



An
Bord
Pleanála

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

Inspector's Report on Recommended Opinion ABP-303583-19

Strategic Housing Development

Demolition of existing structures, construction of 364 no. residential units (64 no. duplex units, 172 no. apartments, 128 no. houses and associated site works.

Location

Lands at Kilnahue and Gorey Hill, Carnew Road and Kilnahue Lane, Gorey, Co. Wexford.

Planning Authority

Wexford County Council

Prospective Applicant

Gerard Gannon Properties

Date of Consultation Meeting

8th March 2019

Date of Site Inspection

22 February 2019

Inspector

Una Crosse

1.0 Introduction

- 1.1. 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 subject site which has a stated area of 15.3 hectares (over 16ha if including upgrade works to public road) and is located to the south-west of the town of Gorey in County Wexford, located between the Carnew Road (R725) to the south and Kilnahue Lane (a narrow and steep local road) to the north. It comprises agricultural fields of irregular shape bounded by hedgerows with the site sloping quite significantly from north-west to south-east. The area is characterised by a mix of uses including one-off housing which addresses the public road, agricultural lands and a mix of commercial uses close to the junction of Carnew Road and Kilnahue Lane. Kilnahue Lane is a local access road serving a number of detached houses, two primary schools and a motor service unit with a footpath and a cycle path along its northern side for approximately 300m from the junction with Carnew Road which has recently been upgraded with part of the Carnew Road also recently upgraded with a footpath just past the commercial garage which includes a local shop.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal provides for a residential development of 364 dwelling units. The development includes 128 two-storey houses, nine 3-storey duplex blocks, seven – 3/4 storey apartment blocks and a crèche facility of c.523 sq.m. The layout provides for blocks of apartments and duplexes interspersed with areas of two-storey housing. The crèche is centrally located within the site along the central internal road with a

large set-down/parking area and open space. The entrance from the Carnew Road is addressed by way of a line of housing units with an internal parallel road.

3.2. The following table provides an outline of the proposed development:

House Type	No. of Units
Houses	
3-bed (SD & T)	90
4-bed (D, SD & T)	38
Total	128
Duplex	
1-bed	20
2-bed	0
3-bed (Housing and Apts)	44
Total	64
Apartments	
1-bed	78
2-bed (3P)	26
2-bed (4P)	66
3-bed	2
Total	172
Overall Total	364

3.3. The housing mix proposed is as follows:

Type of Unit	Number	% of Total
1 bed units	98	27
2 bed units	92	25.2

3 bed units	136	37.4
4 bed units	38	10.4

3.4. It is proposed to undertake upgrade works to the public road and provide footpaths up to the site accesses. The development includes an internal access road which will link Carnew Road to Kilnahue Lane. It is proposed to develop the scheme in 7 phases.

4.0 Planning History

4.1. Subject Site

Ref. 20160623 - (ABP-PL26.248159) – Permission was refused for 220 dwellings, a crèche and associated site works on this site. The reasons for refusal were as follows:

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 materially contravene the development objective indicated in the Local Area Plan for the zoning of part of the site for open space and amenity purposes 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. It is a requirement, under Section 2.3.8 of the Gorey Town and Environs Local Area Plan 2017-2023, that the Council has regard to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May,

2009, 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.

Having regard to the proposed density of the development, at 5.7 dwelling units per acre, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the proximity of the site to the built-up area of Gorey Town and to established social and community services in the immediate vicinity. Furthermore, it is considered that such a low density would be contrary to these Ministerial Guidelines, which indicate that net densities less than 30 dwellings per hectare should generally be discouraged in the interest of land efficiency. The proposed development would, therefore, 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 2017–2023. It is considered that the siting of residential development on lands zoned for open space and amenity contravenes the provisions of the Framework Plan. It is also considered that the form, scale, layout and density of development proposed for the overall site would fail to establish a sense of place and would not give priority to the needs of pedestrians and other vulnerable road users, over that of vehicular traffic, contrary to the provisions of the Design Manual for Urban Roads and Streets, issued by the Department of the Environment, Community and Local Government in 2013, and would be 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 which reflect the function and hierarchy of routes and spaces in the area. Furthermore, by reason of the layout of the proposed development, which

would remove the bulk of the existing site features, including hedgerows and the relict laneway, the proposed development would fail to reflect the provisions of the Creagh Neighbourhood Framework Plan, which requires that such features be respected and enhanced as part of an improved and integrated green infrastructure network. The proposed development would, therefore, undermine the provisions of the Creagh Neighbourhood Framework Plan, would contravene the provisions of the Local Area Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the uncertainty regarding the timing of, and statutory approvals that may be required for, the improvement works outlined in the application to the R725 (Carnew) Road, to Kilnahue Lane and to the junction of Kilnahue Lane with the R725, it is considered that any development of the subject lands would be premature pending the provision of these improvement works. Furthermore, it is considered that, if developed prior to the carrying out and completion of these improvement works, the proposed development would endanger public safety by reason of traffic hazard, including hazard to pedestrians and cyclists. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 National and Local Policy

5.1. Section 28 Ministerial Guidelines

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual') 2009
- Design Manual for Urban Roads and Streets
- Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Urban Development and Building Height Guidelines 2018

- Childcare Facilities – Guidelines for Planning Authorities

5.2. National Planning Framework

- 5.2.1. The National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

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

Zoning

The majority of 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:

- To facilitate the design of new development areas using robust urban block structures, with a presumption in favour of a perimeter block typology.
- 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/neighbourhood park of 2.8 hectares along the west / north-west section of the appeal site.

6.0 Forming of an Opinion

6.1. Documentation Submitted

- 6.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, application form, letter of consent from Wexford Co. Co, Minutes of Wexford Co. Co. S. 247 meeting, Irish Water confirmation of feasibility statement, Part V email from WCC, Applicants Part V indicative costings, Statement of Consistency with Planning Policy, EIA Screening report, Ecological Impact statement, AA Screening Report, A3 booklet including Architectural Design Statement, Housing Quality Assessment, Lifecycle Report and Part V details, Architectural Drawings, Landscape Drawings, Tree Survey, Landscape Report, Public lighting plan and report, Drainage Drawings, Road details, drawings and improvement works, Engineering Assessment report, Transport Impact Assessment Report, Flood Risk Assessment, CDWMP, footpath general layout, Architectural Testing report.
- 6.1.2. Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.
- 6.1.3. The applicant's case is summarised as follows:
- Proposed residential development adheres to the core principles of the National Planning Framework and will provide multiple accommodation types for specific housing needs.

- 200 apartments (of the 364 units) proposed with the NPF 2040 envisaging increased apartment provision to be provided as part of residential proposals, particularly in urban areas.
- Strong emphasis placed on increased building heights in appropriate locations within existing urban settlement boundaries with proposed building heights ranging from 2 - 4 storeys with apartments and duplex units in line with Government guidance and evolving trends for sustainable residential developments within the urban development boundary;
- Overall gross density of c.30 dwellings p/h with the site classified as an outer suburban/greenfield site as location within the development boundary of Gorey Town along periphery of the existing development boundary forming a natural extension to the suburbs;
- Proposed overall gross density of c.30 dwellings p/h addresses the previous reason for refusal;
- Proposed new homes will meet the aspirations of a range of people and the design and layout of such allows easy access by all.
- Proposal accords with SPPR 4 of Urban Development and Building Height Guidelines providing a mix of building height and typologies;
- Proposal complies with the SPPRs/requirements of the recently adopted Sustainable Urban Housing: Design Standards for New Apartments with a Housing Quality Assessment and a Building Lifecycle Report.
- Inclusion of apartments as part of the proposed development will help to meet the current demand for apartment type developments and encourage a greater range of housing mix available within the application site.
- Design of streets and roads within the scheme provide high levels of permeability for pedestrians and cyclists and appropriate desire lines have been created through areas of open space, play areas, etc.
- Considered that the proposed development will not have significant effects on the environment and as per reports on previous application an EIAR is not required.

- The site has been assessed in accordance with the Flood Risk Management Guidelines, with appropriate mitigation measures proposed such as SuDs design, overland flood routing, appropriate floor levels, and regular inspections.
- Considered that the proposed development is consistent with the objectives of the Draft Regional Spatial and Economic Strategy (RSES) for the Southern Region.
- Proposal provides for a high-quality residential development on appropriately zoned lands within the existing development boundary of Gorey Town representing a sustainable form of residential development with existing connections to the urban centre where the site will form the sequential development of the town and providing required additional housing.
- High quality, durable external materials and finishes selected for the development and the proposed landscaping designed to ensure high-quality public and private amenity spaces including frontage onto open space areas and a playground for children with additional complementary land-uses such as a childcare facility to ensure that high-quality facilities on-site for this new residential community;
- Proposal includes a public park, outdoor play areas and multi-purpose sports court for children which is accessible to all within the scheme and indeed the wider community.

6.2. Planning Authority Opinion

6.2.1. A submission was received by An Bord Pleanála on the 28 February 2019 from Wexford County Council. The 'opinion' of the planning authority is summarised as follows:

- The report notes proposed development is compliant with the relevant land use zoning policies;
- LAP requires residential density compliant with the Urban Design Manual which requires a density of 30 units p/h with density levels proposed consistent with appropriate Development Plan policies;
- Determined that significant impacts are not likely to occur and or uncertain and therefore, a Natura Impact Statements is not required;

- Proposed access arrangements are in accordance with the advice given at a pre-planning held with the applicant;
- Provision of public open space is in accordance with the guidance provided for in the Gorey Town & Environs Local Area Plan 2017- 2023;
- Noted provision of the neighbourhood park is not proposed until phase 7 (final phase) and PA would prefer the neighbourhood park to be developed in tandem with the overall development of the site;
- Proposed design and layout must comply with Objective HP20 and HP21 of the CDP;
- The proposed site is not located within a designated floodplain and therefore presents no flooding issues;
- Surface water attenuation measures required with use of underground water attenuation tanks preferable to surface storage ponds for health and safety reasons.
- Construction Management Plan to be agreed with the Planning Authority prior to the commencement of development, the purpose of this plan is to minimise any potential disruption during the construction stage and to co-ordinate the delivery of the proposed development in a sustainable manner;
- EIAR requirement to be assessed under Part 2, Schedule 5 of the Planning and Development Regulations 2001 (as amended).

6.3. Response from Prescribed Bodies

- 6.3.1. A response has been received from Irish Water and is appended to this report.

6.4. Consultation Meeting

- 6.4.1. A Section 5 Consultation meeting took place at the offices of Wexford County Council on the 8th March 2019, commencing at c.11.45 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.

- 6.4.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:
1. Development Strategy for the site to include inter alia, density, layout, urban form, street hierarchy, materials and finishes, creation of character areas and compliance with criteria set out in the Urban Design Manual, A Best Practice Guide 2009.
 2. Road Network, permeability and connections
 3. EIAR
 4. Phasing
 5. Surface water management
 6. Any other matters
- 6.4.3. In relation to development strategy for the site to include inter alia, density, layout, urban form, street hierarchy, materials and finishes, creation of character areas and compliance with criteria set out in the Urban Design Manual, A Best Practice Guide 2009, An Bord Pleanála sought further elaboration/discussion/consideration of the following: proposed density, clarification in respect of net and gross density proposed and a layout outlining the net site area, amount of residual land within the site layout which could be more sustainably developed, urban form particularly as it addresses open space and central spine road, internal connectivity and permeability, coherence of proposed development strategy in respect of design of houses and apartments, creation of character areas within the scheme to reflect criteria in Urban Design Manual, more coherent urban design statement at the entrance/ improved visual articulation of the proposed development as one enters the site, location of crèche, compliance with DMURS particularly as it relates to the avoidance of cul-de-sacs and creation of permeable street networks, materials and finishes particularly on multi-unit structures, documents to address planning history and neighbourhood framework plan.
- 6.4.4. In relation to road network, permeability and connections An Bord Pleanála sought further elaboration/discussion/consideration of the following: timing and responsibility

for upgrade works to public roads and confirmation as to whether 3rd party consents were required (and if so that they be included in any future application).

- 6.4.5. In relation EIAR An Bord Pleanála sought further elaboration/discussion/consideration of the following: requirement to prepare an EIAR on basis of site area.
- 6.4.6. In relation surface water management An Bord Pleanála sought further elaboration/discussion/consideration of the following: need to maximise SuDS measures on site.
- 6.4.7. In relation to any other matters An Bord Pleanála sought further elaboration/discussion/consideration of the following: Irish Water requirements and need to outline what if any works are required to water and wastewater infrastructure and if so whether any consents are required, Part V, AA screening report and language within same.
- 6.4.8. 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 303583' 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 & 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 s.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 in respect of the following elements: design and layout, density, surface water management; details of which are 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:

Design and Layout

1. Further consideration/justification of the documents as they relate to the layout of the proposed development particularly in relation to the 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 and the Design Manual for Urban Roads and Streets and the Design Manual for Urban Roads and Streets, 2013. In this regard further consideration is required of the configuration of the layout particularly in respect of the nature and scale of the built form and the orientation of blocks as they address the central spine road and proposed neighbourhood park, coherence of unit types proposed particularly in respect of the design of the proposed housing units, distinctiveness of the proposed development including the treatment of the proposed entrance to the development from the Carnew Road, location of the crèche, the creation of distinct character areas within the proposed development, internal permeability and connections within the site and connections to existing and proposed services in the area and the avoidance of cul-de-sacs. Further consideration of these issues may require an amendment to the documents and/ or design proposals submitted.

Density

2. Further consideration/justification of the documents as they relate to the density in the proposed development and in particular that the proposed development is at a sustainable density to provide for an acceptable efficiency in serviceable land usage balanced with the requirement to respect the context within which the site is located. Particular regard should be had to the avoidance of residual open spaces within the site. The documentation should express density as a net figure and the calculation of same should accord with Appendix A of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 in this regard and a drawing detailing the calculation of net density within the site boundary shall be submitted. The proposed development shall have regard to inter alia, national policy

including the National Planning Framework, Urban Development and Building Heights Guidelines for Planning Authorities 2018, Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009 and Sustainable Urban Housing: Design Standards for New Apartments March 2018, local planning policy and the sites context and locational attributes and context. The further consideration of this issue may require an amendment to the documents and/or design proposal submitted relating to density and layout of the proposed development.

Surface Water Management and Flooding

3. Further consideration of the documents as they relate to surface water management for the site. This further consideration should have regard to the requirements to maximise SuDS measures within the development site. 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' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

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 planning report which coherently addresses the reasons for refusal in the previous reason for refusal.
2. A report which outlines the timing and responsibility for the delivery of the proposed road upgrades.
3. A phasing plan which provides for the early delivery of the proposed neighbourhood park.
4. A report that specifically addresses the proposed materials and finishes of the proposed structures including specific detailing of finishes, openings and privacy

screening, the treatment of private amenity areas, landscaped areas, pathways, entrances and boundary treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development, avoiding blank facades and render and creating active frontages and corners. The documents should also have regard to the long term management and maintenance of the proposed development.

5. A report should include full and complete drawings including levels and cross sections showing the relationship between the development and adjacent residential units, public pathways and interfaces with the public realm.
6. A detailed schedule of accommodation which shall indicate compliance with relevant standards in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 2018.
7. A life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
8. A site layout that details any areas to be taken in charge by the local authority.

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. Transport Infrastructure Ireland
2. Minister for Culture, Heritage and the Gaeltacht
3. Heritage Council
4. An Taisce — the National Trust for Ireland
5. Irish Water
6. Wexford County 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.

Una Crosse

Senior Planning Inspector

March 2019