



An
Bord
Pleanála

S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report on Recommended Opinion ABP-301472-18

Strategic Housing Development	307 residential units (246 no. houses and 61 no. apartments), crèche and all associated site works.
Location	Ramsfort Park, Creagh Demesne, Fort Road, Gorey, Co. Wexford.
Planning Authority	Wexford County Council
Prospective Applicant	AMIL Properties Ltd.
Date of Consultation Meeting	28 th May 2018
Date of Site Inspection	11 th May 2018
Inspector	Joanna Kelly

1.0 Introduction

Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

2.0 Site Location and Description

- 2.1 The development site has a stated site area of 9.57ha located at Ramsfort Park, Creagh Demense, which is located at the northern end of the settlement of Gorey in Co. Wexford. The site is located directly opposite Hunters Green, a residential development where new housing is under construction. The development lands are approximately 750m north of the town centre and straddle the 50-80kp/h speed zone.
- 2.2 The documents submitted with the pre-application file indicate that some of the lands and adjoining lands were a mushroom manufacturing facility. These structures have been substantially removed. There is a rectangular shaped portion of land bounding the Fort road which is zoned for community and educational uses. Access to the development lands is proposed via an access through these 'community and educational' lands. A crèche is proposed as part of the development on a section of these 'community and educational' lands.
- 2.3 The general area is characterised by low density two storey housing. The topography of the area is low-lying but undulating and the levels on the development site itself are undulating with a difference of 20m across the site. There are existing hedges/trees to the field boundaries.

2.4 A inner relief road ‘Scholar’s Walk’ has been completed recently and is located opposite the development lands. This road contains footpaths, cycle path and carriageway and serves mainly residential and community uses with a number of schools located within easy reach of the development lands.

3.0 Proposed Strategic Housing Development

The applicant is proposing a residential development comprising of 307 dwellings and an associated childcare facility. The unit mix is as follows:

Unit Type	No. of Units
Apartments	61
2 bed	34
3 bed	27
Residential Units	246
2 bed	31
3 bed	128
4 bed	83
5 bed	4
Total	307

4.0 Planning History

File ref. No. 05/2925 Permission granted for the demolition of the buildings on the subject site along with the construction of a mixed use development comprising of 14,148sq.m. to consist of a neighbourhood shopping centre of 4,695sq.m. with an anchor store of 2,150sq.m. as well as 12 no. retail/commercial units, a two storey children’s adventure centre of 3,698sq.m., retail warehousing units 1,498sq.m.

restaurant/take-away unit of 260sq.m., DIY/Garden centre of 3,771sq.m., 12 no. industrial units as well as 384 car parking spaces and access arrangements on a site of 5.7ha. This permission has withered.

5.0 National and Local Planning Policy

5.1. National

Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion, that the directly relevant section 28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’

5.2. Local Policy

Gorey Local Area Plan 2017-2023

Gorey is designated a ‘Larger Town’ in the RPGs. The development approach for Gorey is to accommodate more measured growth in the town, consolidate the existing pattern of development ensuring it does not grow to an inappropriate scale or suffer from overdevelopment of physical or social infrastructure for the town.

The development plan has a land use zoning objective ‘residential’ and there is a portion of land that has a ‘open space and amenity’ land use zoning. There is a rectangular shape portion of land not forming part of the site that has a land use

zoning objective 'community and education' along Fort Road from which the development lands are to be accessed.

Section 2.3.8 Density

The Council will have regard to the Guidelines for Planning Authorities, Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) and accompanying Design Manual when considering the appropriate density for residential schemes.

Section 2.4 Phasing

Residential land should be developed in a sequential manner linked with an in tandem with the delivery of necessary infrastructure such as roads, footpaths, cycleways, open space, education and recreational amenities.

Housing Objectives

H01

To ensure that all new residential developments in the plan area provide a high quality accessible living environment with attractive and efficient dwellings located in a high quality public realm and served by well-designed and located open spaces.

H02

To provide social housing and housing supports in accordance with the Social Housing Assessment of Needs.

H03

To facilitate new residential development in accordance with the Core Strategy and to require physical, social and community infrastructure to be provided either prior to or in tandem with this new residential development. No dwelling within that residential development shall be occupied until the required infrastructure has been

provided. The required infrastructure which is identified on Maps 3 and 4 and in Appendix 1 Neighbourhood Framework Plans and Appendix 2 Implementation and Infrastructure Delivery Schedules includes wastewater and water supply, public lighting, footpaths, cycleways, play-ground/play facilities, parks and schools.

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.

H05

To require residential schemes to provide an appropriate mix of house types that will cater for the various household compositions in the plan area. In general, the following house type ratio will be required in residential schemes:

- 25% two bedroom dwellings
- 30% three bedroom dwellings
- 30% four bedroom dwellings
- 15% to be allocated to any of

the above based on evidence of demand. The Council will consider a deviation from this mix ratio where it is demonstrated that there is an overprovision of a particular type of house type or there is lack of demand for a particular house type(s) in the area.

H06

To ensure that the phased development of a residential scheme delivers the quantum of public open space commensurate to the number of dwellings in that particular phase. Planning applications for residential schemes of 25 or more dwellings shall be accompanied by a detailed phasing schedule detailing the number of dwellings, amount of public open space and infrastructure which will be developed as part of each phase.

Section 3.4 Urban Design Objectives

Objective UD01

To require planning applications to demonstrate compliance with the Neighbourhood Framework Plan within which the subject lands are located. It must be demonstrated that the development will deliver the main components and objectives of each Neighbourhood Framework Plan with regard layout, form, density, linkages, infrastructure, open space provision and key infrastructure provision. Where a deviation from the framework is proposed, it must be demonstrated that the development does not compromise the delivery of the components or objectives of the Framework.

Appendix 1 of the Gorey Town and Environs Local Area Plan 2017-2023 refers to Urban Design Guidelines and Neighbourhood Framework Plans. The development lands forms part of the area identified within the Creagh Neighbourhood Plan. Key provisions include a new avenue (parcel Cr1), and open spaces areas including SUDs.

6.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submission and the discussions which took place during the tripartite

consultation meeting. I will provide a brief detail on each of these elements hereunder.

6.1 Documentation Submitted

6.1.1 The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and article 285 of the Planning and of the Planning and Development (Strategic Housing Development) Regulations 2017.

6.1.2 The information submitted included *inter alia*: a completed Application form and cover letter; details pertaining to section 247 process; Part V proposals; Irish Water confirmation of feasibility; Planning report and Statement of Consistency; Environmental report; Design Statement; Light Standard Specification; Housing Quality Assessment; Landscape Design Statement and outline specification works; Arboricultural Impact Assessment; Tree and Hedgerow Assessment report; Landscape and Visual Impact Assessment; Engineering report including site specific flood risk assessment; AA screening report; Cultural, Archaeological and Architectural Heritage report; Transportation and Traffic Assessment; Architectural and engineering drawings.

6.1.3 I have reviewed and considered all of the documents and drawings submitted.

6.2 Planning Authority Submission

6.2.1 In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Wexford County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 11th May 2018.

6.2.2 The planning authority's opinion included the following matters:

- Zoning: The site is zoned residential, open space and community and education in the Gorey Town Plan. The proposal is compliant with the relevant land use zoning policies.
- Density: The proposed density levels of 38 units per hectare comply with the provision of the LAP.
- Biodiversity: From the information submitted it has been determined that significant impacts are not likely to occur and therefore, a NIS is not required.
- Access: Proposed access arrangements are in accordance with the advice given at pre-planning.
- Public Open Space: Provision of open space complies with the LAP
- Part V: Part V requirements as per the Wexford County Development Plan 2013-2019 standards.
- Accessibility/Adaptability: Disability Officer has expressed concerns that the proposed design and layout are not fully in compliance with Objective HP20 and HP21 of the County Development Plan.
- Flood Risk: Site is not located within a designated floodplain.
- SUDs: Surface water attenuation measures are required.
- Construction Phase: A construction management plan is required to be agreed with the planning authority prior to commencement of development.
- EIAR: Full EIAR is required under section 10, Schedule 5 of the Planning and Development Regulations

The planning authority's opinion concludes that the proposed development is compliant with the land use zoning policies of the statutory LAP however to be fully compliant with objectives H20 and H21 of the Development Plan certain aspects of the apartments should be revisited to align themselves with these objectives.

Consultation Meeting

6.3.1 A Section 5 Consultation meeting took place at the offices of Wexford County Council on 28th May 2018, commencing at 11.30 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.3.2 The main topics raised for discussion at the tripartite meeting were as follows:

1. Urban Design and layout having regard to *inter alia* the Creagh Neighbourhood Framework Plan and the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities' including the accompanying Design Manual.
2. Connectivity and permeability including compliance with DMURS
3. Phasing Arrangement to include public open space and infrastructural considerations.
4. Water and Waste Water Infrastructural capacity
5. Any other matters

6.3.3 In relation to the Urban Design and layout with specific regard to the Creagh Neighbourhood Framework Plan and the Sustainable Residential Development in Urban Areas Guidelines, ABP representatives sought further elaboration/discussion on the urban design response having regard to zoning objectives of the development site and interface of the lands with the 'community and educational' lands within the applicant's ownership and an indicative masterplan for these lands, vision/function of the 'avenue' identified in the framework plan, architectural design response and creation of sense of place.

6.3.4 In relation to Connectivity and Permeability, ABP representatives sought further clarification/elaboration on connections through the development to the residential lands to the north-west and back to the urban centre via open space lands to the south and compliance with DMURS.

- 6.3.5 In relation to the Phasing Arrangement, ABP representatives sought further elaboration/discussion on proposed phasing of development including provision of open space and attenuation measures within each phase.
- 6.3.6 In relation to Water and Waste Water Infrastructure Capacity, ABP representatives sought further discussion/elaboration on existing infrastructural capacity in relation to the water and waste water network.
- 6.3.7 In relation to AOB, ABP representatives sought further elaboration/discussion on Part V agreement, detail regarding alternative layouts/urban design within the EIAR.
- 6.3.8 Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-301472-18' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

7.0 Conclusion and Recommendation

- 7.1 Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2 I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy via the statutory plan for the area.
- 7.3 Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage as set out in the recommended Opinion below.
- 7.4 Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that

the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

- 7.5 I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision-making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

8.0 Recommended Opinion

- 8.1 An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 8.2 Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.**
- 8.3 In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development.

1. Urban Design and Layout

Further consideration of documents as they relate to the urban design and layout of the proposed development having regard to the provisions of the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities' and, in particular the need for new residential developments to create high quality places which, *inter alia*, present an attractive, well-maintained appearance with a distinct sense of place and a quality public realm that is easily maintained. The development strategy and/or vision for the 'avenue' and its function within the development and its interface with the public open space and community and educational zoned lands should be further considered. The provision of an indicative master-plan for the community and educational lands should be considered so as to provide a context for the development strategy of the residential lands in question. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

2. Connectivity and Permeability

Further consideration/clarification of the documents as they relate to the provision of connections (vehicular and pedestrian/cyclists) through the site in particular to the residential lands north of the site and the public open space lands to the south of the development site. Consideration should be given to the proposed layout of the residential scheme to the south adjacent to the open space lands and the potential for a vehicular access at this location in the future. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

3. Public Open Space

Further consideration/clarification of documents as they relate to the functionality and quantum of open space proposed and the distribution of and connections to public open space areas. Consideration should also be given to the passive surveillance and level changes across the public open space areas. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

4. Waste water infrastructure

Further consideration/clarification of the documents as they relate to the required extension in the wastewater infrastructural network to serve the proposed development. The prospective applicant is advised to liaise with Irish Water with regard to the nature of works required to address any proposed extension/upgrade to the network to facilitate the development, whether planning permission is required for such works and likely timing for securing such permissions where required. The documentation at application stage should provide details with regard to the network extensions including layout and design details and the timelines involved relative to the construction and completion of the proposed development.

4. Surface Water Management and Risk of Flooding

Further consideration of documents as they relate to the potential for increased risk of flooding in the wider area having particular regard to the potential for displaced waters due to any infrastructural network upgrade works required to facilitate the development. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted. The prospective applicant is advised to liaise with the planning authority regarding surface/storm water proposals prior to making an application.

- 8.4 Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A report identifying the demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
2. Having regard to the difference in levels across the site, details of existing and proposed changes in contours/levels across the site. Photomontage images and cross-sections at appropriate intervals to illustrate the topography of the site, showing proposed dwellings, access roads including the proposed 'avenue' road and public open space areas.
3. Details of undergrounding or re-routing of any overhead ESB power lines or existing underground services located within the site.
4. A site layout plan indicating pedestrian and cycle connections through the development lands to existing and proposed transport modes in the vicinity. Connections from the residential lands north of the site through the subject site should also be indicated.
5. Details of the full extent of 'cut and fill' activities proposed. Such details should also provide for inter alia, excavation methods to be used on site particular having regard to the brownfield nature of part of the lands, volumes of soil to be excavated/extracted, re-used and/or removed off site, associated traffic movements to and from the site. Such details should be included in the Environmental Impact Assessment Report.
6. A construction and demolition waste management plan should be provided.
7. A phasing plan for the proposed development should be provided which provides for a commensurate level of functional public open space within each phase. The phasing arrangement should provide for attenuation proposals which are independent of each subsequent phase.
8. Landscaping proposals including an overall landscaping masterplan for the development site including the public open space. Details pertaining to the

quantity, type and location of all proposed hard and soft landscaping including boundary treatments should be submitted.

9. A site layout plan which clearly indicates what areas are to be taken in charge by the Local Authority.

8.4 Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. The Minister for Culture and the Gaeltacht
3. The Heritage Council
4. An Taisce – the National Trust for Ireland
6. Inland Fisheries
7. Córas Iompair Éireann
8. Transport Infrastructure Ireland
9. National Transport Authority
10. Local Childcare Committee

PLEASE NOTE:

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions

under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

Joanna Kelly

Senior Planning Inspector

5th June 2018