



An  
Bord  
Pleanála

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

### **Inspector's Report on Recommended Opinion ABP-307305-20**

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#### **Strategic Housing Development**

Demolition of existing sheds,  
construction of 269 no. residential  
units (58 no. houses, 211 no.  
apartments), creche and associated  
site works.

#### **Location**

Lands located to the East of Carley's  
Bridge, Enniscorthy, E.D. Enniscorthy  
Rural, Co. Wexford.

#### **Planning Authority**

Wexford County Council

#### **Prospective Applicant**

Torca Developments Limited

#### **Date of Consultation Meeting**

3<sup>rd</sup> December 2020

#### **Date of Site Inspection**

18<sup>th</sup> November 2020

**Inspector**

Irené McCormack

## 1.0 Introduction

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

## 2.0 Site Location and Description

- 2.1. The subject site is located c. 1km west of Enniscorthy Town Centre on Lands East of Carley's Bridge, Enniscorthy, E.D. Enniscorthy Rural, Co. Wexford, on a site area of c. 8.6 ha. The site is bounded to the north west by Carley's Bridge Road and to the north by detached dwellings fronting Carley's Bridge Road, to the south by agricultural land, to the north and east by the Urrin Valley and Millbrook residential estates and to the south west and west by the River Urrin.
- 2.2. Vehicular access to the site is off Carley's Bridge Road to the north west of the subject site. New pedestrian entrances are provided to the north along Carley's Bridge Road and to the east to Millbrook residential estate.
- 2.3. The site is a greenfield site in use for agricultural purposes. The boundaries comprise of a dense row of trees, mature vegetation and hedgerows along all sides and the southern and western boundary comprises of the River Urrin. A hedgerow runs through the centre of the site from west to east.
- 2.4. The predominant land use in the vicinity of the site is mixed comprising of residential use to the north and east; and agricultural uses to the west and south. The area east of the site is Enniscorthy Town Centre.

2.5. There are a number of abandoned and ruinous agricultural structures located to the north of the site. The site is not located within a Conservation Area or an Architectural Conservation Area.

### 3.0 **Proposed Strategic Housing Development**

3.1. The proposal is for a residential development on a site of c. 8.6 ha. The development will consist of:

- Demolition of all existing derelict agricultural sheds.
- Construction of 269 no. dwellings comprising:
  - a) 58 no. houses comprising 50 no. 3-bed, and 8 no. 4-bed units;
  - b) 116 no. apartments comprising 96 no. 1-bed, 14 no. 2-bed, and 6 no. 3-bed units;
  - c) 95 no. duplex units comprising 30 no. 2-bed and 65 no. 3 bed units;

All with associated private gardens/ balconies/ terraces to the north/south/east/west elevations.

- Construction of a creche (c. 181.5 sq.m).
- 396 no. car parking spaces (including e-charging points) and 302 no. secure bike parking spaces located within dedicated bicycle stores.
- Vehicular access to the development via Carley's Bridge Road to the north west with pedestrian/cyclist access via Carley's Bridge Road to the north and Millbrook Residential Estate to the east.
- All associated site development works, services and drainage (including foul pumping station), new vehicular/pedestrian accesses, bin stores, open spaces, landscaping and boundary treatment works.

### 3.2. Development Parameters

Development Proposal	Statistics
No. of Residential Units	269 no. dwellings as follows: - 58 Houses - 116 Apartments - 95 Duplexes
Non-Residential Block	Creche (c. 181.5 sq.m)
Site Area	C. 8.6 ha (Gross) C. 6.8 ha (Net)
Density	C. 39 Units Per Hectare (Net)
Plot Ratio	0.29
Site Coverage	12.4%
Building Height	Up to 4 storeys
Residential Aspect	100% Dual Aspect
Open Space	c. 22,015 sq.m Public Open Space c. 7,220sq.m Communal Open Space c. 29,235 sq.m Total Open Space
Carparking	396
Cycle Parking	302

### 4.0 Policy Context

#### ***National Policy***

The government published the National Planning Framework in February 2018. Objective 2a is that half of future development will be focussed on the five cities and their suburbs. Objective 3a is that 40% of new homes would be within the footprint of existing settlements. Objective 27 is to ensure the integration of safe and convenient alternatives to the car into the design of communities. Objective 33 is the prioritise the provision of new homes where they can support sustainable development at an appropriate scale.

The applicable section 28 guidelines include –

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- Design Manual for Urban Roads and Streets’
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2018),
- Childcare Facilities – Guidelines for Planning Authorities

- The Planning System and Flood Risk Management (including associated Technical Appendices).

### **Local Policy**

4.1. Wexford County Development Plan 2013-2019

4.2. The site is located within the administrative area of Wexford County Council and is therefore subject to the land use policies and objectives of the County Development Plan 2013-2019.

4.3. The Development Plan states that “the larger towns of **Enniscorthy** and New Ross are recognised as important urban centres. They provide good bases for population and services which will attract investment and employment activities additional to those that need to be located in or near the Gateway.” The Plan states that Enniscorthy is to be targeted for growth. There will be a focus on consolidating the existing pattern of development and on encouraging and facilitating the provision of physical and social infrastructure

4.4. Section 18.10.11 refers to 20% of the residential units designed as ‘lifetime’ homes Objective HP20 and HP21

\*\*The Draft Wexford County Development Plan 2021-2027 is currently on public display from Monday, 28th September 2020 to 4pm on Wednesday, 9th December 2020.

4.5. **Enniscorthy Town & Environs Development Plan 2008-2014 (extended to 2019)**

4.6. The site is located within the administrative area of Enniscorthy and is therefore subject to the land use policies and objectives of the Enniscorthy Town & Environs Development Plan 2008-2014 (Extended to 2019).

Section 18.10.11 refers to 20% of the residential units designed as ‘lifetime’ homes Objective HP20 and HP21

4.7. A review of the Wexford County Council website would indicate that Enniscorthy Town & Environs Development Plan 2008-2014 (Extended to 2019) is the operational plan from the town.

The Enniscorthy Town & Environs Development Plan 2008-2014

4.8. The subject site is subject to the following zonings:

New Residential/Low Medium Density (R1): “To provide for new residential development, associated residential services and community facilities.”

Zoning Objective F - Open Space & Amenity (OS): “To protect and provide for recreation, open space and amenity provision.”

A small portion of the site zoned Existing Residential and Infill/Medium Density (R)

4.9. The site is identified as Master Plan Zone 5 – Cherryorchard, St. Johns

4.10. The zoning objectives for the area are predominantly R – to protect/improve residential amenity and R1 – to provide for new residential communities. The area is characterised by low-rise (mainly two-storey) residential areas on the outskirts of the town. There are a number of large green field sites around the fringes available and zoned for new residential development. The River Urrin runs along the south and western boundary. This entire boundary is zoned open space and amenity. The open space zoning is to ensure the long term objective to develop walkways along the river valley. This zoning will also assist wider objectives relating to flood risk and habitat protection.

The River Urrin flood plain lies within this area which may act as a constraint for proposed new developments on adjoining sites.

4.11. The Enniscorthy Town & Environs Development Plan 2008-2014 recommends a density of 10-17 uph. Section 11.2.1 refers to Residential Density and states that “strict adherence to maximum and minimum density standards is not recommended; rather the creation of residential areas with a sense of place should be a priority.” Section 11.2.5 of the Town Plan states that building heights should be similar to the surrounding area. Section 11.2.2 of the Town Plan states an innovative layout for residential estates will be the overriding factor in the granting of planning applications. Section 11.3 refers to childcare facilities. Section 3.4 of the Town Plan refers to Roads , Map 2 indicates the provision of a ‘Parkside road’ link along the southwestern town boundary including the subject site. Section 3.8 relates to Surface Water Quality, Drainage and Flood Control, it is set out that the surprising depths of flooding in the town in part due to the lack of floodplains at Enniscorthy, polices SW5 – SW11.

## 5.0 Section 247 Consultation(s) with Planning Authority

A Pre-planning meeting took place on the 2<sup>nd</sup> December 2019. The issues raised are summarised below:

- General discussion as to the matters raised by An Board Pleanala in relation to the two previous applications on this site 20180818 and 20180819.
- Status of current Town Plan
- PA Suggested that the proposed access road to serve the lands should be referred to as a neighbourhood road rather than as a proposed link road
- scope to raise overall density levels through the introduction of additional terraced housing at selected locations.
- laneway connection the proposed development to the existing residential development to the east (Millbrook) should be maintained so as to provide alternative access to pedestrians who would otherwise have to use the main road where conditions are less than ideal.
- The principle of the proposed development on lands zoned 'Residential ' under the Enniscorthy Town Plan is acceptable
- Access
- Part V
- Phasing and taking in charge
- Irish Water requirements
- Details for surface water attenuation, designed in accordance with SuDS guidelines
- Surface water attenuation will be required to be included in each individual phase of development.
- Appropriate Assessment screening required
- surface water attenuation and discharge are screened having regard to Appropriate Assessment procedures.
- landscaping.



- Stronger frontage to the proposed entrance
- Design should provide strong corner units at the entrances to the site.
- Seek to reduce the amount of car parking to the front of dwellings.
- Road Safety Audit
- cycle path and footpath will be required.
- Fire officer requirements

Full details of the meeting are included in the planning authority's submission

## 6.0 Planning History

Site

**WCC Reg. Ref. 20180818 / ABP 303797-19** – Permission refused in November 2019 for demolition of existing agricultural structures and the construction of 97 no. dwelling units and the provision of a single storey crèche for the following reason:

Having regard to the provisions of the Ministerial Guidelines, '*Sustainable Residential Development in Urban Areas*' 2009, published by the Department of Environment, Heritage and Local Government, specifically paragraph 5.11 and Appendix A, and '*Urban Development and Building Heights*', December 2018, prepared by the Department of Housing, Planning and Local Government, specifically SPPR4, it is considered that the net density of the proposed development, at this residentially zoned outer suburban site on the edge of a larger town, is excessively low and would be contrary to the Ministerial Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.

It is considered that the proposed disposition of open space areas, including lands identified as fully enclosed (apart from maintenance access) to allow for existing foul line retention, is discordant and haphazard and, in conjunction with the positioning of proposed dwellings which back onto these areas, would constitute a poor quality and inefficient layout and would, therefore, be contrary to the Ministerial Guidelines, "*Sustainable Residential Development in Urban Areas*' 2009, published by the Department of Environment, Heritage and Local Government, specifically paragraph

3.3 and Box 2: Best Practice Design Manual Criteria. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

It is considered that the proposed development would comprise a poor response to the potential of the site to provide a firm boundary to the southern growth of the town, which demands a high quality of design and layout, and would seriously injure the residential amenity of future occupants and would, therefore, be contrary to the proper planning and sustainable development of the area.

*\*This refusal relates to a portion of the current application site namely the lands to the north adjacent to the road.*

**WCC Reg. Ref. 20180819 / ABP 303839-19** – Permission refused in November 2019 for the construction of 90 dwelling units comprising 66 houses, 12 apartments and 12 duplexes and all associated site development works for the following reason:

Having regard to the provisions of the Ministerial Guidelines, '*Sustainable Residential Development in Urban Areas*' 2009, published by the Department of Environment, Heritage and Local Government, specifically paragraph 5.11 and Appendix A, and '*Urban Development and Building Heights*', December 2018, prepared by the Department of Housing, Planning and Local Government, specifically SPPR4, it is considered that the net density of the proposed development, at this residentially zoned outer suburban site on the edge of a larger town, is excessively low and would be contrary to the Ministerial Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.

It is considered that the proposed siting of a creche facility (in the absence of full design details including elevations and sections) and the consequent removal of originally proposed public open space and potential for pedestrian connectivity to the adjoining Millbrook estate, would constitute a poor quality layout and would militate against the provision of sustainable transport connections to and from the subject site and would, therefore, be contrary to proper the planning and sustainable development of the area.

It is considered that the proposed development would comprise a poor response to the potential of the site to provide a firm boundary to the southern growth of the

town, which demands a high quality of design and layout, and would seriously injure the residential amenity of future occupants and would, therefore, be contrary to the proper planning and sustainable development of the area.

*\*This refusal relates to southern portion of the current application site.*

There are a number of other previous applications for the lands, including the refusal of permission for a halting site (97/0019); 142 dwellings refused (20000641); two other housing schemes withdrawn; 162 dwellings refused (20050697); 199 dwellings refused (20071545), and 52 no, dwellings with treatment plant granted (20080881); but a subsequent extension of duration refused on the basis of the Habitats Directive and Water Framework Directive

## 7.0 **Submission Received**

### **Irish Water:**

Irish Water issued a confirmation of feasibility to the applicant advising the applicant that due to the high level of development interest in the area, connection(s) to service the development are contingent on site specific modelling. The outcome of this modelling will identify any upgrades which may be required to service connection(s).

Therefore, in advance of any SHD application, the applicant is required to agree with IW any upgrades required to service the connection(s) for this development. Any 3rd party consent(s) that may be required to service connection(s) for this development are the responsibility of the applicant.

## 8.0 **Forming of the Opinion**

8.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the Planning Authority submission and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

### 8.2. ***Documentation Submitted by Applicant***

The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article

285 of the Planning and Development (Strategic Housing Development) Regulations 2017.

The information submitted included the following

### **Planning Reports**

- Planning Report and Statement of Consistency

### **Engineering**

- Flood Risk Assessment,
- Engineering Assessment Report, engineering drawings and drawing schedules,
- Traffic Impact Assessment
- Public lighting Report and drawings

### **Environmental**

- Preliminary Ecological Impact Assessment,
- Appropriate Assessment Screening Report and Natura Impact Statement
- Bat Assessment
- Tree Survey and Report, Tree Constraints Plan and Arboricultural Impact Statement

### **Architecture**

- Architectural Drawings, Drawing Schedule, 3D Images, and Schedule of Accommodation
- Architectural Design Statement
- Housing Quality Assessment
- Building life Cycle Report
- Energy Statement

### **Landscape:**

- Landscape Design Statement, landscape drawings and schedule.

### **Other Reports**

- Cultural Heritage Assessment Report

Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. This statement has been submitted, as required.

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

## 9.0 Planning Authority Submission

- 9.1.1. In compliance with section 6(4)(b) of the Act of 2016 the planning authority for the area in which the proposed development is located, Wexford County Council, submitted a note of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 1<sup>st</sup> July 2020.

Wexford County Council's written opinion includes a description of the site location, record of a pre-planning meeting, planning history, a description of the proposed development, policy context, and an opinion of the planning authority. The content of the report is summarised as follows:

### **Master Plan Zone 5 – Cherryorchard, St. Johns**

The zoning objectives for the area are predominantly R – to protect/improve residential amenity and R1 – to provide for new residential communities.

**Access and Linkages to/from Areas** - Good permeability and ease of access between new and existing developments as well as community facilities will be encouraged.

**Urban Design** - The Planning Authorities will seek an innovative approach to architectural design of new residential estates, will require a high quality of urban design and will encourage sustainable development

It is considered that the proposed development is compliant with the relevant land use zoning policies

**Density** – considered acceptable

## **Design & Layout**

The design concept relates to the development of a linear park along the river with 3 storey properties facing creating an urban edge and the retention of existing mature planting throughout the site. Open spaces are designed to connect to the existing green creating a network that will provide access to the linear river park.

## **Services**

Water supply available, capacity currently being upgraded at the Enniscorthy Waste Water Treatment Plant. Connection requires provision of a pumping station and connection of existing foul sewer through the site.

## **Access**

Carley Bridge road must be extended and upgraded to the proposed development entrance. The access Road must be upgraded and footpaths provided prior to the commencement of development on the site.

**Apartment Standards** – Development complies with standards including size, dual aspect and amenity space.

## **Public Open Space**

The proposed development provides a high quality 'green infrastructure' linking areas of the development into one community park that would be accessible from all areas of the proposed development and a linear park along the River Urrin

**Private Open Space** – acceptable standards

**Part V** - as per County Development Plan standards

**Childcare** - of childcare facilities should have regard to Guidelines for Planning Authorities on Childcare Facilities 2001

## **Accessibility / Adaptability**

20% of the residential units designed as 'lifetime' homes as per Section 18.10.11 of the Wexford County Development Plan 2013 – 2019, the proposed design and layout must be fully in compliance with Objective HP20 and HP21 of the Wexford County Development Plan 2013 – 2019

## **Access**

There is no footpath connection to the lands at present and although a path is proposed along the site boundary with the public road. However, there is a section of the road where no footpath is proposed. Design of this missing section is required and will require a special development contribution.

### **Pedestrian Linkage**

The proposed link not formalised on the adjoining estates (Millbrook) and the existing footpath routes do not encourage walking. The informality of taking short cuts over large grassed areas could add to antisocial behaviour. The preferred option would be to improve pedestrian permeability through the estates and reduce car dependency, however this would require new footpaths and lighting on the adjoining estates outside of the applicant's control to be effective.

### **Biodiversity**

Given the location of the site adjacent to the Urrin River, a tributary of the River Slaney, and the fact that the development site falls within a flood risk area it is the view of the Planning Authority that a Stage 2 Appropriate Assessment is required

### **Natura Impact Statement**

There is a possibility of potential impacts from run off during construction, operation and possible flood events, the risk to Annex I or Annex II species and the cumulative impact of the development. The Natura Sites are identified as the Slaney River Valley SAC and the Wexford Harbour and Slob SPA.

**SUD's** - Surface water attenuation measures are required.

### **Flooding**

The western boundary of the site is bordered by the River Urrin which is prone to flooding, the Planning Authority is satisfied that the proposed development of a linear park along the stream will address the issue of a flooding at this location.

### ***Conclusion and Opinion***

In relation to the overall design and layout, It is considered that the proposed development is of a high quality and is compliant with the land use zoning policies of the Enniscorthy Town & Environs Development Plan LAP 2008 – 2014 and the Wexford County Development Plan 2013 – 2019. The design concept relates to the

development of a linear park along the river with 3 storey properties facing creating an urban edge and the retention of existing mature planting throughout the site.

## 10.0 The Consultation Meeting

10.1. A Section 5 Consultation meeting took place on the 3<sup>rd</sup> December 2020, commencing at 9.30am. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Design Strategy - Design and layout, site topography, density and unit mix.
2. Traffic and Transport - Access and linkages
3. Landscape/Public Realm strategy including Biodiversity
5. Drainage Issues – Issues raised by Irish Water and FRA
6. Any Other Matters

10.2. In relation to the **Design Strategy** further consideration/ justification of the documents as the relate to the following where discussed:

- ABP advised concerns regards the lack of variety in the architectural composition of the various building types resulting in a confused sense of placemaking. Concerns was expressed regarding the limited use of hierarchical height structure and built form and the creation of an appropriate urban edge along internal access road. As presented, it appears very monotonous. Concerns also expressed in terms of road hierarchy and uniform layout.
- Applicant outlined that the design intent was to provide a strong urban edge in the context of site location within a County Town and having regard to site topography. Noting the concerns raised the applicant advised that they would revisit the design.
- PA advised that they had no further issues to raise.

10.3. In relation to the **Traffic and Transport** further consideration/ justification of the documents as the relate to the following where discussed:



- Issues raised in PA opinion regarding upgrade and footpath extension on Carley's Bridge Road from the site boundary to the existing public footpath to the northeast of the site.
- PA indicated no plans carry out footpath connection and that the lands in question are in third party ownership.
- Applicant advised that there is ca. 150m gap in the footpath connection and that they will engage further with the local authority on this issue.
- Pedestrian Linkage through Millbrook and the additional works required outside of applicants site area to complete pedestrian linkage through Millbrook Estate.
- PA advised that Millbrook Estate has been taken in charge. PA welcome the proposed pedestrian linkage subject to design and layout and the necessity to follow pedestrian desire lines and to include proposals to address surface water issues at this location.
- Applicant advised that a Quality Audit will be undertaken.
- ABP advised the Millbrook connection should ensure appropriate pedestrian linkage to the riverside park and the hierarchy of pedestrian networks to be outlined.

10.4. In relation to the **Landscape/Public Realm strategy** further consideration/ justification of the documents as the relate to the following where discussed:

- Landscaping rationale including design details regarding proposals to address the site topography, riverside park, retention of hedgerow and trees, location of play areas and the land drain traversing the centre of the site.
- Issues relating to adequate provision of communal open areas, with particular regard to the rear of apartments units fronting the spine road in terms of design noting the impact of the tiered landscaped retaining feature creating an enclosed space. The associated impact on the residential amenity of apartments at lower levels in terms of sunlight/daylight, surveillance and appropriate lighting.

- Applicant advised that potential shading impacts on apartments will be addressed.
- PA advised that the linkages outlined including road linkages indicated are in accordance with the development plan.
- Proximity of service road to the river along the southwestern site boundary and the potential implications for the ecology of the site.
- PA advised Draft Development Plan (currently on display) indicates a 10m riparian corridor. Advised applicant to contact Inland Fisheries.
- Applicant advised the road is 11m from the river and the location and layout is consistent with the development plan.
- PA advised that a more detailed landscape plan of the riverside park is needed with particular regard to water safety.
- Applicant indicated that the application will be accompanied by an Ecology Report and NIS

10.5. In relation to **Drainage Issues** further consideration/ justification of the documents as they relate to the following where discussed:

- Proximity of service road to the river along the southwestern site boundary and the potential implications for on-site flooding.
- Applicant advised that compensatory storage has been provided due to encroachment of the road and that the road design provides for considerable freeboard.
- Concerns raised by PA and Irish Water relating to high level of development interest in the area and that connection(s) to service the development are contingent on-site specific modelling significant network constraints in the foul sewer network.
- PA noted the modelling is expected to be completed in early 2021.
- Applicant advised that they would engage with Irish Water
- SUD's measures
- PA advised that service infrastructure should have regard to future development potential of adjoining lands.

10.6. In relation to **AOB** further consideration/ justification of the documents as the relate to the following where discussed

- PA –Provision of electric charge points.
- Advised to include an appropriate phasing plan to include infrastructure delivery.
- Advised to address Part V.
- Advised that there is no provision for further information at application stage, all details to be submitted at application stage; ensure consistency between documentation submitted by various consultants.
- Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting 307305-20 of 3<sup>rd</sup> December 2020 ' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder

## 11.0 **Assessment**

Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

I have examined all of the information and submissions before me including the documentation submitted by prospective applicants, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines and local policy via the statutory plans for the area.

### 11.1. **Conclusion**

I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act:

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

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

## 11.2. Recommended Opinion

The Board refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis** for an application for strategic housing development to An Bord Pleanála.

In the opinion of An Bord Pleanála, the following Issues need to be addressed in the documents submitted to which section 5 (5) of the Act of 2016 relates that could result in the constituting a reasonable basis for an application for strategic housing:

1. Further consideration of the documents as they relate to the design and layout of the proposed development with regard to national and local planning policy, in particular the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas', the updated 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities', the 'Urban Developments and Building Heights Guidelines for Planning Authorities', the National Planning Framework and the relevant

provisions of the Enniscorthy Town Development Plan 2008-2014 (extended) and the Wexford County Development Plan 2013-2019.

1. The prospective applicant should satisfy themselves that the proposed design and buildings heights provide the optimal urban design and architectural solution for this site and that it is of sufficient quality to ensure that the proposed development makes a positive contribution to the character of the area over the long term. In this regard, the submitted documents should allow for further consideration of the following matters:
  - Provision of additional variety in the architectural composition of the various building types.
  - Introduction of hierarchical height structure and more variation in building typology to create an appropriate urban edge along the internal access road fronting the riverside park.
  - Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. Additional CGIs and visual assessment, having regard to the local objectives pertaining this site, and recognising the visual sensitivity of this area/site.
2. Further consideration of the documents as they relate to the provision of pedestrian and cycle links from the proposed development through Millbrook Estate towards Enniscorthy town centre. The submitted documentation should be sufficient to show that proper links would be provided from the site through the Millbrook Estate upon the initial occupation of the proposed homes. The documents should provide details of necessary upgrade works required to facilitate the development to include, inter alia: a quality audit, plans and particulars and relevant third-party consent, as applicable.

The submitted documentation should indicate how the proposed links can facilitate movement by pedestrians and cyclists after dark and whether such movement would be constrained. Cycle links should be designed in compliance with the National Cycle Manual issued by the NTA.

3. Further consideration of the documents as they relate to upgrade works and the provision of a continuous footpath connection on Carley's Bridge Road from the north eastern site boundary over a distance of approx. 150m from the site boundary to the existing public footpath connecting the site to Enniscorthy town centre. The provision of appropriate connections and permeability into and out of the site is considered a necessary component of the development. The documents should provide details of necessary upgrade works required to facilitate the development in consultation with Wexford County Council to include, *inter alia*: plans and particulars and relevant third-party consent, as applicable. The justification should include, *inter alia*, alternatives considered/deliverable if applicable.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that the following specific information should be submitted with any application for permission:

1. The inclusion of all works to be carried out, and the necessary consents to carry out works on lands, within the red line boundary.
2. A landscape and permeability plan of the proposed open space within the site clearly delineating public, semi-private and private spaces, areas to be gated, treatment of interface areas and provision of future connections to adjoining lands, location and design of identified play areas.
3. A landscape masterplan for the proposed Riverside Park to include appropriate measures to address water safety at the water's edge.
4. A Site-Specific Flood Risk Assessment Report.
5. Proposals as they relate to water and wastewater proposals to service the development. The documents should provide details of necessary upgrade works required to facilitate the development to include, *inter alia*: plans and particulars, having regard to the concerns raised by Irish Water report dated 6<sup>th</sup> July, in particular, site specific modelling.
6. A statement of compliance with the applicable standards set out in DMURS, and a mobility management plan which justified the proposed provision of parking for cars and bicycles.
7. Submission of a Traffic and Transport Assessment.

8. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements.
9. A comprehensive daylight and sunlight analysis, where applicable, for apartment units within the development.
10. A building life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
11. Inclusion of a Social and Community Audit of the schools in the vicinity in particular school going children and the accommodation of additional requirement resulting from the proposed development.
12. A phasing scheme for the development which would indicate how open space and access to serve the proposed houses would be provided in a timely and orderly manner.
13. Proposals for compliance with Part V of the planning act.
14. A construction management plan
15. A waste management plan
16. A NIS, clearly addressing all potential impacts (construction as well as operational, delivery and operation of mitigating features associated with the development; etc.
17. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application

arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland
3. Inland Fisheries Ireland

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Irené McCormack  
Planning Inspector

9<sup>th</sup> December 2020