of:
 - 10 no. two-bedroom semi-detached units,
 - 64 no. three-bedroom semi-detached units,
 - 20 no. three-bedroom detached units,
 - 90 no. four-bedroom semi-detached units, and
 - 35 no. four-bedroom detached units.

The applicant describes the layout of the development as consisting of a series of clusters, each of which are self-contained and generally comprising circa 20 units. A series of open spaces would be provided within the scheme, totalling 7.25 acres. This would include a playground and a basketball/tennis play area.

The crèche would be a single-storey, detached structure, with a stated floor area of 523 square metres and would include associated play areas. It was originally sited at the northern end of the site with independent access onto Kilnahue Lane.

The proposal would include the development of a new vehicular access onto Regional Road No. R725 (Carnew Road) and the upgrade/improvement of a portion of Kilnahue Lane, including the provision of a vehicular access. Derelict structures (a former cottage and associated outbuildings) would be removed at the north-east end of the site.

A total of 474 car parking spaces would be provided, two spaces within the curtilage of each house, 27 spaces for the crèche, and an overflow car park with 9 spaces on the spine road within the estate.

Details submitted with the application included a planning report on the suitability of the site, an archaeological, architectural and cultural heritage appraisal, a traffic management plan and an engineering assessment report.

With the submission of further information, the application was revised - the proposed crèche was relocated to the west of the proposed spine road, one of the two proposed vehicular accesses onto Kilnahue Lane was removed, and the number of houses in the scheme was increased to 220.

3.0 Planning Authority Decision

3.1. Decision

On 20th February 2017, Wexford County Council decided to grant permission for the development subject to 30 no. conditions. Condition no. 2 limited the permission to 5 years. Condition no. 7 sought a special development contribution for road works.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted the site's planning history, reports received, and observer submissions made. Reference was also made to a range of provisions in the Wexford County Development Plan 2013-2019 and the Gorey Local Area Plan. It was considered that environmental impact assessment and appropriate assessment were not required for the development. The layout of the development was considered acceptable and it was submitted that a good range of house types was proposed. The density of development, at 5.7 units per acres, was considered to be within the range permitted under the LAP. Public and private open space provisions were considered generous. The provision of the crèche at phase 5 of the development was regarded as acceptable, as were the proposed phasing and drainage and attenuation measures. It was considered that a bat survey could be conditioned to be carried out at an appropriate time and that an appropriate pre-commencement condition be attached to a grant of planning permission to ensure appropriate archaeological monitoring and testing is carried out. In concluding, it was noted that the site is zoned 'Long Term Residential' and it was considered that the density, layout and phasing were acceptable. It was recommended that further information be sought in relation to road layout issues, comment on incursion on a right of way, and the submission of a landscaping plan for the site.

3.2.2. Other Technical Reports

The Planner in the Biodiversity and Forward Planning Section recommended a bat survey be undertaken and submitted as further information.

The Senior Executive Scientist (Environment) recommended that permission is granted.

The Roads Engineer recommended that further information be sought in relation to discussing in greater detail road proposals impacting on the public road network in the vicinity of the site.

3.3. Prescribed Bodies

The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs requested further information in the form of an archaeological impact assessment.

3.4. Third Party Observations

Objections to the proposal were received from Michael and Daniel Kelly, Charles Somers, Nora and Noel Grimes, Paula Redmond and Victor Breen, Desmond and Cora O'Brien, Desmond Poole, Kilnahue Lane Residents c/o Suzanne Paisley, and Kilnahue Lane Residents c/o Matt Hudson. The grounds of the appeals addressing the main concerns raised. Following receipt of further information, further submissions were received by the planning authority from Desmond and Cora O'Brien, Laura Grimes and Noel Glennon, Charles Somers, Paula Redmond, Kilnahue Lane Residents c/o Matt Hudson, Cllrs. Malcolm Byrne, Fionntán Ó Súilleabháin, Mary Farrell and Robert Ireton, and Kilnahue Lane Residents c/o Suzanne Paisley

On 29th June 2016, Wexford County Council sought further information in accordance with the Planner's recommendation. A response to the request was received by the Planning Authority on 26th January 2017. The details included an engineering report on traffic matters, a tree survey and plan of preservation and impact assessment, a landscape report, and associated drawings. The details included the relocation of the proposed crèche to the west of the proposed spine road and removal of one of the two proposed vehicular accesses onto Kilnahue Lane, as well as the increase in the number of houses to 220.

The reports to the planning authority following the submission of further information were as follows:

The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs recommended that an archaeological impact assessment be prepared, with the statement being submitted in advance of any site preparation and/or construction works to enable the Department to advise on any further archaeological

requirements in advance of the construction phase. A recommended condition was set out.

The Roads Engineer recommended that permission be granted subject to conditions.

The Planner noted that the Council would undertake to carry out works to the public road required to facilitate the development and that the works would be funded by a specific development contribution. Reference was made to provisions under the Draft Gorey Local Area Plan 2017-2023 but it was stated that the application would be assessed under the 2010 Plan. It was considered the overall development is broadly in line with the Draft Plan. It was further considered that the works proposed to Kilnahue Lane would see a significant improvement of the lane with the provision of footpaths, public lighting and cycle lanes. It was also noted that the inner relief road had been completed, which would facilitate those from the area to access the M11 motorway without going through the town centre. The further information responses were regarded as acceptable. The application for a ten-year permission was considered excessive, when the opportunity exists for an extension of permission under legislation and limiting the permission to five years was considered appropriate. A grant of permission subject to conditions was recommended.

An Appropriate Assessment Screening Report concluded that significant impacts on Natura 2000 sites could be ruled out and a Stage 2 Appropriate assessment was not required.

4.0 Planning History

P.A. 2007/3736

Permission was refused by Wexford County Council for 261 dwellings and a crèche and retail unit.

P.A. Ref. 2014/0557

Permission was refused by Wexford County Council for 206 dwellings and a crèche.

5.0 Policy Context

5.1. Gorey Town and Environs Local Area Plan 2017-2023

Zoning

Excepting the north-western section of the site, the site is zoned 'Residential' with the objective "To protect and enhance the residential amenity of existing and developed communities and to provide for new residential development, associated residential services and community facilities." The north-west section is zoned 'Open Space and Amenity' with the objective "to protect and provide for recreation, open space and amenity area".

Neighbourhood Framework Plans (NFPs)

The site is located within the area of the Creagh Neighbourhood Framework Plan.

Key objectives for this NFP include:

10. To facilitate the design of new development areas using robust urban block structures, with a presumption in favour of a perimeter block typology.
11. To encourage a variety of building types and densities which reflect the function and hierarchy of routes and spaces in the area, with the new avenues and focal spaces providing for greater continuity and scale of building form and the secondary streets and spaces providing for lower scale and density.

The Plan provides for a new local open space of 2.8 hectares along the west / north-west section of the appeal site.

6.0 The Appeals

6.1. Appeal by Charles Somers

The grounds of the appeal of the appellant, with an address at 'Hazeldell', Kilnahue, Gorey, may be synopsised as follows:

- The proposed development will encroach substantially on the appellant's privacy, resulting in overlooking, with houses to the rear and side, higher gradients, houses greater in height, and unspecified party boundary treatment.
- The Carnew Road and Kilnahue Lane are inadequate and are not suitable for the volume of traffic that would be generated. The sightline onto the R725 is insufficient as is the sightline at the junction of the R725 and Kilnahue Lane. Despite the provision of a path, Kilnahue Lane remains far too narrow.
- Proposed road makings on the R725 to provide a right turning lane impact on vehicular access into and out of the appellant's property.
- Current water supply is at capacity and there is limited capacity in the town waste water treatment plant.
- The development includes the destruction of a remnant rural laneway which is an historic public right of way and is significant in terms of rural heritage and biodiversity. There are also numerous recorded monuments in the vicinity.
- The proposal is an urban development in a rural area. It will severely impact the landscape.
- Despite claims by the applicant in the application on public consultation, there was no consultation with the appellant.
- The appellant had limited access to the further information submission to allow for a reply.

6.2 Appeal by Paula Redmond and Victor Breen

The grounds of the appeal may be synthesised as follows:

- The Carnew Road and Kilnahue Lane are not suitable for the traffic that would be generated (deficiencies detailed in appeal).
- The Kilnahue Lane R725 junction will have inadequate sightlines and concerns are raised about inadequate footpaths and cycle lanes, as well as potential development on the Gorey side of the junction impacting on traffic.

- The proposal includes the destruction of a remnant rural laneway that seems to have been an extension of the nearby Sweepwalk lane, a significant part of the rural heritage of the locality and an historic public right of way.
- The proposed development constitutes excessive suburbanisation contrary to Departmental planning guidelines, *Sustainable Residential Development in Urban Areas*, and its scale is not in keeping with other estates in the vicinity.
- Despite claims by the applicant in the application on public consultation, there was no consultation with those most affected.
- There is inadequate parking for the proposed crèche and there is concern it may end up lying idle.
- This large site should never have been zoned residential and there is an excessive number of four bedroom houses.
- Permission for one house was refused on a site across the road from the proposed site because it was considered injurious to visual amenity. The development of 220 houses will destroy the rural setting.
- The proposal will adversely affect the floral biodiversity of the area.
- An Access Statement has not been submitted with the application contrary to Objective HP21 of the Wexford County Development Plan.
- Detailed drawings and specifications of the boundaries of the development with adjacent landowners have not been submitted for approval.
- It is queried how the planning authority can address the occupancy condition for such a large development in an Area under Strong Urban Influence.
- The site visit for the landscape report was in November. The site should also have been visited in Spring/Summer so that all flowering plant life could be identified.
- The town currently has no water capacity to cater for this development and, while the Gorey/Courtown treatment plant has been recently upgraded, the sewage pipe network in the vicinity of the site would have to undergo large upgrades to cater for a development of this size.

- There is no planning condition in relation to an adequate estate name in keeping with the local area.
- The Council's restrictive practices with regards to viewing of planning files is contrary to fair, inclusive and proper planning.

6.3 Appeal by Matt and Anne Hudson and Others

The appellants are residents of Kilnahue Lane. The grounds of the appeal may be summarised as follows:

Preliminary Considerations

- It is queried whether the applicant has sufficient legal interest to carry out the works on Kilnahue Lane.
- Little specific detail is provided on proposed works to Kilnahue Lane.
- The adequacy of the Appropriate Assessment report is queried.
- The EIS screening report is insufficient as it contains no environmental assessment scoping. An EIS should be required for a development of this scale in the location proposed.
- Concern is raised about agreements reached between the planning authority and the applicant at further information stage without the input of local residents.
- Purported consultation with residents of the area did not take place.
- The phasing schedule for the development needs to be revised so that infrastructure is in place during the five-year life of the permission, as do financial contribution conditions.
- The zoning of the site indicates that the proposed development is premature due to infrastructural deficiencies and the meaning of the zoning provision for the lands.

- The proposed development is premature pending the adoption of the Creagh Neighbourhood Framework Plan.
- The proposed development is contrary to the following provisions of the Wexford County Development Plan – Objectives T23, T24, T28, T29, T30, T31, Section 8.5.3 in relation to local roads,

Grounds of Appeal

- The reasons for refusal in the previous application on this site have not been addressed.
- The principle of the development requires to be reviewed in light of other lands closer to the town centre being available.
- The proposed development will open up additional lands to development resulting in greater levels of traffic entering and exiting Kilnahue Lane. Necessary infrastructure works should take place prior to residential development.
- Significant traffic congestion would result on Kilnahue Lane, a substandard road where traffic to schools is now significant and causes daily congestion. Kilnahue Lane is a narrow rural road where an 80kph speed limit applies.
- Concerns are raised about the adequacy of the applicant's traffic survey, parking survey and the Traffic Management Plan, assumptions on trip generation and traffic distribution, impacts at the time of peak flows on the public road, the capacity of Kilnahue Lane and the junction with the Carnew Road, vehicular traffic from the proposed development to the nearby schools, and the lack of a cycle lane on the R725. Concerns are also raised about the proposed traffic calming measures on Kilnahue Lane, junction design details, inadequacy of cycle lane provision, and the lack of a construction management plan.
- The proposed crèche would add to peak traffic issues on Kilnahue Lane and would be better located with access onto the R725. The internal access road

between the R725 and Kilnahue Lane will be used as a rat run for drop-offs and collections.

- There is a need for a turning circle and drop off area to ease the traffic burden at the lane pinch point.
- The proposed entrance onto the R725 is ill conceived and poorly considered, will be unsafe and will have safety impacts on pedestrians and cyclists.
- The proposal does not address public transport deficiencies and excessive parking provision indicates heavy reliance on the car.
- The proposed development will impact on residential and visual amenity by way of noise, increase in traffic and visibility. The proposed landscaping will make Kilnahue Lane appear more suburban. All development proposed should be set back a fair distance from Kilnahue Lane to ensure a balance between established and proposed residential amenities, requiring the removal of eight houses from the scheme. The six houses proposed to adjoin the R725 amount to ribbon development and should be removed.
- The impact of the proposal would result in the depreciation of the value of established properties.

In conclusion, the appellants submit that if permission is to be granted conditions should apply that require:

- the entire length of Kilnahue Lane to be a two-lane road or the exit to the Lane be moved entirely to the Carnew Road or putting an estate exit opposite the existing national schools if an improved road system is put in place,
- the dangerous bend opposite the schools is remedied,
- housing along the lane is set back,
- the pedestrian crossing on the lane is set back a safe distance from existing residential exits, and
- the lane is not used as a construction site access point.

6.2. Applicant's Response

The response to the appeals may be summarised as follows:

Traffic Impact and Proposed Road Upgrading

- The access and upgrade works were deemed acceptable by the Council.
- The junction with Carnew Road will provide a safe and efficient access, sight distance complies with NRA standards, the solid white centreline on the road will not impact on the operation of the junction, and the junction is located within the 60kph speed limit zone. Significant road upgrades and improvements are proposed.
- Sight distances at the junction of Carnew Road and Kilnahue Lane are in excess of recommended standards, the junction has adequate capacity, it will be subject to improvements, including for pedestrians.
- Details of the proposed upgrading of Kilnahue Lane have been provided and traffic turning in a westerly direction will not be significant along the lane. Sightlines at the proposed access to the lane will be well in excess of standards. Planning permissions for the schools include drop-off points within the school grounds and the school does not rely on drop-off along Kilnahue Lane.
- Traffic restraint features will be introduced to ensure the estate road will not become a rat run. The entrance onto Kilnahue Lane is the second entrance to the estate, is extensively traffic calmed and adequate drop-off provisions have been made for the crèche.
- Significant pedestrian and cycle facilities are proposed to facilitate increased walking and cycling.
- The traffic survey undertaken was adequate for its purpose and the industry standard data base was used for traffic assessment.

Water Supply and Waste Water

- The new upgrade works to the Courtown/Gorey waste water treatment plant are complete, with a capacity of 35,000 PE.

- Following consultation with Irish Water and the planning authority, it is confirmed that there are no issues with supplying the development with potable water.

Cultural Heritage

- The proposed development will have no impact on recorded monuments or protected structures.
- Pre-commencement archaeological testing is proposed.
- No right of way has been found regarding the relic laneway. However, the applicant proposes to accommodate adjacent landowners and the layout was amended accordingly during the further information stage.

Biodiversity, Appropriate Assessment and Environmental Impact

- The proposal was screened to determine if EIA was required and it is not required.
- The proposal was screened for AA. A further AA screening report concludes the project was screened for AA under the appropriate methodology and found no significant effects on Natura 2000 sites are likely to arise.
- An ecological impact statement has been prepared and concludes the site is in a location characterised by agricultural habitats and is an area which is increasingly urban in nature. Mitigation measures are available to reduce potential negative effects.

Privacy and Boundary Treatment

- A landscaping and boundary treatment plan was submitted as part of the application and was revised by way of further information to include a two metre wide tree belt on the eastern boundary. Extensive hedgerow reinforcement planting is proposed also. Appropriate separation distances are provided and boundary treatments of suitable height, design and finishes are also proposed.

Occupancy

- The lands are within the development boundary of the Local Area Plan and have been zoned for a considerable number of years. They are not subject to provisions for rural one-off housing.

Development Plans and the Creagh Neighbourhood Framework Plan

- The proposal was correctly assessed under the Gorey LAP which is the statutory plan. The Council has confirmed that the proposal is broadly in line with the principles and objectives of the new Draft Plan.
- The necessary physical, social, community and recreational services/facilities have been provided and are being provided as part of the application.
- The Creagh Neighbourhood Framework Plan in the Draft LAP is a guidance tool. The application is generally in keeping with the principles and overall vision contained in the framework plan.
- Noting the lands are zoned 'residential' in the Draft Plan, the lower density proposal is considered appropriate and sustainable in keeping with the surrounding environment.
- The Draft LAP and Creagh Framework Plan seek to propose a number of accesses onto the regional road and Kilnahue Lane, in conflict with the general consensus of local residents. In the application access was limited to one point on Kilnahue Lane in the interest of local residents and road safety. Considerable improvements are also proposed in relation to footpaths, cycle paths and lighting. The proposal is considered to represent an appropriate design response.

Density

- The lands are within the development boundary of Gorey and are zoned for residential use.
- The overall density of 5.7 units per acre is in accordance with the zoning objective.

- A wide range of house types is proposed.
- The low density scheme assimilates into the transitional zoning area on the edge of Gorey.

The response submission includes appended reports on architecture, roads and traffic, water and waste water, landscaping, cultural heritage, and ecology.

6.3. Planning Authority Response

The planning authority's submission may be summarised as follows:

- The site is within the Gorey town boundary, is zoned 'Long Term Residential' and is identified as suitable for residential development.
- Proposals for upgrading the R725 and Kilnahue Lane are deemed acceptable.
- The use of distinct clusters in the layout will facilitate a phasing plan.
- Proposed entrances are within the town boundary where the speed limit applies.
- There is sufficient capacity in the water supply and existing capacity in the Gorey waste water treatment plant to serve the development.

The Board is asked to uphold the Council's decision.

6.4. Further Responses

Irish Water had no objection to the proposed development in principle. It was requested that a site investigation be carried out prior to any development to locate underground infrastructure and any proposals to divert existing water services and any temporary connections be agreed with Irish Water.

The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs recommended the attachment of a condition relating to archaeological impact assessment.

Charles Somers, in response to the applicant's response to the appeals, reiterated his concerns relating to impact on residential amenity, traffic, water supply, the historic road / right of way, and ecology.

Paula Redmond and Victor Green, in response to the applicant's response to the appeals, reiterated concerns relating to ecology, inadequacy of parking, water supply, traffic, residency, compliance with Government guidelines, transport links, loss of the relic laneway, and archaeology.

7.0 Assessment

7.1 Introduction

7.1.1 It is considered that the most significant planning issue in this appeal relates to the proposed development in the context of the current Gorey Town and Environs Local Area Plan. Other issues that will be addressed in my assessment include traffic impact, impact on residential amenity, availability of services, impact on heritage, consultation, access to further information, appropriate assessment, and the need for an environmental impact statement.

7.2 The Development in the Context of the Gorey Town and Environs Local Area Plan 2017-2023

7.2.1 The Board is required to consider the proposed development *de novo*. It is also required to assess the development with regard to the statutory development plan in place. The current Plan applicable to the development of the appeal site is the recently adopted Gorey Town and Environs Local Area Plan 2017-2023. This Plan was adopted before the applicant made its response to the third party appeal submissions. There are significant changes in the provisions of the Plan when compared with that which prevailed under the previous Plan, the most important of which, in my opinion, relate to the zoning of the site and the development of a Neighbourhood Framework Plan. I note that none of the parties to the appeal put any particular strong emphasis on the provisions of this new plan in the submissions to the Board to date. My considerations on the relevant provisions of the new Plan are as follows:

Zoning

7.2.2 The Board will note that, excepting the north-western section of the site, the site is zoned 'Residential' with the objective "To protect and enhance the residential amenity of existing and developed communities and to provide for new residential development, associated residential services and community facilities." The north-west section of the appeal site is zoned 'Open Space and Amenity' with the objective "to protect and provide for recreation, open space and amenity area". Development

that would result in a loss of lands zoned for open space and amenity is not normally to be permitted under the new Plan. It is, thus, apparent that the development of housing on this open space would directly contravene the zoning objective at this location. Applying this restriction to the open space zoned area would result in the loss of approximately 40 housing units on the site. The effect of this zoning provision at this location calls into question the developability of the site as currently proposed in this application.

Housing Density

- 7.2.3 Section 2.3.8 of the new Plan states that the Council will have regard to the *Guidelines for Planning Authorities – Sustainable Residential Development in Urban Areas* and accompanying Design Manual when considering the appropriate density for residential schemes.
- 7.2.4 I note that the proposed scheme comprises the development of 220 houses on a site of 15.3 hectares. The applicant submits that this provides for a density of 5.7 units per acre. The site of the proposed development comprises fully serviceable land. It is zoned for residential uses. This is a density of development that is too low to constitute sustainable development and to provide an efficient and effective use of public services. It is a density of development completely misplaced in the context of the guidance set out in *Sustainable Residential Development in Urban Areas* and requires to be discouraged. The proposed scheme is punctured with an excessive number of large open spaces throughout, using up serviceable, developable lands within the development envelope of the town of Gorey in a location that is being promoted for residential development in accordance with the above-stated Guidelines.
- 7.2.5 The Guidelines (Section 5.11) submit that the greatest efficiency in land usage on outer suburban / 'Greenfield' sites will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and states that such densities should be encouraged generally. It is further stated that development at net densities less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency.

7.2.6 It is my submission to the Board that the density of development proposed is wholly misplaced, constitutes a misuse of serviceable lands in an area zoned for residential purposes within the development envelope of Gorey Town, is unsustainable, and the proposed scheme requires to be refused for these reasons.

7.2.7 In support of the above considerations, I also acknowledge the provisions of Wexford County Development Plan 2013-2019. Objective HP08 seeks:

“To ensure the density of residential developments is appropriate to the location of the proposed development to ensure that land is efficiently used. In deciding on the appropriate density for a particular location the Council will have regard to the existing grain and density of the settlement, the proximity of the site to the town or village centre or public transport nodes, the availability of existing services, the Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual - A Best Practice Guide (DEHLG, 2009) and subject to normal planning and environmental criteria and the development management standards contained in Chapter 18.”

7.2.8 It is clear that the proposed development is not in keeping with *Sustainable Residential Development in Urban Areas*. Furthermore, this is a site serviceable by mains water supply and public sewerage, within the development boundary of one of the County's main towns, and is primarily on lands zoned for residential purposes. Being within the town, existing services are available, community and social services are directly accessible, including three schools in the immediate vicinity, and the occupiers of houses on this land would have ready connectivity to the retail and commercial centres of the town. The density of the proposed development is clearly not in keeping with the provisions espoused in the County Development Plan.

Neighbourhood Framework Plan

7.2.9 The site of the proposed development is located within the designated Creagh Neighbourhood Framework Plan (NFP) as set out in the Gorey Town Local Area Plan. Housing objectives of the Local Area Plan include:

Objective H04 – To require planning applications for residential developments to demonstrate how the scheme complies with the Neighbourhood Framework Plan

which the subject lands are located in. It must be demonstrated how the development complies with the layout, form, density, linkages and accessibility and open space provision. Where a deviation from the framework is proposed, the application must demonstrate that this deviation does not compromise the delivery of the Framework and is equally permeable and proposes a positive relationship with adjacent existing and proposed development, including public open spaces and linkages.

7.2.10 Key objectives for the Creagh Framework Plan include:

3. To provide new connections between existing and new developments in selected locations in the area to address issues of poor local level access and permeability.
4. To enhance the current role of the country roads as green routes, by retaining established landscape features and adding new pedestrian and cycling facilities. (I note that Kilnahue Lane is a designated 'Country Road').
5. To require more attractive, functional and permeable street and space layouts in new development, with careful attention paid to all aspects of street and space design, in accordance with the Design Manual for Urban Roads and Streets,
8. To respect locally-distinctive landscape features such as tree lines and field boundaries in the new urban structure and to enhance these as part of an improved and integrated green infrastructure network.
10. To facilitate the design of new development areas using robust urban block structures, with a presumption in favour of a perimeter block typology.
11. To encourage a variety of building types and densities which reflect the function and hierarchy of routes and spaces in the area, with the new avenues and focal spaces providing for greater continuity and scale of building form and the secondary streets and spaces providing for lower scale and density.

The Plan also provides for a new local open space of 2.8 hectares along the west / north-west section of the appeal site.

I note that the NFP for the Creagh area is compatible with the zoning provisions of the LAP.

7.2.11 Whilst I acknowledge that components of the proposed scheme seek to provide improved linkages, increased accessibility, road upgrades and other infrastructure improvements, it is evident that the form, scale, layout and density of development proposed for this site is incompatible with the NFP provisions. It also undermines the intent of providing a significant open space on the periphery of the Plan area. In order to achieve the objectives of the Framework Plan, it is essential that the critical components of any new scheme, that include appropriate density, scale and form of development, are compliant with the provisions of the Plan from the outset. The development of the scheme as proposed would critically undermine the Creagh NFP. The precedent that would result would be particularly damaging to the form and character of development elsewhere within the NFP and, indeed, elsewhere within the town of Gorey and its environs.

7.2.12 I note that the LAP states that NFPs are indicative frameworks and that local or site constraints and opportunities may become apparent at later planning and design stages, which may require deviation to achieve optimal planning outcomes. It further states that deviations from the framework must be justified on sound urban planning and design grounds. The scale, form, layout and density of the proposed development is so significantly at variance with the Framework Plan that it could not be termed to be merely a deviation from the provisions of the Creagh NFP. The LAP submits that, where there are discrepancies between the proposals contained in the individual NFPs and the overall land use zoning objectives, the land use zoning map takes precedence. It is apparent that the proposal materially conflicts with the land use zoning provisions.

7.2.13 Having regard to the above considerations, it is my submission that the proposed development cannot be accepted on this suburban serviceable site in the form, layout, scale and density proposed. A higher density scheme, compatible with the zoning provisions of the LAP and the NFP, is essential in the interest of proper planning and sustainable development of these lands.

Further to the above, my considerations on the other main planning issues raised in the appeals are set out as follows:

7.3 Traffic Impact

7.3.1 The proposed development and associated proposed accesses would be located within the development envelope of the Gorey Town LAP and would fall within the speed limit control zone for the town. The R725 (Carnew Road) and Kilnahue Lane have been subject to significant ribbon development, resulting in a multiplicity of individual vehicular accesses onto these roads. Higher density development at this location requires controlled access. It is acknowledged that the horizontal alignment of Kilnahue Lane is poor and there are restrictions on carriageway width along its length. I further acknowledge the existing sightlines at the junction with the regional road are somewhat restricted in both directions. I acknowledge the limitations of the regional road, highlighted by the continuous white centreline, indicating poor alignment and restrictions on overtaking along this stretch of road. However, I note the applicant's proposed upgrades that were agreed with the planning authority, which would be undertaken by the planning authority arising out of development contributions that would be made. The proposed improvements are substantial and include:

- realignment of the R725 Carnew Road / Kilnahue Lane junction,
- provision of pedestrian facilities on the R725 Carnew Road,
- provision of pedestrian and cyclist facilities on Kilnahue Lane connecting the development to the existing facilities in the area,
- provision of a right turning lane to the proposed development from the R725, and
- provision of a link road between Carnew Road and Kilnahue Lane.

7.3.2 It is my submission that the drawings and details provided in the application clearly indicate the extent of development proposed to accommodate traffic generated by the proposed development. I acknowledge again that the planning authority are satisfied with the proposed changes being made to improve vehicular movement, to help alleviate congestion, and to improve pedestrian and cycle provisions. In noting the zoning of these lands and the acceptance of these lands as being within the development core of Gorey, such changes to the physical infrastructure to support

the developability of these lands are essential to allow for the expansion of the town in the Creagh area.

- 7.3.3 It should be acknowledged that development contributions, as a mechanism to enable the local authority to provide public road improvement works, is a methodology frequently employed where development of private lands has implications for public road infrastructure. The approach by the planning authority in this instance, by agreeing such works, is seen to be an appropriate method to address infrastructural shortfalls to accommodate new development.
- 7.3.4 I note that the proposed on-site car parking provisions meet with the requirements of the Development Plan.
- 7.3.5 Finally, I note that much has been made in the appeals of the congestion arising from drop-off and collection at the nearby schools. Traffic congestion associated with the schools requires to be managed by the schools and the other relevant authorities to address any hazard resulting from those parking on Kilnahue Lane and restricting the use and function of Kilnahue Lane. The proposed road improvements as part of the development before the Board would facilitate the development of the lands and would improve existing conditions for those using the local network.

7.4 Impact on Residential Amenity

- 7.4.1 The imposition of a housing scheme in a suburban area that is characterised by ribbon development along approach roads to a town invariably would result in significant changes to the character of the area and, as a consequence, would be perceived as significant change for established residents. The appeal site is in an area undergoing rapid change, with the development of schools, the provision of an inner relief road and encroaching residential development, altering this transition zone between town and rural areas. However, in light of Plan provisions, and zoning in particular, over the lifetime of the previous LAP and under the current LAP, more intense development at the location of the proposed housing scheme is inevitable as higher density residential development is actively promoted. To this extent, the character of the area will change and the living experience for established residents will alter as new higher density housing encroaches on abutting lands.

7.4.2 In terms of individual impact on residential amenity and considering the proposed scheme, it is my submission that the low density scheme ensures there is adequate separation distance between proposed and existing houses such that concerns relating to impact on privacy do not result. I acknowledge the undulating nature of the lands and consider that adequate peripheral boundary treatment is essential, together with adequate internal boundary treatment to protect established neighbouring properties and individual units within the scheme. I do not accept that the development would result in any significant adverse impact on residential amenity in the form of overlooking, overbearing impact or overshadowing. Furthermore, I see no necessity to set back development along Kilnahue Lane as such new development would have no adverse impact on the amenity of residents on the opposite side of the road.

7.5 Availability of Services

7.5.1 I note that the new upgrade works to the Courtown/Gorey waste water treatment plant are complete. This treatment plant has a capacity of 35,000 PE. There are no capacity constraints that would undermine the developability of this site. I further note that there are no indications from the relevant authorities that there are any issues with supplying the development with potable water. For these reasons it is reasonable to determine that the proposed development can be fully serviced by existing water and sewerage facilities.

7.6 Impact on Heritage

7.6.1 I note the concerns raised by appellants relating to impacts of the proposed development on a former walkway through the lands. It is apparent that this former walkway constitutes an historical remnant rural laneway. However, it is a former walkway no longer wholly in place, almost completely overgrown, and without its traditional function. It is only partially in place and any connectivity that previously existed with Sweepwalk Lane to the north has been severed as lands were developed. I note that its status as a right of way for those property owners it serves is being protected.

7.6.2 With regard to archaeological impact, I note the submissions from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. In its final report it was recommended that an archaeological impact assessment be prepared and the attachment of a condition was recommended. No specific concerns were raised about the impact on the remnant rural laneway or any impact on areas of archaeological constraint.

7.6.3 It is reasonable to determine from the above that the proposed development would not be likely to have any significant adverse impact on cultural heritage features at this location and that appropriate mitigation measures would be put in place in the event of potential impact on previously unidentified archaeological features at the pre-construction phase.

7.7 Consultation

7.7.1 I note the applicant's submission that there was consultation in relation to proposed road improvement works and I accept the submissions from third parties that this did not take place with those parties. There is no statutory provision requiring public consultation under the planning code for the development proposed. I acknowledge, however, that all parties were not precluded from making submissions throughout the application process to the planning authority and to the Board.

7.8 Access to Further Information

7.8.1 I understand there were difficulties in accessing further information which curtailed the ability to make more detailed submissions in response to the further information received by the planning authority. The deficiencies of access to such information held by the planning authority is a matter for the planning authority and cannot be addressed by the Board in this appeal.

7.9 Appropriate Assessment

7.9.1 There are no plant species on the site that are considered rare or endangered. There are no examples of habitats that are listed on Annex I of the Habitat's Directive. There are no watercourses on the site. The site is not on or in any Natura 2000 site.

The nearest Natura 2000 site is the Slaney River Valley SAC. It is 1.2km west of the site, it is within a separate hydrological catchment and there are no pathways to the SAC. The site would be fully serviced by mains water supply and foul sewerage.

7.9.2 It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on the Slaney River Valley SAC or any other Natura 2000 site in the wider area. A Stage 2 Appropriate Assessment is, therefore, not required.

7.10 Need for an Environmental Impact Statement

7.10.1 I note that the proposed development is sub-threshold for the purposes of EIA (i.e. it is substantially below 500 dwelling units under Class 10(b)(i) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001). The submission of an EIS is, thus, not mandatory. I note also that the site is not on, in or has the potential to impact on any European site. Having regard to the above assessment, it is reasonable to conclude that the proposed would not be likely to have a significant effect on the environment. It would not come within the scope of Article 109 of the Planning and Development Regulations 2001 and, therefore, Environmental Impact Assessment is not required.

8.0 **Recommendation**

8.1. I recommend that permission is refused in accordance with the following reasons and considerations.

9.0 **Reasons and Considerations**

1. The site of the proposed development is located within the development boundary of Gorey Town and Environs Local Area Plan 2017-2023 on lands partly zoned 'Residential' and on lands partly zoned 'Open Space and Amenity' with the objective "to protect and provide for recreation, open space

and amenity area”. Having regard to the siting of a significant component of the residential development on lands zoned for open space and amenity, it is considered that the proposed development would contravene materially the open space and amenity objective and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The site of the proposed development is on serviceable lands, within the development boundary of Gorey Town, in close proximity to social and community services, and on lands extensively zoned for residential purposes. It is a requirement, under Section 2.3.8 of the Gorey Town and Environs Local Area Plan, that the Council has regard to the *Guidelines for Planning Authorities – Sustainable Residential Development in Urban Areas* and accompanying Design Manual when considering the appropriate density for residential schemes. In addition, it is an objective of the planning authority (Objective HP08), as set out in Wexford County Development Plan 2013-2019, to ensure the density of residential developments is appropriate to the location of the proposed development to ensure that land is efficiently used.

The Guidelines, under Section 5.11, state that the greatest efficiency in land usage on outer suburban / ‘Greenfield’ sites will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare, such densities should be encouraged generally, and that development at net densities less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency.

It is considered that the development of the site at a density of 5.7 units per acre would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage and for an attractive urban form given the proximity of the site to the built-up area of Gorey Town and to established social, community and retail services in the immediate vicinity. It is, therefore, considered that the proposed development would not comply sufficiently with Government Guidelines, particularly the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas* issued by the Department of the Environment, Community and Local Government in May, 2009 and would conflict with the provisions of the Local Area Plan and Objective HP08 of Wexford County Development Plan. The

proposed development would, thus, be contrary to the proper planning and sustainable development of the area

3. The site of the proposed development is located on lands within the Creagh Neighbourhood Framework Plan, as set out in the Gorey Town and Environs Local Area Plan, and on zoned lands compatible with the said Local Area Plan. It is considered that the siting of residential development on lands zoned for open space and amenity contravenes the provisions of the Framework Plan. Furthermore, it is considered that the form, scale, layout and density of development proposed for the overall site is incompatible with the provisions of the Creagh Neighbourhood Framework Plan, which seeks to facilitate the design of new development areas using robust urban block structures, with a presumption in favour of a perimeter block typology, and to encourage a variety of building types and densities which reflect the function and hierarchy of routes and spaces in the area. The proposed development would, therefore, undermine the provisions of the Creagh Neighbourhood Framework Plan and would set an undesirable precedent that would be damaging to the form and character of development elsewhere within the Neighbourhood Framework Plan area and elsewhere within the town of Gorey and its environs. The proposed development would, thereby, be contrary to the proper planning and sustainable development of the area.

Kevin Moore
Senior Planning Inspector

22nd June 2017