



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-303813-19

Strategic Housing Development	10 year permissions for 297 no. (232 no. houses, 65 no. apartments), creche and associated site works.
Location	Former Walsh Mushroom site and adjoining lands, at Fort Road , within the townlands of "Ballowen or Ramsfortpark" and "Gorey Corporation Lands), Gorey, Co. Wexford.
Planning Authority	Wexford County Council
Applicant	AMIL Properties Ltd.
Prescribed Bodies	Irish Water Inland Fisheries Ireland Department of Culture, Heritage and the Gaeltacht

Observers

None

Date of Site Inspection

26th April 2019

Inspector

Stephen J. O'Sullivan

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The site adjoins the northern side of the built up area of Gorey approximately 750m from the town centre. The town had a population of 9,822 at the 2016 census. The stated area of the site is 11.41ha. The main part of the site is 10.38ha. It lies on a rectangular landholding, the northern part of which is a field under pasture. The southern part is brownfield land that was previously used as a mushroom growing facility. The remnants of the structures for that facility stand on the site. A smaller part of the landholding by the public road on its south-western boundary is excluded from the site of the current application. The site boundary includes the route of a proposed sewer that runs for 1.2km south east of the site along public streets, with a short extent running through open space immediately to the south-east of the main part of the site.
- 2.2. The land in the area slopes down from north to south and there is a difference of c20m in levels across the main part of the site. Its north-eastern boundary is with a wood associated with a former demesne that is now a public amenity. The south-eastern boundary of the site adjoins a small scheme of semi-detached houses at Ashwood Grove and a grassy area of open space associated with it. The north-western boundary of the site adjoins a field under pasture with a hedgerow on the boundary. The northern part of the south-western boundary of the main part of the site is along a rural road with a carriageway c4.8m wide called the Fort Road. There is a substantial hedgerow on the roadside boundary of the site. The 50kph zone begins opposite this part of the site's boundary. The southern part of the site's frontage onto that road is marked by a palisade fence behind evergreen hedging. Housing development is ongoing on the other side of this part of the road at a scheme called Hunters' Green, which includes a footpath on its side of the road. A main road called has recently been built along the southern side of Hunters' Green

called Scholars' Walk. It terminates at a junction opposite the southern corner of the main part of the site.

3.0 Proposed Strategic Housing Development

3.1. It is proposed to build 297 homes and a creche on the site. The housing mix would be as follows-

	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Houses	-	26	125	77	4	232
Apts/Duplex		36	29	-		65
Total		62	154	77	4	297

3.2. The proposed houses would include terraced, detached and semi-detached units of two or three storeys. The apartments would be in 27 three-storey blocks containing two or three apartments each situated throughout the scheme, frequently on corner plots. It is also proposed to provide a creche of 554m² in a single storey building and to lay c1.1km of new foul sewer from the proposed housing to an existing sewer on the Arklow Road. The total stated floor area of the proposed development is 35,927m².

3.3. The layout of the proposed development is rectilinear. It has a series of three linear open spaces from the only vehicular access off the Fort Road through the middle of the site to the eastern boundary with the Forest Park. A street would run north/south through the site. It would allow access to the zoned land to the north-west and the developed area to the south-east, although the providing those accesses is not part of the development proposed in this application. It is proposed to provide a footpath along the southern part of the boundary of the site onto the Fort Road that is in front of the abandoned mushroom facility. The existing road and hedgerow would be maintained to the north of the proposed access to the Fort Road, with a parallel footpath and local street within the site. A pedestrian link would be provided from the Fort Road at the southern corner of the main part of the site to the internal

north/south street. An indicative layout shows how community and education uses could be provided on the part of the landholding excluded from the application site in conjunction with the proposed development. 608 car parking spaces would be provided in the curtilages of houses, on the street or in a car park serving the creche.

- 3.4. The description of the development on the published notices states that permission is being sought for a period of 10 years.

4.0 Planning History

- 4.1. Reg. 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.
- 4.2. Reg. Ref. 2018/1605 – the council refused permission on 25th January 2019 for 85 houses on the land adjoining the north of the current site. The reasons for refusal referred to insufficient density, inadequate pedestrian access and other issues.

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on the 28th May 2018 in respect of a proposed development of 307 homes and a creche on the site. The main topics raised for discussion at the tripartite meeting were –

- 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.
- Connectivity and permeability including compliance with DMURS

- Phasing Arrangement to include public open space and infrastructural considerations.
- Water and Waste Water Infrastructural capacity
- Any other matters

Copies of the record of the meeting and the inspector's report are on this file

5.2. The board issued an opinion which stated that the submitted documents required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development in respect of the following issues –

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.

- 5.3. The opinion also stated that 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.

5.4. In response to the issues raised in the opinion the applicant states that amendments have been made to the proposal shown on the documents submitted for the consultation. The central 'avenue' between the Fort Road and the Forest Park is more direct. The street layout facilitates connection to the land to the south and pedestrian movement to the north, as well as better supervision of open space. The apartment buildings provide stronger frontage along the streets. A greater proportion of brick finishes are proposed. An indicative layout for the development of the lands zoned for community and education use has been provided. An analysis is provided of the development under the 12 criteria in the manual accompanying the 2009 urban residential guidelines, as is a site specific flood risk assessment. The applicant states that the specific information required under the opinion has been submitted including details of the cutting and filling required on the site, of pedestrian and cycle links, of schools in the town, of the undergrounding of services, of phasing, of landscaping and of the areas to be taken in charge by the council.

6.0 Relevant Planning Policy

6.1. National Policy

- 6.1.1. The government published the National Planning Framework in February 2018. Objective 3c is to deliver at least 30% of new houses in settlements other than the cities. Objective 4 is to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being. Objective 11 is to favour development that can encourage more people to live or work in existing settlements. Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements.
- 6.1.2. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.11 states that densities for housing development on outer

suburban greenfield sites between 35 and 50 dph will be encouraged, and those below 30dph will be discouraged. A design manual accompanies the guidelines that lays out 12 principles for urban residential design.

- 6.1.3. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in March 2018. Section 2.4 states that peripheral urban locations are generally suitable for development at densities of less than 45 dph that includes a minority of apartments. It contains several specific requirements with which compliance is mandatory. The minimum floor area for one-bedroom apartments is 45m², for two-bedroom apartments it is 73m² and for three-bedrooms it is 90m². Most of proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the plan, including a requirement for 3m² storage for one-bedroom apartments, 6m² for two bedroom apartments and 9m² for three-bedroom apartments,. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground floor apartments should have floor to ceiling heights of 2.7m.
- 6.1.4. The minister issued Guidelines for Planning Authorities on Urban Development and Building Heights in December 2018. Section 3.6 states that development in suburban locations should include an effective mix of 2, 3 and 4 storey development. SPPR 4 is that a planning authority must secure a mix of building heights and types and the minimum densities required under the 2009 guidelines in the future development of greenfield and edge of city sites
- 6.1.5. The minister and the minister for transport issued the Design Manual for Urban Roads and Streets (DMURS) in 2013. Section 1.2 sets out a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.2 identifies types of street. Arterial streets are major routes, link streets provide links to arterial streets or between neighbourhoods, while local streets provide access within communities. Section 3.3.2 recommends that block sizes in new areas should not be excessively large, with dimensions of 60-80m being optimal and 100m reasonable in suburban areas. However maximum block dimensions should not exceed 120m. Section 4.4.1 states that the standard lane width on link and arterial streets should be 3.25m, while carriageway width on local streets should be 5-5.5m or 4.8m where a shared surface is proposed.

6.1.6. The minister issued Guidelines for Planning Authorities on Childcare Facilities in June 2001. Section 3.3.1 of the guidelines recommends that new housing areas be provided with childcare facilities at a standard of one facility with 20 spaces for every 75 homes.

6.2. Local Policy

6.2.1. The Wexford County Development Plan 2013-2019 applies. It identifies Gorey as a larger town. Its core strategy is based upon a target population in Gorey of 11,883 in 2022. Its population at the 2016 census was 9,822.

6.2.2. Section 18.10.4 of the plan sets a standard for public open space of 10% of site area. Houses should have back gardens of 60m² for one- and two-bedroom units, and 75m² for larger houses. Table 39 sets out a car parking requirement of 2 spaces per house, 1.5 per apartment, and 1 spaces for every employee and 4 spaces in childcare facilities.

6.2.3. The Gorey Local Area Plan 2017-2023 applies. The plan refers to the population allocation under the core strategy of the development plan and states that 99ha of zoned land would be required to facilitate growth at that rate to 2023, based on a household size of 2.7 persons, a density of 20dph and an additional 50% spare capacity. 101ha of land is zoned residential under the plan with another 34ha identified as long term residential. 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.

6.2.4. Most of the site is zoned residential. A central part is zoned for open space. Another piece of the site is part of a larger area zoned for community and educational use that also includes the portion of the landholding that is excluded from the application site.

6.2.5. Section 2.4 of the plan refers to phasing and states that 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. Objective H04 is that planning applications demonstrate how they comply with the relevant neighbouring framework, which in this case is the one for Creagh. Objective H05 is that residential schemes 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; and 15% to be allocated to any of the above based on evidence of demand.

- 6.2.6. The framework for Creagh in the LAP provides a layout for the development on the site and adjoining lands between the Fort Road, Willow Grove and the Forest Park. It shows rectangular blocks with linear open spaces from the Fort Road to the Forest Park. The Fort Road would maintain a rural character with a new main street parallel and to the east of it.

6.3. **Statement of consistency**

- 6.3.1. The statement submitted with the application states that the proposed development would provide housing on zoned and serviced land, including brownfield land, in a town and so would be in line with the objectives of the National Planning Framework, particularly objective 4. It would also be in keeping with the relevant regional planning guidelines and the draft regional social and economic strategy. The development would be at a net density of 37dph which is in accordance with SPPR4 of the 2018 building height guidelines and the 2009 sustainable urban residential guidelines. The layout and design meet the 12 criteria in the manual that accompanied the latter guidelines. The proposed development meets the requirements of DMURS by having suitable street frontage in a clear hierarchy of permeable routes with frequent junctions. The layout also facilitates access to adjoining land. A housing quality assessment demonstrates that the proposed development would comply with the requirements on the 2018 guidelines on the design of new apartments. A creche is provided in accordance with the childcare guidelines issued in 2001. A site specific flood risk assessment has been submitted in accordance with the 2009 guidelines on flood risk management.
- 6.3.2. The proposed development is in keeping with the provisions of the development plan, in particular the core strategy's identification of Gorey as a larger town and the allocation of 2,420 housing units to it. The proposed development would comply with various policies and objectives in the development plan that are in favour of good development, including those that seek to protect green infrastructure such as

hedges. The provision of 15% of the site as open space would meet the standards set out in chapter 18 of the development plan. The proposed open space would be linked to the neighbouring Forest Park and can be integrated with the open space to the south of the site.

- 6.3.3. The proposed development locates housing, open space and community facilities (i.e. the creche) on the site in accordance with the zonings of the local area plan. The layout conforms to the framework for the Creagh neighbourhood set out in the local area plan and demonstrates the qualities it requires with regard to movement, urban design and amenity, including the provision of 1.41ha of open space. 34 units would be provided as social housing to comply with Part V of the planning act.

7.0 Planning Authority Submission

- 7.1. The report of the opinions of the members in the area committee stated that they were supportive of the development. Concern was raised about the impact of traffic. The inner relief road should be completed and construction traffic properly managed. There may be a lack of school spaces in the town. Development contributions should be ring-fenced for works in Gorey. The proposed density should not be increased. There may be inadequate demand for the proposed apartments. Social and affordable housing is required, as are community facilities.
- 7.2. The report of the Chief Executive stated that the principle of the proposed development is acceptable. It complied with the core strategy in the development plan and with the zonings of the site. The density of 37 dph complies with local and national policy. The layout is permeable with appropriate block dimensions in accordance with DMURS and the framework for the neighbourhood set out in the LAP, with a central belt of open space linking with the Forest Park and a north/south street. The road specifications are also in line with DMURS. The size, location and layout of open space is acceptable. The TTIA indicates that adequate capacity is available in the local road network to serve the traffic generated by the development, and the council's road section concurs with this conclusion. The proposed parking meets development plan standards. Adequate private open space would be provided for the housing. Childcare facilities would be provided in line with the guidelines on that topic. The Part V proposals are acceptable to the council. The

conclusions in the AA screening report are accepted. The board is the competent authority for EIA. A 10 year period is not acceptable having regard to the housing crisis and the purposes of the SHD legislation. The conclusions of the Site Specific Flood Risk Assessment and the comments of Inland Fisheries Ireland are noted. A grant of permission is recommended.

8.0 Prescribed Bodies

- 8.1. Irish Water reported that the proposed connections to their networks can be facilitated.
- 8.2. Transport Infrastructure Ireland raised no objection to the proposed development.
- 8.3. The Department of Arts, Heritage and the Gaeltacht recommended that works be subject to archaeological monitoring.
- 8.4. Inland Fisheries Ireland reported that the Ballyowen Stream drains to the Owenarvarragh system which supports salmonid species. Adequate measures should be put in place to avoid emissions of sediments or pollutants during construction and operation of the development.

9.0 Screening for Appropriate Assessment

- 9.1. The application site is not in or immediately adjacent to any Natura 2000 site. The proposed development would not, therefore, have the potential to have any direct significant effect on any such site. The appropriate assessment screening report that was submitted with the application listed the Natura 2000 sites within 15km including the SACs at the Slaney River Valley 000781 2.5km to the west and at Kilpatrick Sandhills 001742 11km to the north east. The site is not hydrologically connected to either as it drains to the Owenovorrugh River and thence to the sea so there is no pathway by which the proposed development would have the potential to give rise any likely significant effect on those sites or the achievement of their conservation objectives, either by itself or in combination with any other plan or project. The proposed housing would adjoin the existing built up area of the town, while the proposed sewer would run under the streets of that town. Housing on the application site would discharge its foul effluent to a municipal sewer which drains to

the treatment plant for Gorey/Courtown. Irish Water have stated that this connection can be facilitated. The plant has the capacity to cater for a population equivalent of 36,000. It currently serves 18,000. The impact of the proposed development on the outfall from the plant and thence on the marine environment would be negligible. The application site does not provide *ex situ* habitats that support species which are the subject of a conservation objective of a Natura 2000 site.. Therefore, the location of the site means that the proposed development would not have the potential to have a likely significant effect on any Natura 2000 site. This conclusion is consistent with those stated in the screening report submitted with the application.

- 9.2. Having regard to the location of the proposed development and the nature of the receiving environment, in particular the absence of any hydrological link or other relevant pathway that could give rise to a significant effect on any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.0 Environmental Impact Assessment

10.1. Statutory Provisions

- 10.1.1. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015. Item 10 of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of:

(b) (i) Construction of more than 500 dwelling units

.....

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

The development would provide 297 homes on a site of 11.7ha in a town. It therefore exceeds the threshold at b(iv) and so EIA is mandatory.

10.1.2. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Section 15 of the main volume provides a summary of the mitigation measures described throughout the report. Table 1.4 describes the expertise of those involved in the preparation of the report. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended,. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the results of the submissions made by the planning authority and prescribed bodies has been set out at Sections 7 and 8 of this report. This EIA has had regard to the application documentation, including the EIAR, and the submissions received..

10.2. **Alternatives**

10.2.1. Section 2-13 of the volume 2 of the EIAR provides a description of the alternatives studied by the developer. As various parts of the site have been designated by public authorities for housing, open space and community facilities the description focusses on different means by which those objectives can be achieved. The reasons for the choice made by the developer are related to the issues raised in the opinion issued by the board following the pre-application consultation.

10.2.2. The description of the consideration of alternatives in the EIAR is reasonable and coherent, and the requirements of the directive in this regard have been properly addressed.

10.3. **Likely Significant Direct and Indirect Effects**

10.3.1. The likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;

- material assets, cultural heritage and the landscape; and
- the interaction between those factors

10.4. **Population and human health**

- 10.4.1. The proposed development would allow an increase in the population of Gorey. The increase in the population of the town would be in keeping with national and regional planning policy, as well as with local plans that have been subject to Strategic Environmental Assessment. The accommodation of the increased population in a planned extension the town, rather than elsewhere, would tend to reduce the demands on the environment arising from the provision of access and services for that population. The effect on the environment in relation to population would therefore be positive.
- 10.4.2. The proposed development would be predominantly residential, which is the same use as that prevailing in the built up area of the town immediately to its south. The site is served by municipal drainage and water supply and therefore, having regard to the fact that the conclusion below that it would not have a significant effect on air quality, the occupation of the proposed development would not have a significant effect on human health.
- 10.4.3. The construction of the proposed housing would give rise to a potential impact from emissions of noise and vibration, as described in section 8 of the EIAR. Measures to reduce effects in this regard are set out in section 8.7 of the EIAR and section 6 of the draft Construction and Environment Management Plan. They include limiting hours of works, the use of appropriate plant and machinery, the erection of acoustic barriers and providing systems to monitor emissions and record any complaints. The proposed measures are standard for residential development and would be sufficient to render significant adverse effects due to noise or vibration unlikely.
- #### 10.5. **Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC**
- 10.5.1. I refer to section 10 of this report above and advise that the proposed development would not be likely to have significant effects on sites designated for the protection of species and habitats under Directive 92/43/EEC and Directive 2009/147/EC.

10.5.2. The predominant habitats on the site are improved grassland and land previously subject to works. They would be lost in the proposed development. Neither of them is of particular ecological value. The site has established hedgerows along its north-western boundary and the northern end of its south-western boundary. These hedges support foraging by bats and provide a link to the forest to the east of the site, as described in section 4 of volume 2 and appendix A of volume 3 of the EIAR, although no bat roosts were found during the survey of the site. The hedgerows would be largely retained in the development. The connectivity would be enhanced by the proposed linear open space and landscaping from the Fort Road to the forest through the middle of the site. Measures are proposed to avoid effects on bats, including the monitoring of the removal of trees from the site, using native species in the replenishment of the hedges and on the linear open space, and limits on the intensity and direction of lighting during the construction and the occupation of the development. As set out in section 11.7 below the operation of the proposed development is not likely to have significant effects on water quality and therefore would not be likely to have significant effects on aquatic habitats or species on the site or downstream of it. The construction of the proposed development would have the potential for the release of sediments and hydrocarbons that could affect water quality. Measures described as measures to avoid such emissions during construction are set out at section 4.6.1 of the volume 2 of the EIAR including the use of settlement ponds and silt traps, the control of concrete pouring, the storage of hydrocarbons and the refuelling of machinery in bunded areas and the monitoring of the Ballyowen stream. These measures represent good construction practice and would be advisable whenever development requiring earthworks occurs. Their implementation is consistent with the advice in the report from Inland Fisheries Ireland. Their efficacy is established and they would be likely to avoid any negative impact on the quality of waters and thus on aquatic habitats and species. Measures are also proposed to control the spread of invasive species, including the inspection and washing of machinery moving to and from the site. Soils in working areas and soil exported from the site would also be inspected, and if any relevant species are identified they will be treated and disposed of in accordance with article 49 of the EC(Birds and Habitats) Regulations 2011. Subject to the carrying out of the development in the manner described in the EIAR and the mitigation measures set

out therein, the proposed development would not be likely to have significant negative effects on biodiversity.

10.6. Land and soil

10.6.1. The proposed development would result in the loss of improved pasture. This resource is not scarce and this would not have a significant effect on land. The proposed development would provide a use for the derelict land on the southern part of the site where the mushroom facility previously operated, which would be a positive impact on land.

10.6.2. Section 5 of volume 2 of the EIAR describes the likely impact of the development with regard to soil. It states that subsoils on the site are at least 10m deep. Excavations to carry out the development would be to a maximum depth of 2.5m so they would not encounter bedrock. The larger part of the excavated soil would be reused in the development.. The remainder would be removed in accordance with the controls set out in waste management legislation. An Excavation Report submitted under separate cover estimates that the import 4,288m³ of soil would be required to level the site. 8,758m³ would be removed during the installation of drainage infrastructure away from the main part of the site, leaving a balance of 4,470m³ to be disposed of. Measures to avoid impacts from the handling of soil during construction are set out in section 5.6.1 of the EIAR which include the prompt reuse of soil and the prompt landscaping of finished ground, the protection of stockpiles and their location away from watercourses, the installation of wheel washing facilities at the exit from the site and the removal of soil from the site in accordance with waste management regulations. The implementation of the measures would be likely to avoid significant negative effects on the environment with regard to soil.

10.7. Water, including flood risk assessment

10.7.1. Section 6 of volume 2 of the EIAR describes the likely effects of the development on water. Foul effluent would drain via a new sewer to the town's existing system on the Arklow Road, and thence to the treatment plant for Gorey/Courtown which discharges to the sea. The plant has the capacity to cater for additional effluent and Irish Water have reported that they can facilitate the connection. The foul effluent from the development is therefore unlikely to have a significant negative effect on the

environment. The EIAR notes the runoff from the main part of the site currently flows to the ditch on the north-eastern side of the site and then to the Ballyowen River via a 525mm pipe at the southern site boundary. Flooding has not been recorded on the site. It is in Flood Risk Zone C under the scheme set out in the 2009 Flood Risk Management Guidelines according to the CFRAMS maps issued by the OPW. The guidelines indicate that residential development is generally appropriate in that zone. A surface water management system is proposed that would restrict runoff rate from the proposed housing and the adjoining area zoned for community and education use to a greenfield rate using two attenuation tanks of 1,900m³ and 993m³ under open spaces, with an outfall to the Ballyowen stream. By pass interceptors would be installed above both attenuation tanks. The submitted proposals are appropriate and the proposed development would not be at undue risk of flooding and would not increase the risk of flooding on other land. They are also sufficient to ensure that the occupation of the proposed development would not have a negative impact on the quality of water downstream on the site including the Ballyowen stream and the Owenavorrhagh system. The groundworks required during construction would have the potential to release sediments or emit other pollutants that could threaten the quality of waters. Measures are set out at section 6.6.1 of the EIAR to avoid such an effect which are similar to those set out at section 4.6.1. They represent good construction practice and their efficacy is established. Subject to their implementation, the proposed development is not likely to have significant negative effects on the environment in relation to water.

10.8. Air and climate

- 10.8.1. The occupation of the proposed housing and creche would not have the potential to have significant negative effects on the environment in relation to air. The works required to carry out the proposed development would have the potential to emit dust. There would also be exhaust fumes from machinery. Measures to mitigate effects from these sources are set out at section 7.6.1 of volume 2 of the EIAR. They include the screening of areas near sensitive receptors while works are ongoing, wheel wash facilities, wetting of exposed soil during dry windy weather, closed storage of fine aggregates and similar materials, maintenance of plant and machinery, and no idling of engines when not in use. The proposed measures

represent good construction practice and are likely to avoid any significant effects on air quality during construction.

10.8.2. The proposed development would not have the potential to have a significant effect on the climate.

10.9. **Material assets**

10.9.1. The proposed development would increase the stock of housing, public open space and childcare facilities in Gorey, which would have a positive impact on the town's material assets. The report from Irish Water indicates that the proposed development would not place excessive demands on the foul sewerage and water supply in the area, while the submitted Site Specific Flood Risk Assessment and the conclusions of this EIA at section 11.7 above indicate that it would not place an excessive demand on the capacity of the area for surface water drainage. The proposed laying of a foul sewer from the main part of the site to the Arklow Road through a green space, along streets and under the Ballyowen Stream would cause temporary disruption to the use of those assets. However measures for the reinstatement of the street and open spaces and the protection of the stream have been submitted. They have been accepted by council, which is the roads authority. Subject to their implementation, the long term impact of the development on those assets would be not be significant.

10.9.2. **Cultural Heritage**

10.9.3. There are no entries on the record of protected structures or the record of monuments and places that refer to the site. Nevertheless it is proposed that topsoil stripping will be supervised by an archaeologist. The proposed development adjoins a forest park associated with a former demesne at Ramsfortpark. It would not impinge on the park. Its layout would establish a proper relationship between the park, the proposed housing and the Fort Road. In these circumstances the proposed development would not be likely to have significant negative effects on cultural heritage.

10.10. **Landscape**

10.10.1. The site is not designated for the protection of the landscape. The existing condition of its southern part, which is the abandoned mushroom facility, is unsightly and detracts from the character of the landscape. The northern part of the site is

grassy and elevated. It is not of the highest scenic quality or sensitivity but it does provide a clear context for the edge of the town. The proposed development would fundamentally change the landscape on the site. It would achieve a satisfactory standard of urban design and would provide an attractive visual environment. Its impact on the landscape at the southern end of the site would therefore be positive. The loss of the pastoral character of the northern end of the site would be mitigated by the retention of the hedgerows along the boundary of the site and along the Fort Road there. The overall impact of the development would not have significant negative effects on the landscape, therefore.

10.11. The interaction of the foregoing

10.11.1. The potential impact of the development on land, soil, water and biodiversity interact due to the need to avoid the emissions of sediments to surface waters to protect water quality and the aquatic habitats there. The potential impact on land and soil interacts with that on air due to the need to control dust emissions during ground works. The potential impact of the development on biodiversity interacts with that on the landscape, as the hedgerows on the site have the highest value and sensitivity in relation to both those factors. The potential impact of the development on material assets interacts with that on the population due to the provision of a substantial amount of housing for the population. The various interactions were properly described in the EIAR and have been considered in the course of this EIA,

10.12. Cumulative Impacts

10.12.1. The proposed development could occur in tandem with the development of other sites that are zoned in the area, including the adjoining land to the north-west and the land across the Fort Road where housing is permitted. Such development would be unlikely to differ from that envisaged under the county development and local area plans which have been subject to Strategic Environment Assessment. Its scale would be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

10.13. Reasoned Conclusion on the Significant Effects

Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority and prescribed bodies in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in housing in the town
- A significant direct effect on land by the change in the use and appearance of a relatively large site from agricultural and brownfield to residential. Given the location of the site adjoining the built up area of the town and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction due to the excavation and filling required to carry out the development, which will be mitigated by the re-use of some of the excavated material on the site, the export of other material to regulated facilities and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment or hydrocarbons to water.

The proposed development is not likely to have significant adverse effects on human health, biodiversity, cultural heritage or the landscape.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or the making of substantial alterations to it.

11.0 Assessment of other issues

11.1. The planning issues arising from the proposed development can be addressed under the following headings-

- The principle of development
- Layout and Design
- Housing Mix
- Amenity for the Occupants
- Impact on the Amenities of Other Property
- Access and Parking
- Phasing

11.2. The Principle of Development

11.2.1. The proposed housing, open space and creche would comply with the zonings on each part of the site set out in the local area plan. The local area plan sets out how the amount of land zoned for residential development in the town, 101 hectares, relates to the core strategy set out in the county development plan and the target population of 11,883 it seeks in Gorey in 2022. The proposed uses therefore comply with the statutory plans that apply to the area.

11.2.2. The proposed provision of housing as part of the built up area of Gorey, including housing on brownfield land, would be in keeping with various objectives of the National Planning Framework, including those numbered 3c, 4 and 11. The proposed childcare facility is in accordance with the guidelines on the topic issued by the minister in 2001. The proposed uses are therefore in keeping with national policy.

- 11.2.3. The net density of the development is stated to be 37dph, based on a site area that excludes the part of the site that is not zoned residential and the roads that serve other lands in accordance with the framework set out in the LAP. This calculation is reasonable and in keeping with the advice at appendix A of the 2009 guidelines on sustainable urban residential development. The proposed density complies with the advice at section 5.11 of those guidelines that encourages the development of greenfield sites at between 35 and 50 dph. Compliance with that advice is a specific policy requirement under the 2018 guidelines on building height. The amount of housing proposed on the site is therefore in keeping with national policy.
- 11.2.4. As the location, nature and scale of the proposed development complies with local and national planning policy, it is acceptable in principle.

11.3. **Layout and Design**

- 11.3.1. The local area plan provides a framework with a layout for development in this area. The proposed development complies with that layout. The proposed layout establishes two main routes through the site. The one running east-west would provide a visual link along open spaces to the Forest Park. The one running north-south would allow links to the zoned land to the north and existing built up area to the south. The proposed link to the south would be for pedestrians and cyclists, but it would facilitate a future vehicular connection by the roads authority if it decided to provide one in tandem with the planned extension of the inner relief road shown on the LAP diagrams. The internal streets have frequent junctions and the block dimensions are not excessive. The proposed houses would properly address the streets, with apartment buildings providing suitable corner treatments. The northern end of the frontage along the Fort Road has a parallel access road. This arrangement is not normally acceptable because it fails to provide the frontage onto previously rural roads required to achieve a proper standard of traffic safety and urban design or an efficient use of zoned land. However in this case the neighbourhood framework in the LAP shows that the Fort Road would not provide the main access to the zoned land to the north. Its rural appearance can therefore be maintained without undue detriment to traffic safety or urban design. It is therefore concluded that the proposed layout provide a suitable level of legibility and permeability, and that it would facilitate pedestrian movement and integration with the development of adjoining land. It achieves a proper standard of urban design

that is in keeping with the general advice set out in DMURS and the specific provisions of the neighbourhood framework of the LAP. The proposed layout is therefore acceptable.

- 11.3.2. The proposed buildings achieve a satisfactory standard of design, both in terms of their detailed treatment and in the variety of building form and height across the site. The buildings would vary from one to three storeys, which is an appropriate range for a site on the edge of town and would be in keeping with section 3 and SPPR4 of the 2018 guidelines on urban development and building heights. The proposed surface and boundary treatments are acceptable. It is noted that the concrete block wall at the back of the gardens at the north-western side of the site would be set back and below the boundary hedge there to ensure its retention.

11.4. Housing Mix

- 11.4.1. The 2018 guidelines on apartment design state that peripheral urban locations are suitable for schemes at densities below 45dph of which apartments form the minority of the proposed homes. The proposed development would comply with that advice. 21% of the proposed units would have two bedrooms, while 27% would have four or five. Three bedroom homes would therefore comprise just over half of the scheme. This housing mix is considered appropriate for a site on the edge of a town, although it deviates to some degree from the mix sought under objective HOU5 of the local area plan.

11.5. Amenity for the Occupants

- 11.5.1. More than 10% of the site would be provided as open space. Gardens of more than 75m² would be provided for the proposed houses, although those to the rear of some the detached houses and those on corner sites would have irregular shapes. The proposed houses have a sufficient level of internal accommodation. The layout avoids opposing windows less than 22m apart. The proposed houses would therefore comply with the standards set out in section 18 of the development plan and would provide a reasonable level of amenity for their occupants.
- 11.5.2. The proposed development includes 65 apartments that are subject to the 2018 design guidelines. There would be no one-bedroom apartments, which satisfies SPPR1. All units would meet the minimum floor area required by SPPR3. The internal accommodation and amenity spaces also comply with the standards set out

in Appendix 1 of the guidelines. Their overall floor area would be 6,741m². This would be well above the minimum required floor area of 5,238m² needed to provide the additional 10% of floor area for a majority of the apartments as required by section 3.8 of the guidelines. All of the apartments would be dual aspect, meeting SPPR4. The ceiling heights would be 2.7m in accordance with SPPR5. The apartments are own-door units, so SPPR6 would not apply. Refuse facilities, car parking and bicycle parking are shown for the apartments in accordance with the requirements of the guidelines. It is noted that several of the corner apartment buildings of type A and B front directly onto the footpath without the 1.5m privacy strip recommended in section 3.41 of the guidelines. However the ground floor apartments are laid out to have the main windows for bedrooms and other habitable rooms to the rear of the building and it is therefore considered that they would have an adequate level of privacy. The proposed development would therefore provide an acceptable standard of amenity for the occupants of the proposed apartments.

11.6. Impact on the Amenities of Other Property

11.6.1. The proposed development would not unduly overlook, overbear or overshadow other residential properties. The houses and apartment buildings along the south-eastern edge of the site would maintain a separation distance of more than 22m from the back of the existing houses at Ashwood Grove. The proposed apartment buildings at that location avoid having their balconies facing towards the existing houses. The houses and apartments along the north-western side of the scheme would be set back from the boundary hedge, which would be largely retained, and would not prejudice development of the adjoining zoned land. The proposed development would not, therefore, injure the amenities of property in the vicinity of the site.

11.7. Access and Parking

11.7.1. The proposed development would provide a footpath along the front of the site to link with the existing network in the town. It would provide permeability through the scheme and links to the open spaces to the southeast and northeast. The road layout would also facilitate the provision of a main route through the site from Ashwood Grove to the zoned land to the north in line with the local area plan. The identification of that route in the plan justifies the greater width and corner radii of the

proposed road along it, as well as the retention of the northern part of the Fort Road in its rural condition with a parallel estate road. The carriageway of the Fort Road along the southern part of the site frontage is sufficient to cater for traffic in a suburban area. The layout and specifications of the streets in the scheme are otherwise generally in accordance with DMURS, save for some minor discrepancies that can properly be addressed by condition. The proposed access arrangements are therefore satisfactory.

11.7.2. The development would provide parking for the proposed housing in accordance with the standards set out in the development plan, with 2 spaces per house and 1.5 spaces per apartment. The applicant submits that 18 spaces would be sufficient to cater for the creche, rather than the 40 required under the standards, because the creche is designed to meet the demand arising from the proposed housing that would be right beside it. This argument is accepted. The proposed car parking provision is sufficient. Adequate bicycle parking is also provided for the proposed apartments.

11.8. Phasing

11.8.1. The application seeks permission for an appropriate period of 10 years, rather than the normal period of 5 years set down by section 40(3)(b) of the planning act. The board may grant permission with such a longer period under section 41 of the act, after having regard to the nature and extent of the proposed development and any other material consideration. The covering letter submitted with the application refers to the local market and construction circumstances including the laying of the foul sewer as the reason for seeking permission for the longer period, without further elaboration. Section 5.5 of the statement of consistency submitted by the applicant states that the core strategy of the 2013 county development plan allocates 2,420 housing units to Gorey in the period 2011-2019 which is 269 per annum. The proposed development would provide 297 residential units. The scale of the proposed development is not exceptionally large in relation to the planned growth of the town, therefore. The development would consist of houses and low rise apartment buildings, and so its form is not exceptional either. The proposed development would include the laying of a new sewer in the public road for 1.2km. However this this would have to be completed before any home on the site was occupied and represents the removal of a constraint rather than an intrinsic part of

the proposed housing development. The nature and extent of the proposed development would not justify a permission of longer than 5 years, therefore.

11.8.2. Nor would any other material consideration.. Having permissions with lifespans longer than those set down in the planning act for developments plans and local area plans reduces the extent to which new or reviewed plans can actually influence development on the ground, and so reduces the effectiveness of the planning system. The same issues arise if national policies or standards are altered to reflect changes in public policy or extrinsic circumstances. The persistence of unimplemented permissions on land can frustrate and complicate the coherent development of adjoining land. This is particularly the case when the old permission has been subject to applications for amendment, which is likely to occur when the appropriate period is more than five years. It is also noted that the planning authority objected to having an appropriate period of more than 5 year as being contrary to the purposes of the legislation establishing the SHD procedures. That legislation altered the established decision making procedures in order to bring about a more rapid delivery of housing, rather than to allow undeveloped land to retain the benefit of planning permission for a longer period.

12.0 Recommendation

12.1. I recommend that permission be granted subject to the conditions set out below.

13.0 Reasons and Considerations

Having regard to the site's location in the town of Gorey on lands that are mostly zoned for residential development under the local area plan for the period 2017 to 2023 and the compatibility of the other elements of the proposed development with the zoning objectives that refer to the remainder of the site, to the nature, scale and design of the proposed development, the availability in the area of a wide range of social infrastructure, to the pattern of existing and permitted development in the area, and to the provisions of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and its accompanying design manual issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Guidelines the Sustainable Urban Housing: Design Standards for

New Apartments issued by the Department of the Housing, Planning and Local Government in March, 2018 and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. The appropriate period for this permission shall be 5 years from the date of this order. The development shall be carried out within that period in accordance with a phasing plan that shall be agreed with the planning authority prior to the commencement of development. In particular, this plan shall stipulate that none of the authorised dwellings may be occupied until the necessary

connections for the drainage of foul effluent and surface water have been constructed to the satisfaction of the planning authority.

Reason: To ensure the timely and orderly development of the site for housing with the required supporting infrastructure

2. The mitigation and monitoring measures outlined in the Environmental Impact Assessment Report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

3. The proposed streets within the development shall be amended as follows-
 - The carriageway of the street that runs north-east from the access to the Fort Road and then south-east to the boundary of the main part of the site with Ashwood Grove following the line of the main street shown on figure 11 of the Creagh Neighbourhood Framework in the Gorey Local Area Plan 2016-2023 shall be 6.0m wide. The carriageways of the other streets in the shall be no more than 5.5m wide. Where space is required to allow access to perpendicular parking spaces this shall be provided as set out in figure 7.82 of DMURS without increasing the width of the adjoining carriageway to more than 5.5m
 - The proposed cycleways shall be designed as cycle tracks in line with sections 1.5 and 4.3.4 of the National Cycle Manual issued by the NTA with vertical segregation from pedestrian paths and suitable priority over traffic to and from minor roads at junctions.

Revised plans showing compliance with these requirements shall be submitted and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS and the National Cycle Manual

4. The materials, colours and finishes of the authorised buildings, the treatment of surfaces and boundaries within the development and the landscaping of the site shall be in accordance with the details submitted with the application, unless variations are required to comply with the conditions of this permission or the prior written agreement of the planning authority has been obtained for minor departures from the submitted details.

Reason: In the interests of visual and residential amenity

5. Proposals for street names, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in

writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;
- (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (g) The protection of trees on the site in accordance with the tree protection plan submitted with the application

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

Reason: In the interest of amenities, public health and safety

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

12. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

13. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority details of the works required to lay the foul sewer from the main part of the site to the existing sewer on Arklow Road, including details of the method, timing and duration of the works and the reinstatement of roads and other land upon their completion. The developer shall comply with the requirements of the planning authority with regard to those works which may include stipulations in addition to those applying to the carrying out of works on the main part of the site under conditions 8, 9, 10, 11 and 12 above.

Reason: In the interests of orderly development, road safety and residential amenity.

14. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area

15. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission

Stephen J. O'Sullivan
Planning Inspector

9th May 2019