



An  
Bord  
Pleanála

## Inspector's Report ABP-305557-19

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<b>Development</b>	60 houses, ancillary site works, site access and overall site ancillary works granted under planning reg. ref. 20180945. NIS submitted with application.
<b>Location</b>	Clonhasten, Enniscorthy Rural.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20191014
<b>Applicant(s)</b>	Green DCBM Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Eugene Doyle & Others
<b>Observer(s)</b>	None.
<b>Date of Site Inspection</b>	27 <sup>th</sup> November 2019
<b>Inspector</b>	Paul O'Brien

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## 1.0 Site Location and Description

1.1. The subject site in the townland of Clonhasten, with a stated area of 4.879 hectares is located approximately 1.9 km to the north east of Enniscorthy town and 1.6 km from the railway station. The appeal site is an irregular shape and forms part of a large landholding that is located to the north of the R744 regional road, west of a local named as the Clonaston Road and south east of a road named as the Clonaston River Road.

Note: The names of these roads are taken from 'Map No.2: Roads Objectives' of the 'Enniscorthy Town and Environs Development Plan 2008 – 2014', I note that different names may be referenced in documentation, but I will use those taken from the town plan.

1.2. The three roads form a triangle of land and most of the appeal site is located to the north east corner of the landholding between the Clonaston Road and the Clonaston River Road. In addition to access roads between the site and the R744, there is an area of land proposed as open space and a main access to the site located to the north of the regional road. The site rises from west to east, though as expected, over such a large area of land this is not even with a mix of gentle and steep rises found throughout the lands. The eastern part of the site along the Clonaston Road is the highest point of the subject lands.

1.3. Most of the subject lands and surrounding lands are in agricultural use, though evidence of site clearance was visible along the section to the north of the regional road. A detached house is located to the north of the site between The Clonaston and Clonaston River Roads. A cluster of detached houses is located on both sides of the Clonaston Road to the south of the site and which extends along the R744. Site boundaries consist of a mix of mature hedgerows and fencing, though there is an overgrown stone wall along sections of the regional road. Existing agricultural entrances are available to the site from the Clonaston Road and the Regional Road. As stated, the subject lands form part of a larger landholding and fields are separated primarily by hedgerows. There is a footpath along the northern/ north eastern side of the regional road.

## 2.0 Proposed Development

2.1. The proposed residential development consists of the following:

- 60 houses in the form of:
  - 20 no. two bedroom units – two types of terraced units.
  - 40 no. three bedroom units – two types of mid terrace units and one type of end of terrace unit.
- The stated net density is 40.25 units per hectares on the basis that the net area is 1.4905 hectares. The subject site gross density is calculated on the basis of omission of areas of the site that have already received permission.
- Access to be provided from the Clonaston Road to the east of the site and the R744 to the south.
- Public open space areas.
- Internal road network and attenuation tanks in addition to site ancillary works as previously granted under P.A. Ref. 20180945.
- A Natura Impact Statement (NIS) and Environmental Reports have been prepared in support of the development.

## 3.0 Planning Authority Decision

### 3.1. Decision

The Planning Authority decided to grant permission subject to conditions. The conditions are generally standard. Specific conditions relate to the provision of electric charging points in all car parking spaces, sightlines at the R744 access to be maintained at all times – may require revisions to the bus stop here, mitigation measures in Sections 9.1 & 9.2 of the NIS and details in the 'Construction Environmental & Waste Management Plan' to be carried out in full and archaeological mitigation measures to be carried out in full as per Section 8 of Archaeological Assessment Report.

## 3.2. Planning Authority Reports

### 3.2.1. Planning Reports

The Planning Report reflects the decision to grant permission. The development is the third phase out of five for an overall development of 410 housing units. The Case Officer reported that the layout of development had regard to the topography of the site and also reported on services to be provided within a previous phase of development under P.A. Ref. 20180945. Regard has been had to the report from the Department of Arts, Heritage and Gaeltacht regarding archaeology. It is noted that there is a lack of internal reports, however this is the third application on this site and it is considered that most issues relating to drainage, water supply and road layout/ access would have been considered and addressed under the previous applications.

### 3.2.2. Other Technical Reports

**Chief Fire Officer:** No objection subject to recommended conditions.

**Housing Department:** An agreement has been reached between the applicant and Wexford County Council for the transfer of houses in accordance with the Planning and Development Act 2000 as amended.

### 3.2.3. Prescribed Bodies Reports

**Department of Culture, Heritage and the Gaeltacht:** No objection subject to recommended conditions.

### 3.2.4. Objections/ Observations

A letter of objection from Eugene Doyle & Others, Clonhaston Residents Association was received, and the issues raised are similar to those in the appeal. In summary the main issues related to:

- Concern that none of the other permitted phases have commenced to date and in order to prevent a 'ghost estate', each phase should be completed and sold before the next phase commences.
- Concern that the subject development and the permitted two phases may be an attempt at project splitting.

- Potential traffic hazard as the entrance on the R744 is near to an existing poor-quality junction. Also, potential traffic hazard due to the extra traffic generated by this development.
- Request that stone walls on the R744 be retained.
- The density of development is too high.
- Disruption due to the construction phase of development.
- Request that assurances be given that electricity and water pressure improve with the additional development.
- Request for a tree survey due to the number of mature trees on site.
- Inadequate details with reference to drainage, public lighting and road construction details.
- Inadequate infrastructure in terms of schools and shops to serve this development.
- Inadequate provision of public open space to serve this development.

#### 4.0 Planning History

**P.A. Ref. 20190160** refers to a June 2019 decision to grant permission for 53 houses, access road to the R744 and all necessary site works. This approved site is located towards the centre of the landholding and to the south east of the proposed subject houses.

**P.A. Ref. 20180945** refers to a January 2019 decision to grant permission for a mixed-use development on lands to the south and south west of the subject site. This development permitted a total of 97 houses in the form of two, three, four and five bedroom units, a creche facility for 122 children, two-storey medical centre, offices, access roads, drainage, bus stop layby on the R744 and all necessary site works. A Natura Impact Statement (NIS) and other environmental reports were submitted in support of this application.

**P.A. Ref. 20170382** refers to a May 2019 decision to refuse permission for a mixed-use development of 150 houses (detached, semi-detached and terraced), childcare facilities, medical centre/ pharmacy and all necessary site works. The development was refused in summary for the following reasons: Poor quality layout and design

which does not have regard to Enniscorthy Town and Environs Development Plan 2008 – 2014, failure to have regard to the ‘Childcare Facilities – Guidelines for Planning Authorities’, insufficient car parking provision, site layout plans excluded indicated open space and due to inadequate drainage/ lighting and road construction details, the development would be a traffic hazard.

## 5.0 Policy and Context

### 5.1. Wexford County Development Plan 2013 - 2019

- 5.1.1. Enniscorthy is listed as one of the four main towns in the County. The Core Strategy states: *‘The development approach for Enniscorthy Town is more measured growth’*.
- 5.1.2. The R744 Enniscorthy to Blackwater Road is listed for proposed improvements. The Enniscorthy Sewage Scheme is listed as due to commenced in 2012 and the Enniscorthy and Sow Regional Water Supply Scheme is listed as at planning stage up to 2012.
- 5.1.3. The River Slaney is designated a Natural Heritage Area (NHA) – Table No. 33 GSI Recommended NHAs and County Geological Sites.

### 5.2. Enniscorthy Town & Environs Plan 2008 - 2014

- 5.2.1. The site is within Masterplan Zone 1 and is zoned R1 – New Residential/ Low Medium Density and CE – Community and Education.
- 5.2.2. Specific Local Objective T11 states *‘To provide & improve public lighting and footpaths at the following locations (See Map 2)’;*
  - 1) *Clonhaston River Road;*
  - 2) *Clonhaston & R744;*
- 5.2.3. SW2 states *‘Protect the water quality of the River Slaney, and to ensure that the water quality of the river is maintained at a satisfactory level in accordance with the EU Water Framework Directive and EU Directive Number 78/659 that lists the river as a salmonoid river’*.
- 5.2.4. Chapter 5 refers to Housing and Chapter 11 to Development Management Standards.

### 5.3. National Guidance

- 'Project Ireland 2040 - National Planning Framework' includes Chapter, No. 6, entitled 'People Homes and Communities' and which includes 12 objectives, the following are considered relevant to this proposed development:
  - National Policy 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.
  - National Policy 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.
  - National Policy 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.
- *Design Manual for Urban Roads and Streets (DMURS)*.
- *Sustainable Urban Residential Development Guidelines (DoEHLG, 2009)* and its companion, the *Urban Design Manual - A Best Practice Guide (DoEHLG, 2009)*.
- *Quality Housing for Sustainable Communities (DoEHLG, 2007)*.

### 5.4. Natural Heritage Designations

The River Slaney is designated as a Natural Heritage Area (NHA) and Special Area of Conservation (SAC). The river is located approximately 500 m to the north west/ west of the subject site.

### 5.5. EIA Screening

- 5.5.1. Having regard to the nature of the proposed development comprising a residential development of 60 residential units in a suitably zoned area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental



impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Eugene Doyle & Others on behalf of the Clonhaston Residents Association, have appealed the decision of the Planning Authority. The following comments are made:

- If permitted, an additional 60 units will increase the overall number of units permitted in this area to 210 and there is an overall indicated proposal for between 410 and 427 residential units. No development has commenced on any of these units.
- Reference issue regarding the naming of roads.
- Existing road network is substandard, and the additional traffic would give rise to a traffic hazard especially at existing junctions.
- Density of houses facing the local road is greater than those facing the R744.
- The proposed layout will impact on the value of property.
- Poor quality layout with houses perpendicular to public roads, poor elevational treatments addressing roads and insufficient public open space.
- The proposed density of housing is excessive in this location.
- Request that stone walls be retained/ restored on R744.
- The scale of development will have a long-term impact on existing residents during the construction phase.
- Request that assurances be provided that electricity and water supply be improved to cater for the proposed development.
- Inadequate details with reference to drainage, public lighting and road construction details.
- Inadequate infrastructure in terms of schools and shops to serve this development.
- Inadequate provision of public open space to serve this development.

- Reference P.A. condition no. 13 regarding the provision of a detailed landscaping plan. Third parties have no say in this.

## 6.2. Applicant Response

MosArt who are engaged as the agents for the applicant have submitted a detailed response to the appeal and the following points are made:

- Demand is not there at present to start construction on the permitted houses, references market volatility, difficulty for borrowers to secure loans and Brexit.
- Density is appropriate having regard to national and local policy.
- Road improvements may be required as part of the development of these lands and these works may be undertaken by Wexford County Council.
- The intensity of development including the height of proposed units is appropriate to the location of the site with respect to the existing urban area.
- There is no impact on existing residential amenity.
- The development will open up these lands and a variety of public open spaces will be provided.
- Mature hedgerows to be protected and stone walls retained.
- The proposed layout was presented to the Clonhaston Residents Association.
- The design of houses and layouts have been carefully considered with particular reference to the gable fronted houses to the north east of the site addressing the public road.
- It is proposed to provide for a total of 2.768 hectares of public open space out of a total area of 15.871 hectares – 17.5%. Further detail is provided, and it is noted that the Central Green permitted under 20180945 will celebrate the 1798 Battle of Vinegar Hill.
- Nuisance during the construction phase can be mitigated.
- Water and electricity provision are matters for other authorities. Similarly, the issue of schools cannot be addressed by this application. Childcare provision and shops are proposed in other phases of the development.

- Adequate provision has been made for surface water drainage and details provided.
- Wexford County Council never sought the provision of a tree survey, mature hedgerows are to be protected and a suitable landscaping plan was submitted.
- Request that the appellants reconsider their position as the development is of a suitably high quality that is for the benefit of the area.

### 6.3. **Planning Authority Response**

- None

## 7.0 **Assessment**

7.1. The main issues that arise for assessment in relation to this appeal can be addressed under the following headings:

- Development Context
- Nature of the Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Archaeology
- Amenity Provision
- Access and Transportation
- Other Issues
- Appropriate Assessment Screening – Natura Impact Statement

Note: The names of the roads bordering the site are taken from ‘Map No.2: Roads Objectives’ of the ‘Enniscorthy Town and Environs Development Plan 2008 – 2014’, I note that different names may be referenced in documentation, but I will use those taken from the town plan. The names I will use are R744 regional road – south of the site, Clonaston Road to the west of the site and the Clonaston River Road to the north. I also note that the townland is named as Clonhasten.

## 7.2. Development Context

- 7.2.1. The proposal for 60 houses is part of an overall development of these lands that will provide for 427 units. The applicant has prepared a Planning + Design Report that effectively serves as a masterplan, providing a comprehensive plan led approach to the development of these lands. The masterplan provides for distinctive character areas that has regard to the topography of the site, the location with respect to the Enniscorthy urban area and has regard to the existing form of development in the area. The masterplan allows for the future development of adjoining lands that are outside of the blue line boundary.
- 7.2.2. The character areas provide for an open space area to the north of the R744 and to the north of this is an area of three storey buildings including a childcare facility, retail and office units. This acts as the entry point to the overall development. The height of unit drops to two-storeys and this is maintained throughout most of the overall development lands. The area labelled 'Central Green' towards the centre of the site provides for a significant area of public open space with smaller areas available throughout the development area to serve the local residential population. Cycle tracks and pedestrian routes are adequately provided for with through routes and permeability also clearly identified.
- I consider that the overall masterplan is appropriate and on completion it should provide for a high quality of residential development. The overall development has been very well thought out and designed and would make a welcome addition to Enniscorthy. Although most of the masterplan is for a larger scale of development, it does include the subject site and is therefore relevant to the assessment of this appeal.
- 7.2.3. The subject development is defined as Phase 3 and an additional three phases are proposed, such that there will be a total of 6 phases; this is indicated on Drawing No. P.10.
- 7.2.4. The red line boundary of the application/ appeal includes roads/ accesses/ open space etc. previously approved under P.A. Ref. 20190160 and P.A. 20180945. Whilst this allows for an integrated form of development, it also allows the applicant to develop the proposal as a standalone development with its own public open space, accesses/ roads and provide for suitable surface water drainage.

The commencement of development and progress thereafter is usually dependent on factors outside of the planning process. The availability of capital and demand for housing in this case, are key factors in the progress of such a development. The applicant has attempted to provide for an integrated development that although it may not all commence at once, there is some certainty with regards to how it will progress over the lifetime of a permission. I consider that the approach taken by the applicant with regards to phasing is appropriate.

### **7.3. Nature of the Development**

- 7.3.1. A total of 60 houses in the form of terraces are proposed. The houses are all two-storey and are located on three short cul-de-sacs. House Type G01 as detailed on Drawing no. P105, provides for the end of terrace unit and is suitably designed such that the front entrance is at the gable end, either addressing the public street to the western terrace ends or facing towards the Clonaston Road on the eastern terrace ends, thereby providing for active end frontage.
- 7.3.2. The subject development, forming this appeal, will itself be phased over three stages and I consider this to be acceptable.

### **7.4. Design and Impact on the Character of the Area**

- 7.4.1. House types are in the form of two-bedroom and three-bedroom units, and the terraces are provided with a mix of house types thereby providing variety in the streetscape. A mix of finishes to the external treatment of these houses also provides for additional streetscape variety. The proposed material finishes are considered to be acceptable.
- 7.4.2. The existing area is characterised by rural/ agricultural development, however the residential zoning that has been in place for some time clearly indicates that the nature of the area was going to change at some stage. The density is appropriate for this location and I consider that the layout is acceptable as it ensures that the density is in accordance with national guidance whilst providing for houses that do not dominate the existing area when viewed from the adjoining local road network. Whilst the eastern end of terrace houses address the public road, the separation of between 5 and 8 m between these units and the road edge ensures that they do not dominate the existing setting of the Clonaston Road. The applicant could have

redesigned the Clonaston Road to be a street with direct vehicular access from the proposed houses on to it. The proposed design has resulted in the retention of the rural character of this road and at the same time it is suitably addressed by the new houses. In addition to the set-back from the roadside edge, the separation between houses of 22 m will also reduce any visual sense of overdevelopment in this area when viewed from the Clonaston Road.

## **7.5. Impact on Residential Amenity**

- 7.5.1. The site is suitably zoned for residential development and the proposed density is acceptable having regard to national policy. Public amenity space is available in close proximity to these houses. Unit and room sizes are generally acceptable. It is noted that not all houses are provided with a suitable quantity of storage in accordance with Table 5.1 of the 'Quality Housing for Sustainable Communities', though it should be possible to address this by providing for such in the attic space for example.
- 7.5.2. I note that the proposed houses are to be provided with a very high energy rating at A2. Measures in the form of brise soleil are to be utilised to prevent overheating that may occur in some locations.
- 7.5.3. Adequate private amenity space is allocated to each house as is suitable car parking. Car parking is not in all cases in curtilage though it would be possible to achieve this by minor alterations to the front driveways. I note for example that the second parking space for house no. 13 is located to the front of house no. 14, this is somewhat unusual and is easily fixed by minor layout alterations.
- 7.5.4. I do not foresee that the proposed development will impact negatively on existing houses in the area in terms of overlooking leading to a loss of privacy as adequate separation distances are provided. Overshadowing leading to a loss of daylight is not foreseen either. The existing house on the junction of Clonaston River Road and Clonaston is in nearest proximity to the development, but I am satisfied that its residential amenity will not be unduly impacted upon in terms of overlooking/overshadowing.

7.5.5. It is accepted that there will be some disruption during construction of a development of this scale. Suitable conditions would be recommended in the event of a grant of permission that protect residential amenity.

## 7.6. **Archaeology**

7.6.1. The applicant has engaged the services of Stafford McLoughlin – archaeologists, and who have submitted an Archaeological Assessment Report with the subject application. Archaeological assessment reports have been submitted with the other applications on the adjoining sites and similar recommendations to those are made again. These recommendations include the undertaking of a licenced metal-detector survey, artefact retrieval based on the metal-detector survey, recording of field boundaries, archaeological monitoring of construction works and suitable protection of known sites. The subject site is located in the area of the battle of Vinegar Hill which is dated to the 21<sup>st</sup> June 1798 and a significant range of materials from this battle have been found in this area in the past. It is accepted within this archaeological report that development will impact on the area and consequently on features/ deposits that have not already been identified in the archaeological testing of the site.

7.6.2. The Department of Arts, Heritage and the Gaeltacht have reported that the submitted archaeological assessments and proposed mitigation measures are acceptable. From the submitted information it is clear that the historical and archaeological importance of the site is acknowledged and that the recommendations and mitigation measures of the archaeological assessment report are appropriate for this development/ subject site.

## 7.7. **Amenity Provision**

7.7.1. Adequate public open space is proposed to serve Phase 3. Open space is located to the west of the terraced houses and this is within easy walking distance of the subject houses. I note that there is an area between the access road to the cul-de-sacs and the open space indicated for Future Development. From the submitted plans it appears that the development here is to be in the form of apartments and associated car parking. This will provide for suitable passive surveillance of the open space, but the site layout is such that this amenity space can be used in advance of the future development of these units.

7.7.2. Additional open space is provided throughout the development lands including the Central Green as permitted under P.A. Ref. 20180945 and the Crescent Green that forms part of this application site. The proposed footpath and cycle path layout allow for 'looped routes' within the overall landholding thereby providing for high quality amenity. A range of active recreational facilities is outlined in the Planning + Design Report. The applicant refers in their appeal response that the opening of these lands through the proposed and permitted developments, will allow for the use of the associated amenity lands for all residents in the area including the existing residents who live in the immediate area.

## 7.8. Access and Transportation

7.8.1. Vehicular in addition to pedestrian/ cycle access is available from the R744 and the Clonaston Road. Whilst the Clonaston Road is not of a good quality in terms of width and road condition, it is considered that its use would be limited with the main access coming from the R744. The Clonaston Road does provide for an alternative access in the event of a closure near the R744 access and allows for permeability through the site. No concerns have been expressed by the Planning Authority in relation to the impact on the existing road network. On the day of the site visit it was noted that traffic on the R744 was steady but was very light on the other two roads.

7.8.2. As already referenced in this report, there is a high-quality cycle and pedestrian provision throughout the site that should encourage a reduction in potential car use. The development of future phases will increase the amount of permeability throughout the site. The internal circulation network is demonstrated by '*Figure 24 – Site Plan indicating circulation network – permeability and linkage*' in the Planning + Design Report.

7.8.3. An Outdoor Lighting Report has been prepared by Astrotek – Technical Lighting and provides details on the public lighting location, lighting quality and type of light. This is acceptable, however a condition will be attached to a grant of permission that this be agreed prior to the commencement of development.

## 7.9. Other Issues

7.9.1. The applicant in their appeal response states that mature hedgerows are to be retained and tradition stone walls are to be rehabilitated and this is considered to be



desirable. The submission of a detailed landscaping plan will provide further information on this. Such a landscaping plan is a technical document that should not impact negatively on third parties. As already stated, there are very few houses that directly abut this phase of development and I do not foresee that they will be unduly impacted.

7.9.2. The submitted appeal refers to the provision of services in the area such as water and electricity supply in addition to school provision. These are issues that outside of the control of the applicant and rely on other bodies to provide them. The phasing of development allows for all necessary services to be provided as required.

Enniscorthy town centre is within walking distance and its accessibility has improved through the removal of much through traffic in the town centre with the opening of the M11 to the east of the town.

7.9.3. A Noise Impact Assessment has been prepared by Verdé Environmental Consultants Ltd and suitable noise mitigation measures have been proposed to ensure that Noise Sensitive Locations do not suffer from adverse impacts from the proposed development.

7.9.4. Verdé Environmental Consultants Ltd have also prepared a detailed Construction Environmental & Waste Management Plan and this is noted in the assessment of this appeal.

#### 7.10. **Appropriate Assessment Screening – Stage 1**

7.10.1. The River Slaney is located within 500 m of the subject site and there is a direct hydrological connection from the site to the River Slaney (site code: 000781). Also located within 15 km of the subject site are:

- Wexford Harbour and Slobs SPA (site code: 004076)
- Screen Hills SAC (site code: 000708)
- Blackstairs Mountains SAC (site code: 000770)

7.10.2. The applicant has engaged the services of Verdé Environmental Consultants Ltd to prepare an appropriate assessment screening (Stage 1). It was found that Appropriate Assessment (Stage 2) was required as the Slaney River and Wexford Harbour and Slobs were within the zone of influence and without suitable mitigation

measures, they were at risk of likely significant effects from parts of the development process. The River Slaney flows into Wexford Harbour and therefore is an indirect hydrological pathway. The Blackstairs and Screen Hills SAC were determined to be outside of the zone of influence of the development as there were no potential impact pathways. I concur with the assessment of the applicant in this regard.

## 7.11. Natura Impact Statement (NIS) – Stage 2

7.11.1. The NIS has been undertaken in accordance with Article 6(3) of the Habitats Directive. It was not possible to rule out significant impacts on the Slaney River and Wexford Harbour and Slob SPA and sufficient information has been provided in the NIS to undertake an Appropriate Assessment of the proposed development. The following aspects of the development are likely to give rise to impacts on the designated sites:

- Polluted surface water runoff to the Slaney during the construction phase of development.
- Polluted wastewater entering the Slaney during the post-construction phase of development.

No other pathways such as noise, air, lighting etc. have the potential to function as pathways due to the distance between the site and the River Slaney.

7.11.2. Cumulative effects could arise from the construction of extensions to existing houses/ buildings in the area and the development of other large-scale housing schemes which have received permission.

7.11.3. Within the Slaney River SAC, the following are listed as qualifying features of interest that could be adversely affected: Water courses of montane levels with Ranunculion-fluitantis and Callitriche-Batrachion vegetation, Sea Lamprey, Brook Lamprey, River Lamprey, Twaite Shad, Salmon and Otter. Within Wexford Harbour and Slob, the following are listed as qualifying features of interest that could be adversely affected: Whooper Swan, Wigeon, Teal, Mallard, Coot, Gulls and Wetlands and Waterbirds. Table 7.1 of the NIS lists the potential impacts on listed site-specific conservation objectives associated with the designated sites.

7.11.4. Table 7.1 shows that the proposed development in the absence of suitable mitigation measures has the potential to undermine the achievement of targets set out for the

Conservation Objectives of the SAC and SPA. Table 8.1 sets out how the integrity of the sites is likely to be affected by the project.

- 7.11.5. A description of the proposed mitigation measures is provided, and these are evaluated against best practice. In summary measures include the control of water pollution from the construction sites, a detailed Construction & Environmental Management Plan (CEMP), culverting of on-site streams (already proposed under approved phase 1 and 2 of development of these lands) to prevent silt entering the watercourses, storage of chemical/ equipment etc. away from the site and to be bunded, spill apron around fuel fill areas, control of refuelling of vehicles etc., no ordinary maintenance on site, concrete pouring only during dry periods, run-off waters to be controlled and staff facilities to be appropriately located and serviced. A hydrocarbon and silt interceptor to be provided at the attenuation pond outlet. A Pollution Prevention Plan (PPP) is to be implemented and monitored. Measures to be taken to prevent the spread of non-invasive species. At post construction phase, surface water drainage and wastewater will be treated to best practice standards. The proposed mitigation measures at construction and post-construction phase will ensure that there is no deterioration of water quality in the River Slaney and in turn, Wexford Harbour and Slobs.
- 7.11.6. In conclusion and having regard to the submitted NIS, the issues raised and proposed mitigation measures, it is considered that the proposed development, individually or in combination with other plans or projects would not be likely to affect the integrity of the River Slaney SAC and Wexford Harbour and Slobs SPA, or any other European site, in view of the sites' conservation objectives.

## **8.0 Recommendation**

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

## **9.0 Reasons and Considerations**

- 9.1. Having regard to the nature, extent and design of the proposed development and the provisions of the Wexford County Development Plan 2013 – 2019 and the Enniscorthy Town and Environs Development Plan 2008 – 2014, 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, providing for a suitable density of development on zoned, serviceable lands. A Natura Impact Assessment has been prepared and submitted with the application and subject to the provision of suitable listed mitigation measures, the development will not impact negatively on the integrity of the River Slaney SAC and Wexford Harbour and Slobbs SPA. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 17<sup>th</sup> of July 2019, 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) Car parking spaces to be provided in curtilage to the front of the relevant house or in close proximity in the case of end of terrace houses.</p> <p>(b) All houses are to be provided with minimum storage provision as set out in Table 5.1 of the 'Quality Housing for Sustainable Communities' (DoEHLG, 2007). Suitable access to attic storage to be indicated if chosen as a storage location.</p> <p>(c) Footpaths and other relevant paths are to be extended to the edge of the boundary with a gate provided in the locations identified as suitable for future access. The gateway may be locked until such time as the through route is provided/ opened to public access.</p>

	<p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interests of residential amenity and to ensure that future permeability is protected.</p>
3.	<p>All mitigation measures outlined in Section 9.1 and 9.2 of the Natura Impact Statement prepared by Verdé Environmental Consultants Limited and the environmental management measures detailed in the 'Construction Environmental &amp; Waste Management Plan' shall be implemented in full by the developer.</p> <p><b>Reason:</b> To ensure the continued conservation and preservation of natural habitats and species listed in the Habitats Directive.</p>
4.	<p>All mitigation measures outlined in Section 6 – Conclusions &amp; Recommendations of the 'Noise Impact Assessment' prepared by Verdé Environmental Consultants Limited shall be implemented in full by the developer.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
5.	<p>Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of pedestrian safety.</p>
6.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
7.	<p>Public lighting shall be provided in accordance with a scheme, which shall</p>

	<p>include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
8.	<p>All site development works, with the exception of the laying of the final dressing to the road surface, shall be completed prior to the commencement of construction of any of the dwelling units.</p> <p><b>Reason:</b> To ensure the timely provision of infrastructural works for the development.</p>
9.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
10.	<p>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 -</p> <p>(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,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) shall carry out licenced metal detection surveys (including the field boundaries to be removed), develop an archaeological and artefact strategy on the basis of the results and in consultation with the Department of Culture, Heritage and the Gaeltacht and the National Museum of Ireland, agree protective measures in advance of site preparation and construction</p>

	<p>works to ensure the preservation/ protection of archaeological features (burnt mound material) and archaeological monitoring of topsoil stripping (licenced under the National Monuments Acts 1930 to present).</p> <p>(d) A detailed final report describing the results of all archaeological work carried out on site, including any subsequent archaeological excavation by hand and required specialist post excavation reports, shall be submitted to the relevant authorities following the completion of all archaeological assessment. All costs shall be borne by the developer in this regard.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> 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.</p>
11.	<p>The applicant or developer shall enter into water and/ or waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
12.	<p>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. Any existing over ground cables shall be relocated underground as part of the site development works.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
13.	<p>All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.</p>

	<p><b>Reason:</b> In the interest of residential and visual amenity.</p>
14.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species]</p> <p>(ii) Details of screen planting [which shall not include cupressocyparis x leylandii]</p> <p>(iii) Details of roadside/street planting [which shall not include prunus species]</p> <p>(iv) Hard landscaping works, specifying surfacing materials, furniture [play equipment] and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment</p> <p>(c) A timescale for implementation [including details of phasing]</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of [five] years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
15.	<p>To ensure full implementation of the proposed landscape plan, the developer is required to retain the services of a Landscape Consultant throughout the life of the site development works. A completion certificate is</p>



	<p>to be signed off by the Landscape consultant when all works are completed and in line with the submitted landscape drawings. This completion certificate shall be submitted to the Planning Authority for written agreement upon completion of works.</p> <p><b>Reason:</b> In the interest of amenity.</p>
16.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 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.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
17.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
18.	<p>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 hours of working, noise management measures and off-site disposal of construction/demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
19.	<p>Proposals for an estate/street name, 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 estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be</p>

	<p>based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential area.</p>
20.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, [communal refuse/bin storage] and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
21.	<p>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.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and</p>

	Development Act 2000, as amended, and of the housing strategy in the development plan of the area.
22.	<p>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.</p> <p><b>Reason:</b> 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.</p>
23.	<p>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.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the</p>

	development until taken in charge.
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Paul O'Brien  
Planning Inspector

12<sup>th</sup> December 2019