



An  
Bord  
Pleanála

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

## Inspector's Report ABP-308002-20

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### Strategic Housing Development

413 no. residential units (175 no. houses, 238 no. apartments), childcare facility and associated site works.

### Location

Carcur Park, Wexford Town, Co. Wexford.([www.carcur.ie](http://www.carcur.ie))

### Planning Authority

Wexford County Council

### Applicant

William Neville and Sons Unlimited

### Prescribed Bodies

Irish Water; Department of Culture, Heritage and the Gaeltacht; Transport Infrastructure Ireland; HSE; An Taisce.

### Observer(s)

Faythe Harriers GAA Club; Apartment Owners Network.

**Date of Site Inspection**

8<sup>th</sup> November 2020

**Inspector**

Una O'Neill

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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 subject site (13.84 ha in area) is located at the north-western side of Wexford Town, in the townland of Carcur Park, adjoining the River Slaney Estuary and the Dublin-Wexford Rail line, approx. 2km west of the town centre and the train station. The wider north-western environs of Wexford Town is characterised by low density housing and trees/woodlands on higher grounds, with the application lands at a low point adjoining a prominent headland jutting out into the estuary. The site is adjacent to the Slaney River Valley SAC (site code: 000781) and Wexford Harbour and Slobs SPA (site code: 004076). The Slaney Valley pNHA overlaps the Slaney Valley SAC.
- 2.2. The Dublin-Wexford railway line runs along the southern boundary of the site, with the site positioned between the railway line and the shore line of the estuary of the River Slaney, which defines most of the remaining site boundaries. South east of the site, on the other side of the railway line is a former Wexford Town landfill site and what appears to an informal traveller accommodation site. To the south/southwest is an extensive area of rugby, cricket, and GAA playing pitches/sports grounds, including a newly constructed clubhouse associated with the GAA club. A relatively new access road, the Orbital Inner Route T8, links the clubhouse and sports grounds to the R730 to the southwest. This Orbital Route stops at the railway line, on the other side of the application lands. It has a carriageway between 7m and 8m wide and footpaths on both sides that are 1.2m wide. A bridge over the railway line to serve the application lands, connecting into this access road, has been permitted but is not yet constructed. The construction of the T8 route and associated bridge is an objective of the development plan in addition to an objective for a third bridge over the River Slaney connecting into the application lands. Existing vehicular access to the lands is via a stone arch bridge over the railway, which was used to access the former quarry on the site. Access to that bridge from the town side of the railway is along a disused track that crosses land that is now occupied by the existing GAA

club. There is a pedestrian access from the GAA club grounds to the track/bridge and a locked agricultural gate. There is an old track along the side of the railway line, which now appears blocked by the GAA club development, with no direct access onto the new T8 orbital route.

- 2.3. The site was formerly used as a quarry, for the extraction of sand and gravel, with the remains of a concrete batching plant in the centre of the site. The levels on the site reflect previous excavations upon it, with depressions surrounded by mounds in several locations. Most of its landcover consists of artificial surfaces, bare ground and scrub. There is also an area of wet grassland and reed and large sedge swamp to the southeast. There is a small pond in the northeast corner of the site.

### 3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the construction of 413 units, 2 childcare facilities and a retail unit.
- 3.2. An EIAR and an NIS have been submitted with the application.
- 3.3. The following tables set out some of the key elements of the proposed scheme:

#### Key Figures

<b>Site Area Net</b>	13.84 ha gross – 3.6ha of arterial road and POS/exclusion zone = 10.2 ha
<b>No. of Residential Units</b>	413 units – 175 houses and 238 apartments. 7 blocks of apartments are proposed.
<b>Density</b>	40 units per hectare
<b>Height</b>	2 storey houses; 4–7 storey apartment blocks.
<b>Childcare Facility</b>	2 x childcare facilities located on ground floors of Block 1 (crèche of 346sqm, accommodating 27 children); and Block Block 3 (crèche of 395sqm, accommodating 34 children).

<b>Other Uses</b>	86.3 sqm retail unit in ground level of Block 3 north of railway on western side of street.
<b>Public Open Space</b>	Approx. 39,224 sqm.
<b>Part V</b>	41 housing units

3.4. The proposed housing mix is as follows:

#### Unit Mix

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
<b>Apartments/Duplexes</b>	13	201	24		<b>238</b>
<b>Houses</b>		30	111	34	<b>175</b>
<b>Total</b>	<b>13</b>	<b>231</b>	<b>135</b>	<b>34</b>	<b>413</b>
<b>As % of total</b>	<b>3%</b>	<b>56%</b>	<b>33%</b>	<b>8%</b>	<b>100%</b>

#### Parking Provision

<b>Car Parking</b>	769 spaces - 2 spaces per house and 1.5 spaces per apartment and includes car parking spaces for the crèche and visitor parking.
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3.5. The primary vehicular access to the site is proposed from a new bridge over the railway line, previously permitted by Wexford County Council under a Part VIII procedure. This bridge would link the site to the previously built road/T8 Orbital Route, that ends on the south side of the railway line. A road is proposed from that bridge northeast across the site, which is proposed to accommodate a link to a planned third bridge over the River Slaney, the provision of which is an objective of the development plan. This third bridge has not been designed or approved.

3.6. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer, with a pumping station proposed on the site.

3.7. In addition to the architectural and engineering drawings, the application was accompanied by the following reports and documentation:

- EIAR
- NIS
- Planning Statement
- Cover letter and Response to Opinion Issued by ABP
- Statement of Consistency
- Architectural Design and Access Statement, including Housing Quality Assessment
- Part V Agreement
- Engineering Report, including reports on Storm Water, Aquaculture Impact and Fill Importation, and Gas Monitoring of Adjacent Landfill
- Site Specific Flood Risk Assessment
- Construction Management Plan

#### 4.0 **Planning History**

ABP-304066-19 (SHD; 2019) – Permission REFUSED by ABP for 413 units (175 houses and 238 apartments). Reason for refusal is as follows:

1. The Environmental Impact Assessment Report, together with the other documentation submitted with the application, does not provide sufficient information regarding the proposal to drain surface water runoff to individual soak pits, in order to demonstrate that this would adequately minimise flood risk to the people and material assets in the proposed development and that the residual flood risk can be managed to an acceptable level. The proposed development would, therefore, fail to meet the justification test set out in section 5.15 of the Guidelines for Planning Authorities on the Planning System and Flood Risk Management issued by the Department of the Environment, Heritage and Local Government in November 2009, which applies to the site because parts of it are within Flood Risk Zones A and B as

described in those Guidelines. The proposed development would, therefore, be contrary to those Ministerial Guidelines, and would be contrary to the proper planning and sustainable development of the area.

2. It is considered that the information contained in the Environmental Impact Assessment Report does not fully identify and describe the extensive infill works and groundworks that are proposed in order to deal with the issue of flood risk. The information before the Board is not sufficient, therefore, to complete an environmental impact assessment of the proposed development with regard to the factors of soil and water, and accordingly it is considered that the Board cannot be satisfied that the proposed development would not have significant adverse effects on the environment.

Note: In making its decision, the Board accepted the concerns of the planning authority in relation to the unacceptability of the proposed method of surface water attenuation, involving the use of individual soak pits for the proposed houses and apartment blocks, but agreed with the Inspector that this issue could not be adequately addressed by condition. In relation to Environmental Impact Assessment, the Board concurred with the Inspector's reasoned conclusions in relation to the other factors, other than soil and water. However, in the case of the factors of soil and water, and therefore the interactions of the factors, the Board agreed with the Inspector's conclusion with regard to the Environmental Impact Assessment as a whole, and considered that sufficient information had not been provided by the applicant to demonstrate the absence of likely significant environmental effects and, hence, the Board was not in a position to complete an Environmental Impact Assessment of the proposed development.

PL26. 244574 – Permission GRANTED by ABP for a club house across the railway from the application site (December 2015) after carrying out an appropriate assessment for its implications on the SAC at Slaney River Valle SAC and the Wexford Harbour and Slobs SPA.

## **5.0 Section 5 Pre Application Consultation**

### **5.1. Pre-Application Consultation**



5.1.1. A section 5 pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 17<sup>th</sup> June 2020 (ref ABP-306977-20) in respect of a proposed development of 413 residential units and childcare facility. The main topics discussed at the meeting were –

1. Response to Previous Refusal Reasons on foot of ABP-304066-19
  - Proposals to drain surface water from the site.
  - Details for surface water attenuation designed in accordance with SuDS guidelines.
  - Clarify the requirement for a Surface Water Discharge licence to groundwater.
  - Surface Water Discharge licence if required to be submitted with the application.
  - Demonstrate that Flood Risk and residual Flood Risk has been dealt with, regard being had to the justification test set out in section 5.15 of the Guidelines for Planning Authorities on the Planning System and Flood Risk Management, Nov 2009.
  - Identify and describe the extensive infill works and groundworks that are proposed. Clarification of quantity and description of infill material to be imported in order to deal with the issue of flood risk.
  - The feasibility of a Foreshore Licence which would permit the discharge of treated surface water into the estuary.
2. Connection Agreements with Irish Water
3. Design and Layout (strong corner units, adequate privacy strips around ground floor apartments, cycle provision)
4. Levels across the site arising from proposed access over the railway bridge and possible future bridge over the Slaney regard being had to FFL of proposed Apartment Blocks 2 and 3 and Main Boulevard access through the site.
5. Traffic Impact Assessment and Road Safety Audit.

6. Response to Planning Authority Report dated 8th May 2020 and Issues Raised

7. Any Other Matters

Copies of the record of the meeting, the Inspector's Report, and the Opinion are all available for reference on this file.

## 5.2. Notification of Opinion

5.2.1. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development. The opinion notification pursuant to article 285(5)(b) referred to specific information that should be submitted with any application which can be summarised as follows –

1. A robust Water Environment Risk Assessment, Ground Water Management Plan, AA screening report and NIS which support and have regard to one another, and which inter alia, consider the possibility of contamination reaching the Estuary (An EU designated SPA and SAC with Qualifying Interests incl. shellfish / freshwater pearl mussel and consequent conservation objectives) from the proposed development site, through the medium of ground water.
2. A report on surface water drainage, surface water management strategy and flood risk which deals specifically with quality of surface water discharge to the Estuary and possible need for a Discharge Licence and/or a Foreshore Licence.
3. An updated Architectural Design Statement. The statement should include a suite of plans and drawings which are of high quality and easily legible (scale appropriate and in accordance with the requirements of the Planning and Regulations 2001, as amended) and indicate how the proposal successfully overcomes the site constraints to achieve an accessible, integrated, permeable site layout and design. The statement should specifically address the levels across the site arising from the proposed access over the railway bridge and possible future bridge over the Slaney regard being had to the FFL of proposed Blocks 2 and 3 and the Main Boulevard, strong corner units and

adequate privacy strips around ground floor apartments and the interface along key frontages, in particular, along the Estuary. The statement should be supported by contextual plans and contiguous elevations and sections.

4. A report prepared by a suitably qualified and competent person demonstrating specific compliance with the requirements set out in the Design Manual for Urban Roads and Streets and the National Cycle Manual, as well as a map illustrating pedestrian, cycle and vehicular links through the site and connectivity with the wider area.
5. A Construction and Demolition Waste Management Plan (CDWMP) that identifies and describes the extensive infill works and groundworks that are proposed. Clarification of quantity and description of infill material to be imported in order to deal with the issue of flood risk.
6. A Report on management, future monitoring and mitigation of gas emissions
7. A response to matters raised within the PA Opinion submitted to ABP on the 08 May 2020.

### 5.3. Applicant's Statement

- 5.3.1. A statement of response to the Pre-Application Consultation Opinion, as issued by the Board, was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016, which is briefly summarised as follows:

#### **Item 1: A robust Water Environment Risk Assessment, Ground Water Management Plan, AA screening report and NIS:**

- The applicant has submitted the following to address this item:
  - Engineering Report on Surface Water Drainage,
  - Fill importation & Gas monitoring of adjacent landfill prepared by Arthur Murphy,
  - Site Specific Flood Risk Assessment prepared by IE Consulting,
  - Natura Impact Assessment prepared by Deborah Darcy Ecologist. and
  - Construction and Demolition Waste Management Plan prepared by Wm. Neville & Sons Unlimited.

**Item 2: Report on surface water drainage, surface water management strategy and flood risk:**

- The applicant refers to the following reports to address this item:
  - Engineering Report on Surface Water Drainage,
  - Fill importation & Gas monitoring of adjacent landfill prepared by Arthur Murphy
  - Site Specific Flood Risk Assessment prepared by IE Consulting.
  - Aquafact Ltd were commissioned to establish water quality impacts and concluded that no impacts will occur.
  - Filtered and attenuated surface water will be discharged to the estuary with no implications regarding flooding. A foreshore license will be required post planning.

**Item 3: An updated Architectural Design Statement.**

- The applicant refers to the submitted Architectural Design and Access Statement.

**Item 4: Demonstrate compliance with DMURS and the National Cycle Manual.**

- See attached DMURS Evaluation Matrix Report by Roadplan clearly demonstrating compliance with both the Design Manual for Urban Roads and Streets and the National Cycle Manual.

**Item 5: CDWMP that identifies and describes the extensive infill works and groundworks that are proposed.**

- A Report on management, future monitoring and mitigation of gas emissions from the disused landfill.

**Item 6: A Report on management, future monitoring and mitigation of gas emissions from the disused landfill.**

- See attached Engineering Report on Surface Water Drainage, Fill importation & Gas Monitoring of Adjacent Landfill prepared by Arthur Murphy.

**Item 7: Response to PA Submission.**

- See attached report by planning consultant.

## 6.0 Relevant Planning Policy

### 6.1. National Policy

#### 6.1.1. Project Ireland 2040 - National Planning Framework

A number of key policy objectives are noted as follows:

- National Policy Objective 3(c): Deliver at least half 30% of all new homes that are targeted in settlements other than the five cities and their suburbs, within their existing built-up footprints.
- National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- National Policy Objective 27: 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: 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: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### 6.1.2. Section 28 Ministerial Guidelines

The following list of Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)

- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities (2018)
- Urban Development and Building Height Guidelines for Planning Authorities (December, 2018)
- Design Manual for Urban Roads and Streets (December 2013)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)

## 6.2. Regional Policy

### 6.2.1. Regional Spatial and Economic Strategy for the Southern Region

- The Regional Spatial and Economic Strategy (RSES) came into effect in January 2020. It sets out a 12-year strategic development framework for the South East region. The Strategy's aim is to support the national level 'Project Ireland 2040' and sets out a development framework to guide development in the region.
- Wexford Town is identified as a Key Town in the region, located along the Eastern Economic Corridor, with a significant zone of influence. According to the 2016 Census, County Wexford had a population of 149,722 persons with 20,188 in Wexford Town.
- The Southern Region RSES (2018) population projections for County Wexford indicate that the County will increase from 149,000 persons in 2016 to between 169,000- 172,500 persons up to 2031.

## 6.3. Local Planning Policy

The following is stated on Wexford County Council's webpage in relation to the timeframe of the Wexford Town and Environs Development Plan 2009-2015:

Pursuant to the provisions of Part 8 of the Electoral, Local Government and Planning and Development Act 2013, the lifetime of the Wexford Town and Environs Development Plan 2009-2015 has been extended. The Plan will continue to have effect until 2019, or such time as a new County Development

Plan is made. It shall be read together with the Wexford County Development Plan 2013-2019.

#### 6.3.1. **Wexford County Development Plan 2013-2019**

- Chapter 3 Settlement Hierarchy - Wexford Town is the largest town in the county and it is the centre piece of the County's Settlement Strategy given its designation as a Hub in the NSS and SERPGS. The role of the town will be a strategic urban centre that supports the Gateway of Waterford City and the wider rural areas in the Region. It will also be a key economic driver in the Region.

I note that a [draft of the Wexford County Development Plan 2021-2027](#) is currently on display, which identifies Wexford Town and Gorey as Level 1 Key Towns in the county, in accordance with the RSES for the Southern Region. There is a set of strategic objectives for the town set out in WT01-WT09. It is stated that the spatial planning framework for the town will be set out in the new Wexford Town and Environs Local Area Plan. It is an objective of the plan to prepare new local area plans for various towns, including Wexford Town.

#### 6.3.2. **Wexford Town and Environs Development Plan 2009-2015 (extended):**

- Chapter 3 relates to 'Development Strategy', with the town divided into master plan zones, with each zone containing a vision of what the PA considers the most appropriate type of development to create strong vibrant sustainable communities. The application site is located within the northern section of 'Zone 4, Park, Carcur and Carricklawn'.
- The application site, formerly owned by roadstone at Carcur Park, is identified as a 'Key Opportunity Site'.
- Zoning of the application site: Mixed Use and Residential (MR), the objective of which is 'to make provision for mixed uses and residential development', where residential uses are permitted, childcare is permitted, and retail (convenience) is open for consideration.
- The plan states in relation to the site: "New public sector quarter is developing with the headquarters for the DOE, New County Hall and expansion of Wexford Hospital. This will result in the opening of lands for development on adjoining sites which will also deliver a significant proportion of the orbital route linking Newtown

Road with Park and eventually to the reserved lands for the third river crossing. Higher densities will be considered along this route, but new developments must have regard to establishing residential units and along these boundaries a transition density will be required”.

- Site specific objectives on the zoning map for Zone 4:
  - Objective T8, to provide an orbital inner relief road.
  - To provide a new third bridge river crossing, over the River Slaney, with objective T8 terminating on the other side of the river.
  - To provide a landmark building on site as a gateway to the town, at the point of the proposed third river crossing. The site will form an important entrance experience to the town once the third river crossing is realised. Landmark buildings at key nodal locations create a sense of place and urban legibility by making locations more readily identifiable. In addition, they add more variance to the urban fabric and act as magnets to public activity.
- It is an objective of the development plan to provide the following:
  - Objective TO2: ‘To ensure the full recreational potential of the River Slaney and its estuary is realised’.
  - Objective TO3: ‘Provide pedestrian walkway along the banks of the River Slaney Estuary’. The plan’s maps show the route of a coastal walkway on the southern side of the railway line, south of the application site.
- Policy NH6 is to protect riparian zones by providing a buffer of at least 5-10m from watercourses.
- Chapter 10 provides design guidance including landmark buildings (10.4), gateway buildings (10.5), tall buildings (10.6).
- Chapter 11 addresses Development Management Standards including zoning and residential development.

#### 6.4. Applicant’s Statement of Consistency

- 6.4.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which states how the proposal is consistent with the policies and objectives of section 28 guidelines and the Development Plan.



## 6.5. Designated sites

- 6.5.1. The site is adjacent to the Slaney River Valley SAC (site code: 000781) and Wexford Harbour and Slobs SPA (site code: 004076), which overlaps with The Raven SPA. The Slaney Valley SAC overlaps the Slaney Valley pNHA.
- 6.5.2. There are two nature reserves within 10 km of the development site. Raven Point Nature Reserve SAC is also designated as a Nature Reserve. Wexford Wildfowl Reserve forms part of the Wexford Harbour and Slobs SPA.
- 6.5.3. The Wexford Wildfowl Reserve was designated as a Ramsar site (No. 291) on the 15th November 1984. The Raven Point Nature reserve was also designated as a Ramsar Site (No. 333) on the 31st July 1986.

## 7.0 Third Party Submissions

- 7.1. Two submissions were received, one from Faythe Harriers Hurling and Camogie Club and one from the Apartment Owners Network. Submissions from Prescribed Bodies are addressed in section 9 of this report.
  - Faythe Harriers Hurling and Camogie Club – Broadly supportive of development and have reached an agreement with developer regarding the route of the construction traffic, however this is not reflected in the application. Do not support use of the proposed access route northeast of the club's all weather arena, other than for early enabling works related to phase 1, namely construction of the proposed access road and bridge, after which the new bridge should be used for access. There is no fence along the road at the boundary with the GAA club, this could pose a risk for the club, particularly young members when the development is operational. The club would welcome an element of community gain for the development. Concern raised in relation to the structure of the existing road, with settlement/sagging/flooding noted at a certain point on it near the GAA club.
  - Apartment Owners Network – concern relating to long term sustainability regarding the management of common areas; no reference to the guidelines 'Operation and Management of Apartment Developments 2018'. No building lifecycle report included in the application.

## 8.0 Planning Authority Submission

### 8.1. Overview

8.1.1 In compliance with section 8(5)(a) of the 2016 Act, Wexford County Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 20<sup>th</sup> October 2020. The report notes the planning history in the area, policy context, site description, proposal, planning history and summary of observers submissions and overview of the view of the relevant elected members. The Chief Executive's Report concludes that it is recommended that permission be granted. The CE Report from Wexford County Council is summarised hereunder.

#### 8.1.1. Summary of Inter-Departmental Reports

No reports attached with CE submission, however, the reports are summarised within the CE submission as follows:

- Area Engineer – recommends permission be granted subject to conditions.
- Housing Department – agreement with developer in relation to Part V arrangements.
- Roads Design Engineer – route of construction traffic to be agreed with WCC; segregated cycle route connecting to the R730 must be provided.
- Chief Fire Officer – all relevant fire safety regulations to be complied with.

#### 8.1.2. Summary of View of Elected Members:

It is stated that the proposed development was presented to the members of Wexford Borough Municipal District, where the merits of the scheme was discussed with agreement that the proposed development would be welcome in the area, especially given the current housing crisis and demand for housing in Wexford. It is stated in the CE Report that the members decided against making any formal submission and instead would reply on An Bord Pleanála to make the appropriate decision.

#### 8.1.3. Planning Analysis

- Principle of development – acceptable as in accordance with the zoning objective.

- RSES – Wexford Town is a self-sustaining regional driver. Wexford Town is the county’s primary settlement for residential and economic growth.
- Core Strategy – Proposal considered to be in accordance with core strategy.
- Zoning – Proposed development is consistent with the zoning policy MR.
- Density – Proposed 40 dwellings per hectare in compliance with national and local policy. Positioning of apartments along the orbital route (T8) acceptable.
- Design and Layout – Proposal will be an attractive development that integrates the cultural heritage and natural environment suitably into a housing development. High level permeability proposed in accordance with DMURS. The main central spine will connect into a future bridge crossing. Proposal in accordance with principles set out in section 4.2.5 of the development plan, DMURS, the Urban Design Manual and NPF.
- Cycle Tracks – very little detail of proposed cycle route or dedicated cycleway provided. Reference is made to cycle routes following the main arterial route but no details indicated. A segregated cycle track along the main arterial route should be provided for by way of condition.
- Public Open Space – acceptable. A linear park is proposed along the water’s edge which will also serve to protect the SAC.
- Public Lighting – condition required to ensure regard had to bat activity and roosts.
- Quality of Residential Units – Acceptable.
- Water Service – IW has indicated development can be serviced, subject to agreement.
- Surface Water Attenuation – Previous proposal was for individual soakpits in every rear garden and for the apartment block, which wasn’t acceptable. Revised proposal is for five attenuation systems designed for a 1 in 100 year flood. Discharge rate is limited to greenfield run off rates. Discharge pipes shall be fitted with tidal flaps and surface water will discharge directly to the estuary. A foreshore licence will be required for the discharge of surface water to the estuary. The proposed surface water attenuation and discharge are acceptable to Wexford County Council.

- Possible Gas Migration from former Carcur Landfill – Mitigation measures proposed as set out in chapter 7 of the EIAR.
- Electric Car Charging Points – None shown on the maps. It is desirable that each dwelling should have a facility that can charge a car.
- Childcare – two crèches proposed on ground floor of block 2 (phase 2) and block 10 (phase 4), both designed to accommodate 30 children. Scale acceptable.
- Accessible housing – plan requires 20% of development to provide accommodation for lifetime homes. Statement of Consistency indicates all apartments are wheelchair adaptable and the lower density houses have been designed with convertible garages and wide internal hallways. A condition should be attached identifying which units are designated as lifetime homes and layout plans to show how these houses are adaptable.
- Part V – proposal to transfer 41 units.
- Phasing – four phases proposed, which is acceptable.
- Japanese Knotweed has been identified on the site. Condition required to require applicant to submit a programme for the removal, control and monitoring of Japanese Knotweed on site, with a detailed site management plan with the areas of Japanese Knotweed clearly identified.
- FRA – A Site Specific FRA has been submitted. This is appropriately detailed and provides sufficient evidence to demonstrate that the proposals are in accordance with development plan and Flood Risk Guidelines.
- Conclusion – this is a repeat application for development previously refused. The applicant has attempted to address issues that gave rise to the refusal, particularly relating to surface water drainage. WCC consider these issues have been adequately addressed. While there are weaknesses in the scheme in relation to the cycle ways and public lighting scheme, these can be addressed by way of condition. Overall development is consistent with Wexford County Development Plan 2013-2019 and the Wexford Town and Environs Development Plan 2009-2015 (as extended).

## 8.2. Statement in accordance with 8 (3) (B) (II)

8.2.1. The Chief Executive's Report recommends a grant of permission, subject to a number of conditions, including the following:

- C2 and C3 – development contributions for roads and community.
- C7 – Prior to commencement of development, a Foreshore Licence from the Marine Section of the Department of Housing, Planning and Local Government required for the discharge of surface water into the Wexford Harbour Estuary.
- C8 – Phasing scheme to be amended to avoid use of the old quarry entrance as proposed for phases 3 and 4.
- C9 – public lighting and bats.
- C10 – Details of segregated cycle way along the main access and orbital routes.
- C11 – provision for electric charging points.
- C14 – details of a segregated cycle way along the main access and orbital routes.
- C19 – signage for crèche and retail unit.
- C22 – All mitigation measures relating to Biodiversity as detailed in the NIS shall be fully implemented.
- C23 – Engage the services of a qualified ecologist as an ecological consultant to oversee all works and recommendations proposed.
- C25 – programme for the removal control and monitoring of Japanese Knotweed on site with a detailed site management plan with the areas of Japanese Knotweed clearly identified.

## 9.0 Prescribed Bodies

The applicant was required to notify the following prescribed bodies prior to making the application:

1. Irish Water
2. National Transport Authority (NTA)
3. Transport Infrastructure Ireland (TII)

4. Department of Culture Heritage and the Gaeltacht
5. Environment Protection Agency
6. Sea Fisheries Protection Authority
7. Inland Fisheries Ireland
8. Marine Institute
9. An Taisce
10. Heritage Council
11. Health Service Executive

5 of the bodies have responded and the following is a summary of the points raised.

9.1. Irish Water (report dated 20<sup>th</sup> September 2020):

- Wastewater Treatment Plant: The Wexford Town Wastewater Treatment Plant (WWTP) has sufficient capacity at this time to accommodate the development proposal however this is subject to a connection application assessment by IW.
- IW Carcur Pumping Station: Irish Water is currently undertaking a Drainage Area Plan (DAP) of Wexford Town. Based on IWs initial assessment of the DAP, upgrade works to increase the flow rates and storage at Carcur pump station are required. The upgrade of Carcur currently envisaged will not require planning permission. A portion of the costs for this upgrade will be borne by the applicant, together with any downstream upgrades to the network required to facilitate the proposed connection(s).
- On Site Pump Station: The applicant proposes to install a new foul pumping station on the proposed development site. In the Confirmation of Feasibility issued by IW to the applicant in May of this year, the applicant is requested to submit a Flood Risk Assessment (FRA)(site specific) as part of the Design Submission for the development proposal, to allow IW determine if the impact of the FRA analysis has been taken into account as part of the Pump Station Design Risk Assessment. IW has not received a site-specific flood risk assessment and/or recent design proposals for this development. IW has not issued a Design Statement of Acceptance for the proposal in 2020. The applicant has been made aware that the on-site pumping

station cannot be located in areas that are susceptible to flooding at a frequency of more than 1:30 year recurrence. The finished slab level of the pumping station must be positioned above the 1:100-year flood level and all electrical control equipment shall be above the 1:200-year flood level. Irish Water also require full details of the proposed development collection system, pumping station, associated storage and site-specific Flood Risk Assessment. IW request they be provided with the opportunity to assess the site specific flood risk assessment together with current design proposals in order to ensure there is no risk of pumping or deluge and/or excess waters to our network and ensure prevention of any inundation of our Wastewater Treatment Plant and/or storm water overflows. Therefore, in the context of potential for flood risk in Carcur Park and the requirement to mitigate these risks in respect of the provision of water and waste water connections to service the development, IW would like the opportunity to complete its design vetting of this development proposal ahead of any decision.

9.2. Development Applications Unit, Department of Culture, Heritage and the Gaeltacht (24<sup>th</sup> Sept 2020)

- Outfall pipes and other works adjacent to the foreshore should be subject to an Underwater Archaeology Survey.
- Condition in relation to archaeology recommended.
- Noted that there are references to mitigation and monitoring measures in the NIS and EIAR being subject to agreement with the NPWS, however, the NPWS does not have a direct role in ensuring compliance, and cannot agree or approve changes or alterations to the project, or associated conditions or mitigation measures, after approval by the planning authority.
- It is stated in the submitted report that it is advised that the following mitigation measures, which are included in the NIS, should be conditions of any permission granted: “The entire boundary of the site along the shoreline, reedbed and woodland to the west of the site will be permanently fenced off by a low wall and fence of total height of 2100 mm to prevent access to the shoreline habitats by people or dogs; This fence, and the buffer zone vegetation, will be regularly inspected. Any damage to the fence will be quickly repaired and if evidence is detected of regular access to

the shoreline (e.g., trampled paths through the buffer zone vegetation, further measures (e.g., taller, and/or additional, fencing) will be put in place”.

- Invasive Species Management Plan required.
- Monitoring condition required in relation to monitoring of Annex 1 habitats.

9.3. TII – No observations

9.4. HSE – Foreshore licence required; concerned regarding lack of public consultation; notes absence of sensitive receptors from EIAR of sports clubs and traveller halting site; developer should include Universal Design Guidelines for Early Learning and Care Settings; sustainable development should include prioritising walking, cycling, and public transport over the private car; rodent control programme required; dedicated complaints officer should be established; imported fill material must be clean; existing soil may be contaminated from existing landfill and release of gas due to ground works should be monitored during and after construction; use of rainwater harvesting, permeable paving, and green roofs should be incorporated into the design; emergency response plan should be put in place in case of flooding; biological and chemical monitoring of the waters in the estuary should be carried out; noise control mitigation must be fully compliant with EU Directive on Environmental Noise, 2002.

9.5. An Taisce – Proposed development represents a leapfrog pattern of development in a coastal area that is highly sensitive; potential risk of flooding particularly having regard to climate change; recommend that permission be refused.

## 10.0 **Assessment**

### 10.1. **Introduction**

10.1.1. Having examined the application details and all other documentation on file, including the C.E. Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle of Development



- Density and Housing Mix
- Layout and Urban Design
- Residential Amenity
- Traffic, Transportation and Access
- Water Services Infrastructure

These matters are considered separately hereunder.

10.2. I have carried out an Environmental Impact Assessment and Appropriate Assessment in respect of the proposed development, as detailed later in this report.

10.3. Each section of the report is structured to guide the Board to the relevant section of the EIAR, AA, relevant policy, substantive issues raised in the submissions / observations and the applicant's response as appropriate.

#### 10.4. **Principle of Development**

10.4.1. The site is within the borough boundary of Wexford Town and is subject to the requirements of the Wexford Town and Environs Development Plan 2009-2015 (as extended). The site is within master plan area Zone 4 of the plan and is zoned Mixed Use and Residential (MR), the objective of which is 'to make provision for mixed uses and residential development', with housing the primary use in this zone. A number of map based objectives relate to the plan lands.

10.4.2. I note a submission from An Taisce considers that the development is 'leapfrogging' other zoned lands. I have reviewed the application site in terms of its zoning and location and I consider it is appropriately located in terms of the sequential growth of the town.

10.4.3. It is stated in the submitted documentation that the lands were part of a former Action Area Plan dated from 2003 (between Wexford County Council and former owners of the land Cement Roadstone Holding Ltd., prepared by Murray O Laoire Architects) which resulted in a number of objectives for the land as set out in the current development plan, the zoning of the land, and an objective for a third bridge crossing and internal relief road (Objective T8) in this area, with the vision for the area being the creation of a 'green ribbon' from the conversion of the former landfill into a park and upgrade of planning facilities in the area, with residential

development on both sides of the green ribbon and provision of roads and bridge infrastructure subsequently approved by part 8 to provide access to all of the land, with the new road delivered by the current applicant as part of the sale of the lands to them. It is stated that a financial contribution (by the former owners of the land Cement Roadstone Holding Ltd) has been paid for upgrade works to the former landfill for the provision of a park/linear walk at that location. While I note this park over the landfill has not yet been developed, it would serve as a direct pedestrian/cyclist link from the application site/this area to the town centre.

10.4.4. The proposed development is residential in nature with some ancillary commercial and childcare facilities. The site is a serviced zoned site within Wexford Town, which can connect directly into water supply, foul drainage and roads networks directly. The principle of residential development and an ancillary childcare and retail unit at this location is acceptable within the context of the existing zoning objective, is in compliance with the specific objectives on the land, and is supported by national policy for consolidated development, as set out in the NPF under NPO 3(c), 11 and 35. The principle of development is therefore acceptable, subject to the detailed considerations below.

#### 10.5. **Density and Housing Mix**

10.5.1. The site is located within the boundary of Wexford Town. Section 11.08.01 of the Wexford Town & Environs Development Plan outlines the residential density requirements for zoned lands within the plan area. The plan defines 'higher density residential' as density provision of more than 27 units per Ha.

10.5.2. Chapter 5 of the guidelines on Sustainable Residential Development in Urban Areas (SRDUA) relates to Cities and Larger Towns, being defined as towns with a population over 5000. The site is a brownfield site, however, having regard to its location outside of the centre of Wexford town, can be considered an outer suburban site, where net densities of between 35 and 50 dph are encouraged and those below 30 dph are discouraged.

10.5.3. The total site area is a stated 13.8ha gross. Part of the area is excluded from the development as a perimeter of land around the site is required to be reserved from development to protect the habitats and amenity of the adjoining estuary including an otter habitat (10m wide area above the high tide mark is a site exclusion zone) and

the proposed central north-south road is required to form part of the T8 Orbital Route to serve the wider town with a connection into a proposed bridge over the River Slaney. I accept the net area calculation, which is in line with national guidance. The net developable area is therefore 10.2ha hectares, resulting in a net density of 40 units per hectare. This density is appropriate within the national policy context and is in accordance with the adopted development plan.

#### Dwelling Mix

10.5.4. The dwelling mix caters for a range of 1, 2, 3 and 4 bed units, with 56% of the units being 2 bed units, 33% are 3 bed, 8% are 4 bed and 3% are 1 bed. A mix of typologies are proposed including semi-detached, detached, terraced dwellings, and apartments. I consider this mix to be reasonable and will enhance the housing mix of the wider town.

#### 10.6. **Layout and Urban Design**

##### Overall Development Strategy

10.6.1. The layout of the scheme has been informed by the existing site context, specifically its location adjoining the River Slaney and its associated European designations. The layout has also been influenced by the termination point of the T8 orbital route south of the railway line and permitted bridge over the railway line, which the development will connect into, and also by the development plan objective for a bridge across the River Slaney from the site which is to connect into the T8 orbital route.

10.6.2. The layout of the scheme is largely the same as that presented in a previous application on this site, which was refused for reasons relating to surface water management, potential flood risk, and lack of information in relation to groundworks/fill required and potential impacts on the environment (see section 4 above on planning history).

10.6.3. Development is set back from the northern, eastern and southwestern site boundaries. A 10m wide (from above the high water mark) ecological buffer zone is proposed with a protective otter boundary fence 2.1m high proposed around the northern and southeastern perimeter of the scheme, with no access to the shoreline

permitted for pedestrians. Development is proposed on the SPA boundary to the west.

- 10.6.4. The main street through the scheme traverses southwest to northeast, connecting from the permitted railway bridge up to a point at the northeastern boundary, where the line of a future bridge over the estuary is indicated. A perimeter street traverses from here the northern and eastern boundary of the site, connecting into local streets across the scheme.
- 10.6.5. The five proposed apartment blocks are between four and seven storeys high. The seven storey blocks (Blocks 2 and 3) are L shaped and positioned opposite each other on the entrance street to the scheme, just north of the proposed railway bridge, acting as landmark structures at this point. The proposed shop and one of the childcare facilities is located on the ground floor of Block 3, with these uses fronting onto a local street off the main street. Blocks 6 and 7, four storeys in height, are positioned opposite each other at the northeastern end of the main street, where the planned bridge over the River Slaney is indicated. Block 1, five storeys high, is located on the northwestern portion of the site, east of the proposed park here, fronting out over the estuary. Part of the ground floor of this block comprises a crèche. Two additional blocks, Blocks 4 and 5, are located south of this, beside the railway line and the existing railway bridge. These three blocks act as landmarks at this western end of the scheme, with development beyond here comprising one street of low density housing. The rest of the development consists of 2 storey houses, most of which are semidetached although some detached houses and short terraces are also proposed.
- 10.6.6. Undercroft parking is proposed below a portion of the ground level of Blocks 3 and 4, where the street is at a higher level due to the railway crossing. The remaining apartment blocks are served by surface parking. The two storey housing is served by a mix of on-street and in-curtilage parking. The main street through the scheme has a limited number of parallel parking spaces positioned along the street, with dwellings and apartment blocks forming the built edge to the street and parking for these units positioned on side streets, off the main street.

#### Internal Street Network

10.6.7. In terms of the internal street network, a hierarchy of streets is proposed. The main street (connecting with the proposed railway bridge and T8 inner orbital route) is 7.2m wide, dropping from +9.45m AOD over the railway down to +3.25m at the northern-eastern end of the street. A segregated cyclepath is proposed on both sides of the main street. Two main east-west link streets (5.5m-6.1m wide) are proposed which connect into the main street. One of these streets runs along the edge of the development with the estuary (northwest to southeast) and has a segregated cyclepath on one side. The second main east-west street through the centre of the scheme also has a segregated cyclepath on one side, connecting into the street along the estuary as well as the north-south main street. North-south/east-west local streets are 5.5m wide. Shared surfaces, 5.5m wide, are proposed for short north-south streets terminating in cul-de-sacs at the railway line and for the western street of housing at the western end of the site. It is stated these surfaces will comprise shared parking and a range of landscape elements to maintain a low speed.

10.6.8. The existing bridge over the railway line is not directly addressed in the submitted documentation. A pedestrian path is indicated up to the bridge on the site layout plan, however, I note a boundary fence is proposed at this location (1.8m high). The pedestrian and cycle network plan set out in the Urban Design and Access Statement does not include the bridge, nor does the bridge appear in visualisations of the site. Access over the existing railway bridge is an important pedestrian connection from the scheme to the surrounding area, connecting it into the existing sports amenities on the other side of the railway line and to an informal track on the southern side of the railway line, which exists, albeit I note it does not connect into the new orbital route. It is unclear if the connection point for pedestrians through the GAA club would be maintained/developed in the future, however, it is important the proposed development does not remove this opportunity for pedestrian/cyclist movement and connectivity across to these amenities nor should it remove the connection to an existing track along the southern side of the railway line, which exists and has the potential to connect back into the road network at the new bridge, further supporting the creation of a walkway along the railway line into the proposed open space/public park at Carcur former landfill. In my view to close this bridge access for pedestrians would be to the detriment of pedestrian permeability and accessibility, therefore I consider a condition is warranted to remove the proposed

boundary at the existing bridge and maintain a crossing point for pedestrian/cyclists. In the interests of maintaining a viewing point from the existing railway bridge and a more positive street environment, I consider the bin store located proximate to the bridge access should be moved west/relocated from this point, out of the line of the pedestrian route crossing the bridge.

10.6.9. Overall, the site layout allows for a highly permeable and connected urban environment for pedestrians/cyclists as well as for the car.

#### Public Realm

10.6.10. The buildings adjoining the street over the bridge have been designed to ensure interaction of their ground level with the street. The undercroft parking is not visible from the main street given the levels, but it is visible from the centre/rear of the blocks, with roof gardens proposed over a portion of the undercroft parking from the rear of the block, serving the apartments above. I am satisfied these blocks have been adequately designed to ensure a positive public realm is delivered in terms of the orientation of the buildings to the main street. However, I note the site layout and the landscaping plan, indicates no privacy strip provided at ground level to the apartments in apartment Block 2 or 3 adjoining the main street. Along the northern edges to the side streets, I note planting is proposed adjoining the back of the parking spaces, with the cyclepath and footpath up against the ground level apartments. This is unsatisfactory and does not meet the requirements of section 3.4.1 of the Design Standards for New Apartments 2018. The site layout and landscaping plan should be revised accordingly with a planted privacy strip adjoining the ground level of the apartments in Blocks 2 and 3.

10.6.11. I note the on-street parking areas are not broken up with planting. DMURS states that to reduce the visual impact of parking the number of parking spaces per bay should generally be limited to three parallel spaces (including loading areas) and six perpendicular spaces. It would therefore be preferable that shrubs/trees be provided between every block of 6 spaces. I note a straight run of 18 spaces is proposed along the street north of Block 2, with a similar arrangement proposed to the north of Block 3. Similarly, the perimeters of Blocks 4 and 5 have large areas of surface parking with limited planting. This layout should be re-examined to mitigate

the visual impact of the surface parking. Should the Board be minded to grant permission, I consider these issues could be addressed by way of condition.

10.6.12. With regard to boundary treatments, I note no detailed elevation has been submitted of the otter wall and fence proposed around the perimeter of the site, which is proposed to have an overall height of 2.1m. A schematic only is shown in the landscape plan. The provision of this boundary is an important measure required by the NIS and the EIAR. It is important that this fence is of a high quality finish and material and allows for a visual connection to the estuary. Should the Board be minded to grant permission this issue can be addressed by way of condition.

10.6.13. I have examined the manner in which the proposed houses and apartments have been designed to address the street and boundary treatments proposed (see submitted plans titled Wall Details and Proposed Site Boundary Plan). While houses have been designed to turn corners, with entrances on the side elevations at certain locations, I note a number of dwellings could be improved through the application of this/similar full dual frontage design at other locations across the scheme, in particular on plots A4/8-17, B3/6-07, C3/7-09, C3/7-01, B3/5-12, B3/5-16, B3/4-18, C3/11-09, C3/11-01 B1/12-08, B1/12-01, B1/3-16 and B1/3-12. I further note boundaries proposed do not always reflect the benefit of the dual frontage design proposed, with high boundaries proposed along some dwellings, resulting in significant sections of blank elevations on both sides of streets and a lack of passive surveillance/poor public realm. Of particular concern is southeast section of the development, where passive surveillance is extremely poor and parking spaces dominate the environment. I consider houses on plots C1/7-03, C3/7-04, C3/7-05 and C1/7-06 should be omitted and replacement dwellings redesigned to provide a face to the street to the east, with dual frontage units at the corners to limit opposing high walls and improve passive surveillance. Consideration could be given to a narrow plan L shaped dwelling type in such instances.

10.6.14. Wall Type 2 appears to be designed to reduce in height at the side of dwellings, however, as noted above it is not clear in all instances if the extent of this reduction is sufficient to allow for an active street edge. In my opinion, where Wall Type 2 is proposed, it should maintain the proposed lower level of 900mm along the entire main two storey side elevation of the dwelling to which it relates and rise in height to a max of 2m for that portion of the site where it adjoins a rear garden.

10.6.15. With regard to Wall Type 4 which has an overall height of 900mm, this is proposed along entire side boundaries, which is impractical in terms of providing privacy to rear garden spaces, eg at C3/11-09; C3/11-01. If higher walls are provided at these locations, as would be required, the public realm at these locations would be poor with very limited passive surveillance of the streets and the adjoining parking areas.

10.6.16. Given the setting of this site, I consider the dominance of solid front boundary walls results in a hard edge in what is a very natural setting. Through amendment of the boundaries alone, the site could be improved in terms of its integration with its natural surroundings, improvement in terms of biodiversity, and reduction in hard surfaced areas. To this end, I consider Wall Type 1 to the front of the dwellings along the northern boundary A1/14-01 to A1/18-18 and Wall Type 1 boundary to all other dwelling houses facing toward the estuary along the northern and eastern boundaries, should be replaced with 900mm high railings supported by planting.

10.6.17. Overall, having regard to the hierarchy and permeability of streets proposed, the manner in which buildings address and provide activity to the street (subject to considerations outlined above which could be addressed by way of condition), connectivity for pedestrians/cyclists (subject to the existing railway access being maintained), and provision of open space, I am overall satisfied with the general design and layout of the scheme as proposed and I am satisfied that the development would provide for a positive public realm.

#### Public Open Space

10.6.18. An area of land along the northern, western and southeastern boundary of the site is defined as an area exclusion zone which is proposed to be fenced off from the development and public access to ensure the protection of the adjoining European sites and habitats, including the otter and other waterbird species (see section 11 of the submitted Natura Impact Statement).

10.6.19. Three linear open space areas are proposed along the northern edge of the site, inside the 1.2m high fenced off exclusion zone/otter boundary fence, with the proposed east-west perimeter street located south of these three open spaces. I note the northeastern open space is partly within the exclusion zone. A bird hide is also proposed in this area. I note the PA raises no concerns in relation to the ability



of the future bridge to be developed at this connecting point. Public play areas are proposed on the north-western open space and at three other smaller locations across the development. It is not clear what play facilities are proposed across the site with detail in this regard lacking from the landscape plans. This issue could be addressed by way of condition. Approx. 15% of the site comprises publicly accessible open space, which is in accordance with development plan requirements.

10.6.20. The NIS specifies that the construction of the boundary to the west will be carefully monitored to ensure no impact on protected trees and habitat in this area. I note significant excavation is proposed in this area. The submitted site layout maps shows the SPA boundary over one of the houses proposed at this location. Notwithstanding the survey work undertaken, I am not satisfied that the issue of this boundary has been clearly addressed in the submitted documentation and in the interests of ensuring a suitable buffer with development at this boundary, I recommend that the western most dwelling at this location, A1/14-01, be omitted from the development.

10.6.21. While not proposed or required to protect or manage the conservation objectives of the SAC and SPA, I consider the provision of a dedicated biodiversity information trail with information boards along the proposed boundary fence around the site as part of the development would enhance public appreciation of the area and provide a greater understanding of the sensitive nature and richness of biodiversity in this area. Information boards in relation to birds would also complement the proposed bird hide proposed to the northeast of the site. Such biodiversity display areas could clearly display information related to a) information about and protection of local habitats, b) information in relation to birds and otters, and c) the prevention of spread of invasive species. This issue could be addressed by way of condition should the Board be minded to grant permission.

10.6.22. Overall, I am satisfied with the scale and design of the public open space available on site. I note future occupants will also have access to a wide range of sports pitches and clubs just south of the railway line adjoining the site.

#### Visual Impact and Height

10.6.23. The Guidelines for Planning Authorities on Urban Development and Building Heights require that building heights of at least three to four storeys, coupled with

appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels. The Guidelines state that in cities and the towns identified for strategic development in the NPF and RSES (I note Wexford town is a Key Town in the RSES for the Southern Region), 'it would be appropriate to support building heights of at least 6 storeys as the default while allowing the scope to increase above this level'.

10.6.24. The height of the housing and the apartment blocks proposed ranges from 2 storey housing to 4—7 storeys apartment blocks, with the 7 storey block/s acting as landmark structures. I have examined the site within the context of the surrounding environment including the requirement that the development be constructed at a level 2.95m OD, with FFLs constructed at a minimum of 0.3m above this to avoid flood risk. The proposed development complies with national policy supporting compact growth and with the Building Height Guidelines. I consider the landmark buildings are appropriately positioned and designed, and will contribute to the character and public realm of the area. I consider the contemporary design proposed to be of a high quality, which will add to legibility in the area. The landscape plan and boundary treatments are sensitive to the surrounding area. I have reviewed the visual impact assessment submitted under section 10 of the EIAR (see section 12 of this report hereunder). I note the proposal will be visible from a number of areas on higher ground south of the site, from across the estuary and from certain points within the town centre, however I am overall satisfied that the site can accommodate the scale of development proposed and the proposal will not have a significant negative visual impact on the area.

#### Childcare Analysis

10.6.25. The Childcare Facilities Guidelines for Planning Authorities recommends a minimum provision of 20 childcare places per 75 no. dwellings. I note that Section 4.7 of the 'Sustainable Urban Housing: Design Standards for New Apartments' states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area, with 1 bed or studio units generally not be

considered to contribute to a requirement for any childcare provision. Subject to location, this may also apply in part or whole to units with 2 or more bedrooms.

10.6.26. The total number of units proposed, excluding one bed units, is 400 units. On the basis of 20 childcare spaces per 75 dwellings, I calculate there is a requirement for 107 childcare spaces. However, the application documentation states that provision is proposed on the basis of excluding the one bed units and omitting 50% of the two bed units, which I note would result in a requirement for 76 childcare spaces.

10.6.27. Two childcare facilities are proposed, which together are stated to be capable of accommodating 61 spaces. In both scenarios, ie on the basis of excluding one bed units only or in the scenario presented by the applicant (omission of one bed units and 50% of the two bed units), the proposed childcare facilities are not of a scale to meet projected demand in accordance with national guidelines.

10.6.28. The applicant has not presented any evidence in relation to geographical distribution of childcare facilities in the area, their capacity, or the emerging demographic profile as it relates to childcare requirements. This is a new residential area for 413 dwelling units, separated from existing residential areas by virtue of the adjoining amenity lands, with the residential areas proximate to the site in this area of the town very low in density or as of yet undeveloped. In the interests of sustainable community development, a childcare facility is required to support this new population. In my opinion there is no rationale presented for omitting two bed units from the calculations and there is a requirement for a childcare facility/facilities capable of catering for 107 childcare spaces. While I note that it may be more economically viable to provide for one larger childcare facility, this is not what is proposed by the applicant and the provision of two crèches is therefore considered acceptable. To address the issue of the shortfall in spaces proposed, I consider one of the childcare facilities should be increased in scale. Based on the layouts before me, it would be possible to increase the ground floor area of Block 1 through the omission of the ground floor apartments. This issue could be addressed by way of condition, should the Board be minded to grant permission.

#### Conclusion – Layout and Design

10.6.29. Overall, I am satisfied that the development is reflective of good contemporary architecture, would provide for a positive public realm, and a highly legible and permeable urban environment.

#### 10.7. **Biodiversity / Ecology and Landscaping**

10.7.1. An ecological assessment has been undertaken of the site, supported by surveys including in relation to birds and otters – see section 11 and 12 of this report hereunder.

10.7.2. Hedgerows (WL1) delineate the boundary of the development site and that of the adjacent SAC and SPA on the northern and eastern side. Maintenance of a 10m buffer from the high water mark is the target listed for otters in the conservation objectives for the Slaney Valley SAC. The hedgerows located along the boundary of the SAC are evaluated as of international importance as part of the SAC and as habitat for a local population of the Annex 1 species the otter which is listed as a qualifying interest of the Slaney Valley SAC. Elsewhere the hedgerows on site i.e. along the boundary with the rail line are evaluated as of local importance.

10.7.3. The EIAR/NIS outlines a range of protection measures relating to the biodiversity of the area, specifically where related to the adjoining SAC and SPA, including sediment control practices through good site management during construction; formation of an ecological exclusion zone with protective boundary of low wall and fence along the northern, eastern and southeastern boundary to protect otters; any clearance of vegetation to be undertaken within the appropriate period to protect terrestrial birds; resurvey of potential roosting trees and otters before works take place (see section 11 and 12 hereunder). The submission from the DAU advises that the following mitigation measures, which are included in the NIS, should be conditions of any permission granted: “The entire boundary of the site along the shoreline, reedbed and woodland to the west of the site will be permanently fenced off by a low wall and fence of total height of 2100 mm to prevent access to the shoreline habitats by people or dogs; This fence, and the buffer zone vegetation, will be regularly inspected. Any damage to the fence will be quickly repaired and if evidence is detected of regular access to the shoreline (e.g. trampled paths through the buffer zone vegetation, further measures (e.g., taller, and/or additional, fencing) will be put in place”. It is not clear who would undertake this work. I consider it

reasonable that should the area remain in the ownership of a management company, they shall be responsible for the maintenance of the fence and where the development is taken in charge, this would become the responsibility of the planning authority. I consider a condition in relation to this issue is warranted.

10.7.4. With regard to the submitted landscaping plan, it is proposed to plant trees and shrubs on the development side of the otter fence along most of the length of the shoreline apart from a short section at the extreme north-western corner of the site, a section to the west of the new pond, and along the southern half of the eastern shoreline. The submission from the Department requests that new planting of trees and shrubs should be continuous along the entire length of the development side of the otter fence and the shoreline. I note that continuous planting to the northwest and west of the new pond is not possible due to site layout, however I consider the provision of biodiversity information panels at these locations, in addition to other areas, would be sufficient to assist and support local knowledge in relation to the importance of maintaining the boundaries around the site and the habitats in this area.

10.7.5. The submission from the Department notes that with regard to consideration of the impacts of increased recreational pressure on nearby SPA's due to the significant increase in population in the area (addressed in the submitted NIS and hereunder in this report in section 11), permanent exclusion of the shoreline adjacent to this development to recreation, may exacerbate negative impacts in other, more accessible areas of the SPAs. The development of a Recreation Plan, avoiding nearby SPAs, for the residents of this development and including adequate space to exercise dogs may be required following consideration of this potential negative impact by the Board. I have considered the layout of the development, the proposed open space strategy, and proximity to recreational and amenity areas south of the railway line. I consider there are adequate areas proposed for recreation within and immediately existing outside of the area which would be attractive for future residents and would not impact on European sites. I consider the measures proposed as set out in the NIS and the EIAR to protect adjoining European sites are sufficiently robust with regard to the development proposed and I do not consider a Recreation Plan involving lands in the wider town area is within the remit of this application to deliver. Furthermore given the scale of development proposed within

the context of the wider town population, I do not consider the population generated by this development will result in significant anthropological disturbance to other European designated areas beyond this site.

## 10.8. Residential Amenity

10.8.1. The proposed development provides for a range of house types, primarily semi-detached dwellings, with a limited number of terraced and detached dwellings, in addition to apartments. I note the site is not adjacent to existing housing and therefore would not affect the amenities of property in the vicinity of the site.

### Design Standards for New Apartments

10.8.2. The Guidelines for Planning Authorities on Design Standards for New Apartments issued by the minister in 2018 contain several Specific Planning Policy Requirements (SPPRs) with which the proposed apartments must comply. Housing Schedules were submitted to demonstrate compliance with the standards.

10.8.3. The apartments have been designed to comply with the floor areas as per SPPR3 and appendix 1.

10.8.4. SPPR4 relates to dual aspect ratios and states that in suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. The development achieves this. While some of the units are single aspect and north facing, the number of these are limited within the overall scheme.

10.8.5. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with. SPPR 6 specifies a maximum of 12 apartments per floor per core. The development complies with these requirements.

10.8.6. The Design Standards for New Apartments 2018 states 'planning applications for apartment development shall include a building lifecycle report which in turn includes an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of application, as well as demonstrating what measures have been specifically considered by the proposer to effectively manage and reduce costs for the benefit of residents'. A Building Lifecycle Report has not been submitted, as has been raised as an issue in a third party observation. However, I note within the Urban Design and Access Statement submitted, it is

stated that “A key design aim will be to ensure that each housing scheme is economically, socially and environmentally sustainable. This is facilitated by: ... The encouragement of energy efficiency both at construction stage and during the lifetime of the scheme e.g. by climate sensitive design which takes account of the orientation, topography and surrounding features to control wind effects while optimising sunlight, daylight and solar gain benefits; Having due regard to the social and environmental consequences associated with the use of materials and resources, e.g. minimising the use of scarce non-renewable materials and using sustainable resources which have minimum environmental consequences, wherever practicable...The choice of materials for site-works will have regard to cost, performance, durability, maintainability and overall environmental impact. Insofar as information is available, due regard will be had to the full lifecycle cost and environmental impact of the materials used”. While the applicant has not submitted a unit cost per apartment I am satisfied that consideration of costs has been a factor in the design and that this issue on its own doesn’t warrant a refusal. Should the Board be minded to grant permission, I recommend a condition is attached to address this issue (see recommended condition 5).

10.8.7. Apartments in blocks 2, 3, 6 and 7 would have communal open space, while those in blocks 1, 4 and 5 would not. However the latter blocks are beside or near public open space. It is not clear from the submitted drawings that the proposed ground floor apartments facing streets would have adequate privacy strips in line with the advice at section 3.41 of the guidelines. This is a matter that might be addressed by condition. Otherwise it is considered that the proposed apartments would generally comply with the 2018 guidelines.

10.8.8. The proposed development overall would provide an acceptable standard of amenity for the occupants of the proposed apartments.

#### House Designs

10.8.9. In relation to housing, best practice guidelines have been produced by the Department of the Environment, entitled ‘Quality Housing for Sustainable Communities’. Table 5.1 of these guidelines sets out the target space provision for family dwellings.

10.8.10. I am satisfied that the internal accommodation meets or exceeds the specifications of Table 5.1. The rear gardens associated with dwellings vary in shape and area, providing a satisfactory amount of private amenity space and achieve adequate separation distances to adjacent dwellings. Generally back to back distances of 22m are achieved where windows are directly opposing. Two parking spaces are proposed per dwelling.

#### **10.9. Impact on the GAA Club and other Neighbouring Sports Clubs**

10.9.1. The submission from Faythe Harriers Hurling and Camogie GAA Club raises concerns in relation to the suitability of the proposed construction access over the existing bridge for development, other than for preliminary site works and construction of the new bridge, due to potential conflicts with club users.

10.9.2. I agree with the concerns raised and consider that construction of the new bridge should be required at the outset to facilitate construction of the development and all subsequent construction traffic should access the site from the bridge and proposed main road. The remnants of the lane leading to the existing bridge from the new road are not in my view capable of safely accommodating heavy traffic for the construction of the entirety of phase 1. Should the Board be minded to grant permission, this issue could be addressed by way of condition, requiring construction access for all phases to be over the permitted bridge, which would serve the rest of the development.

10.9.3. With regard to issues raised in relation to the potential defects in the construction of the existing road, which the proposed development will tie into, this is an issue which is outside the remit of the Board and is a matter for the Local Authority. The CE Report raised no concerns in relation to the existing road.

10.9.4. With regard to the issue of community gain, there is no specific provision in the SHD legislation (unlike SID legislation) for community gain. The applicant is providing for on-site open space as required and a development contribution (a portion of which is for community facilities) will apply to any grant of permission.

#### **10.10. Traffic, Transportation and Access**

10.10.1. The application has been accompanied by a Transportation Assessment Report and a separate DMURS evaluation report. In relation to Transport, the



relevant section of the EIAR is Chapter 11 which details the methodology in relation to the Traffic Impact Assessment (TIA) undertaken. TRICS was used to predict future traffic generated by the proposed development. The TIA undertaken concludes that there is adequate capacity on the existing junctions proximate to the site and the road network to accommodate the proposed development (see section 12.10 of this report hereunder).

10.10.2. Subject to the completion of the authorised bridge over the railway, the site would have the benefit of safe road access with adequate capacity. The site is reasonably close to the existing services and facilities in the town centre and the railway station, and its development for housing would be in consistent with national policy on the promotion of sustainable travel modes. There are existing footpaths connecting the site to town centre and the site is within walking and cycling distance of the town centre.

10.10.3. The proposed streets within the site generally accord with the applicable guidance in DMURS. The main street through the development will form part of a wider route for the town connecting ultimately both sides of the river. A dedicated on-street cycle path is proposed along both sides of the main street within the development. It is not shown that this will be continued to the roundabout beyond the site boundary. This is a matter for the planning authority to address as this route is not within the red line boundary of the site and it is not clear to me if cycle facilities were provided for in the original design of the road and bridge. I note the PA raise an issue with the lack of detailed design submitted in relation to the cycle path. The route as proposed should be designed in accordance with the National Cycle Manual. This issue can be addressed by way of condition.

10.10.4. Bicycle storage facilities are provided for. I am not clear if a sufficient number of spaces have been provided for in accordance with the Design Standards for New Apartments. Car parking would be provided in accordance with the standards set out in the section 11.14 of the development plan, with 2 spaces per house and 1.5 per apartment, which is considered adequate. I note no provision for electric charging of vehicles is proposed. These issues could be addressed by way of condition.

#### Construction Traffic

10.10.5. As noted previously, concerns have been raised by Faythe Harriers Hurling and Camogie Club in relation to construction traffic access for the various phases, with the applicant proposing to use the new bridge permitted for phases 1 and 2 and to use the existing track and existing bridge over the railway line for the remaining phases to minimise impact on future residents. I consider the use of this old track and bridge would be inappropriate and would give rise to safety issues. In my view all access should be via the permitted new bridge proposed to be constructed over the railway line. This can be addressed by way of condition, should the Board be minded to grant permission.

10.10.6. The EIAR has addressed construction phase impacts of the development in terms of traffic and noise and addressed potential impacts on European Sites. Potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through good construction practices.

#### Conclusion – Traffic

10.10.7. Overall, I consider that a development of the scale proposed at this site can be accommodated within the existing road/street network, the proposed street network allows for future planned connections, and I consider the proposal would not give rise to a traffic hazard or be seriously injurious to the amenity of those in the immediate area of the site.

### **10.11. Infrastructural Services including Flooding Issues**

#### Water and Wastewater

10.11.1. It is proposed to connect the development to the public water and foul sewer network in the area. The draft Wexford County Development Plan currently on display identifies the treatment plant serving Wexford Town has a capacity for 45,000 with headroom of 14,001.

10.11.2. Irish Water in the submitted report on this application, raises no concerns in relation to WWTP, wastewater network or water supply. However, in relation to the on-site pumping station, it is stated that in the Confirmation of Feasibility issued by IW to the applicant in May of this year, the applicant was requested to submit a Flood Risk Assessment (FRA)(site specific) as part of the Design Submission for the

development proposal, to allow IW determine if the impact of the FRA analysis has been taken into account as part of the Pump Station Design Risk Assessment. It is stated that IW has not received a site-specific flood risk assessment and/or recent design proposals for this development. IW has not issued a Design Statement of Acceptance for the proposal in 2020. The IW report states that the applicant has been made aware that the on-site pumping station cannot be located in areas that are susceptible to flooding at a frequency of more than 1:30 year recurrence. The finished slab level of the pumping station must be positioned above the 1:100-year flood level and all electrical control equipment shall be above the 1:200-year flood level. Irish Water also require full details of the proposed development collection system, pumping station, associated storage and site-specific Flood Risk Assessment. IW hold that they should be provided with the opportunity to assess the site specific flood risk assessment together with current design proposals in order to ensure there is no risk of pumping or deluge and/or excess waters to our network and ensure prevention of any inundation of our Wastewater Treatment Plant and/or storm water overflows. IW therefore, in the context of potential for flood risk in Carcur Park and the requirement to mitigate these risks in respect of the provision of water and waste water connections to service the development, IW request that they are provided with the opportunity to complete its design vetting of this development proposal ahead of any decision.

10.11.3. I note the application documentation contains a Site Specific Flood Risk Assessment, which would have been circulated to IW as part of the application documentation. Under the wastewater assessment in the submitted EIAR (section 7.3.2), it is stated that the pumping station on site will have 12 hours emergency storage together with a facility for backup power generation, as per an agreement with Irish Water, and the on-site pump station is located above the 1 in 1000 year floor level based on the High End Scenario. The submitted Engineering Report states 'the on-site pumping station is located above the 1 in 1000 year flood level allowing for the OPW High End Scenario for sea level rise over the next 100 years. These levels are well above the levels required in Irish Water's letter to An Bórd Pleanála on May 12th, 2020'.

10.11.4. I consider the development has adequately addressed the issue of flood risk relating to the design and location of the pumping station, addressing concerns

raised by Irish Water. The development is subject to a connection agreement in any event with Irish Water. Should the Board be minded to grant permission, this issue can be addressed by way of condition.

#### Surface Water Management

10.11.5. Following on from a previous refusal for a similar development on this site, the applicant in response to the refusal reasons has redesigned the surface water drainage system originally proposed. The previous application proposed a system that discharged to ground via soakpits. The proposed system now comprises a proposal for five attenuation tanks across the site with discharge to the estuary, limited to greenfield runoff rates and discharge pipes to be fitted with tidal flaps. A site specific flood risk assessment was undertaken which concluded that the proposed development will not result in flooding subject to mitigation measures, the main mitigation measure being a requirement to raise the existing ground level within the site area to a minimum level of 2.95m OD, with FFLs constructed at a minimum of 0.3m above this. Appendix C of the Engineering Report submitted comprises a separate report titled Construction Management Plan on the Importation of Fill and Related Ecological Protection Measures, which also addresses the previous reason for refusal on this site (see section 12.7 hereunder).

10.11.6. An Aquaculture Impact Report has been prepared by AQUAFACT to examine the potential of surface water run-off impact. The report concludes that 'The large tidal flushing dilutions and large River Slaney freshwater inflows provide ample dilution for the proposed storm water discharge from the proposed development to ensure that the water quality status of the estuary will not be impacted. Added to this, the fact that the freshwater will float over the heavier saline water and be washed out to sea is a further reason why there being any measurable impact on seawater is extremely low. The impact on salinity within the estuary even at proposed 100 year design storm water discharge will be negligible'. I accept the findings of this report.

10.11.7. While I accept that the proposed storm water management system will be effective, I consider that overall a limited application of SUDS measures has been applied to the site. No provision is made for basic SUDS treatment train elements of permeable paving, water butts, swales/basins, bioretention areas, raingardens, blue/green roofs, etc., with a reliance on tanks. SUDS is a way of managing rainfall

that minimises negative impacts on the quantity and quality of runoff, whilst maximising the benefits of amenity and biodiversity for people and the environment. It is a multi-disciplinary approach to addressing water quality, water quantity, amenity and habitat. A revised storm water management plan for the site is recommended to support the attenuation tanks proposed. Should the Board be minded to grant permission, this issue can be addressed by way of condition.

#### Site Specific Flood Risk Assessment

- 10.11.8. The subject site is located adjoining the River Slaney Estuary, which is located to the north and east. The River Slaney flows west to east and is tidally influenced.
- 10.11.9. A SSFRA of the site has been submitted with the application documentation, with the stated purpose of assessing the potential flood risk to the development site and surrounding area, the hydrological regime of the area and an assessment of the existing hydro-geomorphological regime of the area.
- 10.11.10. The submitted SSFRA indicates (as per the SFRA undertaken for Wexford as part of the draft Development Plan, currently on display), that the site is not located within a floodplain and is not within a delineated Flood Zone A or Flood Zone B. However, given its location it is at risk from an extreme fluvial or tidal event in the River Slaney and Slaney Estuary. The site was modelled and flood extent delineation was undertaken, which indicated the site to be within Flood Zone A and Flood Zone B for an extreme flood event. In this context, the SSFRA applies the Justification Test as required by The Planning System and Flood Risk Management Guidelines and this is set out within the SSFRA Report (under section 7.2.10 of that report).
- 10.11.11. It is proposed as part of the SSFRA, which is summarised in Section 7.2.1 of the EIAR that the following mitigation be integrated into the design of the development:
- It is proposed to raise the existing ground levels within the site area to a minimum level of 2.95m OD, which is equal to the predicted 1 in 1000 year (0.1% AEP) High End Future Scenario tidal flood level in the vicinity of the site. All houses are proposed to be constructed at least 300mm above this 2.95m OD level.

- It is recommended that the finished floor levels are constructed a minimum of 0.3m above the predicted 1 in 1000 year tidal flood level (0.1% AEP) for the High End Future Scenario, i.e.  $2.95 + 0.3\text{m} = 3.25\text{m OD}$  (Malin).
- It is recommended that any existing or proposed surface water pipes or culverts within the site boundary are fitted with appropriately designed tidal flap valves.

10.11.12. The SSFRA has considered the potential impact of surface water from the development on the hydrological regime of the area. It is stated that the volume of tidal flood waters that may be displaced by the proposed development site are negligible in consideration of the occurrence of an extreme 0.5% AEP or 0.1% AEP tidal flood event in the Slaney Estuary. Displacement of these negligible volumes of flood waters from the area of the proposed development site would simply be attenuated within the vast volume of flood waters within the Slaney Estuary and would have an imperceptible impact on the hydrological regime of the area. The volume of fluvial flood waters that may be displaced by the proposed development site are negligible in consideration of the occurrence of an extreme 1 % AEP or 0.1% AEP fluvial flood event in the River Slaney. Displacement of these negligible volumes of flood waters from the area of the proposed development site would simply be attenuated within the vast volume of flood waters within the River Slaney and would have an imperceptible impact on the hydrological regime of the area. I note that under the wastewater assessment in EIAR, it is noted that pumping station on site will have 12 hours emergency storage together with a facility for backup power generations, as per agreement with Irish Water, and the on-site pump station is located above the 1 in 1000 year floor level based on the High End Scenario.

10.11.13. The SSFRA also examines the potential for the development to impact on sediment transport within the River Slaney Estuary. It is stated that there is no evidence to suggest any area of the site forms part of the natural sediment transportation and disposition regime of the Slaney Estuary, therefore it is not expected to have an adverse impact on the existing hydro-morphological regime of the Slaney Estuary.

10.11.14. The SSFRA concludes that with the above measures in place, there will be no increase in runoff from the site beyond the 'greenfield' runoff rate and therefore the development as proposed will not pose an increased flood risk to the area. It is

stated that overall development of the site is not expected to result in an adverse impact to the hydrological regime of the area and is not expected to adversely impact on adjacent lands or properties.

10.11.15. The CE Report states the Flood Risk Assessment is appropriately detailed and provides sufficient evidence to pass the development management Justification Test and comply with Chapter 12 of the Wexford County Development Plan 2013-2019 and the Flood Risk guidelines.

10.11.16. Overall, having considered all of the information before me, I am satisfied the applicant has adequately addressed the issue of flood risk in the submitted Site Specific Flood Risk Assessment, including potential for coastal flooding, and proposes a surface water management strategy which indicates the proposed development will manage surface water from the site to the greenfield run off rate, will not impact on neighbouring sites, and will not impact on the quality of water entering the estuary or on habitats within the estuary. Should the Board be minded to grant permission, I recommend a condition apply requiring a Stage 2 Detailed Design Stage Stormwater Audit, the findings of which shall be incorporated into the development, where required, at the developer's expense and a Stage 3 Completion Stage Stormwater Audit within six months of substantial completion of the development, the findings of which shall be incorporated into the development, where required, at the developer's expense.

#### **10.12. Planning Assessment – Conclusion**

10.12.1. I am of the view that, overall, the proposed development will support the consolidation and densification of this area of Wexford environs and the proposed development has had adequate regard to the context of the site adjoining the Slaney River Estuary and associated European designations. The site is sufficiently connected by footpaths to the surrounding area, and existing services and amenities, including education facilities and major employment centres. I consider the layout and design of the scheme supports a high level of permeability and connectivity and will contribute positively to the visual and residential amenity of the area. I consider the development as proposed is in accordance with the proper planning and sustainable development of the area.

## 11.0 **Appropriate Assessment**

11.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site

### 11.2. **Compliance with Article 6(3) of the EU Habitats Directive**

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development at Cancur Park, a residential development adjoining the River Slaney and Estuary, is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

### 11.3. **Screening the need for Appropriate Assessment**

11.3.1. The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site. This is considered stage 1 of the appropriate assessment process i.e. screening. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be



excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment carried out.

- 11.3.2. The applicant has submitted a screening report for Appropriate Assessment / Natura Impact Statement as part of the planning application (Natura Impact Statement by Deborah D'Arcy Ecologist with contributions from Dr. Tom Gittings and Ross Macklin, dated 10<sup>th</sup> August 2020).
- 11.3.3. The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The screening is supported by associated reports, including ecological field surveys, ornithological survey, otter survey, Strategic Flood Risk Assessment, Construction Management Plan on the Importation of Fill, Stormwater Report, Landscape Design, Lighting Design, Construction Management Plan and Outline Construction Management Plan.
- 11.3.4. The applicants AA Screening Report concluded that 'Due to the nature, size and location of the proposed development adjacent to the Slaney River Valley SAC and Wexford Harbour Slobs SPA and the overlapping Raven SPA, the potential for impacts on Natura sites from the development could not be ruled out therefore a Stage 2 Appropriate Assessment and Natura Impact Statement is required'.
- 11.3.5. Having reviewed the documents, submissions and consultations with the NPWS, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

#### Screening for Appropriate Assessment - Test of Likely Significant Effects

- 11.3.6. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 11.3.7. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special

Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

#### Brief Description of the Development

11.3.8. The proposed development is on a 13.84ha brownfield site, along the south bank of the River Slaney Estuary and adjacent to the Slaney River Valley SAC and Wexford Harbour and Slobs SPA. The site is located adjacent to the Dublin to Rosslare railway line. The applicant provides a description of the project on pages 9 to 12 of the AA screening report and elsewhere in Chapter 3 of the EIAR. In summary, the development comprises:

- 413 dwellings, 2 childcare facilities and a retail unit.
- In response to flood design, raising of the ground level to a min of 2.95m OD.
- A retaining wall along the northern and eastern boundaries to retain soils as per the Construction Management Plan on the Importation of Fill.
- Foul sewerage infrastructure and a pumping station to connect to Wexford Town and environs sewage system.
- Storm water system including oil interceptors, silt traps and five attenuation stores designed to attenuate the 100 year storm. Discharge pipes to the estuary to be fitted with tidal flaps and shall discharge to the estuary below the lowest low water level.
- Replacement otter pond and otter protection measures.
- Outline Construction Management Plan outlining additional measures and standard best practice construction site management measures to avoid pollution of groundwater or surface water and to reduce noise and dust emissions during construction.

11.3.9. The application site is located adjacent to the River Slaney Estuary and is adjacent to the Slaney River Valley SAC and Wexford Harbour and Slobs SPA.

#### Submissions and Observations

11.3.10. I have summarised hereunder points made in relation to European Sites from submissions and observations made in relation to this application:

#### Department of Culture, Heritage and the Gaeltacht:

- Underwater Archaeology – condition recommended.
- Archaeology – conditions recommended.
- Matters relating to the NIS – There are repeated references to on-going consultation with the NPWS post consent, however it is stated in the submitted report they the NPWS has no role in ensuring compliance and cannot agree or approve changes/conditions/mitigation measures, therefore the Board AA must contain complete and definitive findings capable of removing all reasonable scientific doubt that the development would adversely affect the integrity of the relevant SPA and SAC; conditions recommended in relation to the fencing along the boundary and its maintenance; condition in relation to requirement for continuous landscape planting along the length of the development side of the otter fence and shoreline, not just along most of it; development of a Recreation Plan for the residents of the development including adequate space to exercise dogs away from the SPAs may be required following consideration of this potential negative disturbance impact; condition that removal of vegetation should only take place outside of 1<sup>st</sup> March and 31<sup>st</sup> August in any year; agreement in relation to measure in NIS that an Invasive Species Management Plan must be prepared by an experienced invasive plant species specialist, and should include detailed and finalised measures to eradicate Japanese Knotweed and avoid the spread of invasive species, through movement of vehicles, importation of infill and excavation of soil. Details of exclusion zones must be included, adherence to the plan should be included as a condition of planning; the Department recommends that conditions of planning include the following: Appropriate monitoring of Annex 1 habitat qualifying interest habitat ‘Mudflats and sandflats not covered by seawater at low tide [1140]’ of the Slaney River Valley SAC is carried out by a suitably qualified ecologist for at least 2 years following disturbance due to the installation of the outfall pipes to ensure that the habitat has fully recovered’.

#### An Taisce:

- The proposal constitutes a leapfrog pattern of development that is highly sensitive in terms of landscape and ecology.

- Potential for pluvial and tidal flooding in the area and projections for the impact of climate change on coastal flooding have worsened since the previous application.

#### HSE:

- The Environmental Health Department have concerns in relation to; the potential for flood risk on site, the adequacy of proposed measures to reduce the flood risk and also the potential knock on effect of mitigation measures including any displacement of water to other residences or properties as a result of this development.

The apparent lack of community consultation or consideration of sensitive receptors for all potential impacts in the EIAR.

The potential negative risk as a result of siltation during construction on water quality in the Slaney and on shellfish production is an area of concern as well as the effect of night time noise levels above the recommended guidance on residents as a result of the site proximity to the railway.

#### European Sites

11.3.11. A summary of European Sites that occur adjacent to the proposed development, including their conservation objectives and SCIs is presented in the table below. Wexford Harbour and Slobbs SPA (004076) and Slaney River Valley SAC (000781) are located adjacent to the development site, with the redline site boundary overlapping with these boundaries. The Raven SPA (004019) comprises species which overlap with the Wexford Harbour and Slobbs SPA. Given the location of these sites adjacent to the development site and hydrological connection via surface water/groundwater discharge, likely significant impacts cannot be excluded without further analysis and assessment.

11.3.12. The following European Sites have also been considered as potentially within the zone of influence, however, these sites are geographically removed from the site and there is no pathway between them and the application site whereby the housing development upon the application site would have the potential to have likely significant effects upon them:

- Raven Point Nature Reserve SAC (000710) – 6km from the site
- Screen Hills SAC (000708) – 7.3km from the site

- Long Bank SAC (002161) – 12.6km from the site
- Blackwater Bank (002953) – 14.6km from the site

11.3.13. Table 1 Screening Summary Matrix and possibility of significant effects

European Site (code)	Conservation Objectives and List of Qualifying Interests/Special Conservation Interest	Distance from Dev (km)	Possible Effect	Screening Conclusion
Wexford Harbour and Slob SPA (004076)	<p>To maintain the favourable conservation condition of the following habitat – A999 Wetlands.</p> <p>To maintain the favourable conservation condition on the following species – A004 Little Grebe <i>Tachybaptus ruficollis</i> wintering, A005 Great Crested Grebe <i>Podiceps cristatus</i> wintering, A017 Cormorant <i>Phalacrocorax carbo</i> wintering, A028 Grey Heron <i>Ardea cinerea</i> wintering, A037 Bewick's Swan <i>Cygnus columbianus</i> wintering, A038 Whooper Swan <i>Cygnus cygnus</i> wintering, A046 Light-bellied Brent Goose <i>Branta bernicla hrota</i> wintering, A048 Shelduck <i>Tadorna tadorna</i> wintering, A050 Wigeon <i>Anas penelope</i> wintering, A052 Teal <i>Anas crecca</i> wintering, A053 Mallard <i>Anas platyrhynchos</i> wintering, A054 Pintail <i>Anas acuta</i> wintering, A062 Scaup <i>Aythya marila</i> wintering, A067 Goldeneye <i>Bucephala clangula</i> wintering, A069 Red-breasted Merganser <i>Mergus serrator</i> wintering, A082 Hen Harrier <i>Circus</i></p>	Adjacent	Possible pollution and water quality issues, invasive species and disturbance	Effects cannot be ruled out without further analysis and assessment

	<p>cyaneus post-breeding/roost, A125  Coot Fulica atra wintering, A130  Oystercatcher Haematopus  ostralegus wintering, A140 Golden  Plover Pluvialis apricaria wintering,  A141 Grey Plover Pluvialis  squatarola wintering, A142 Lapwing  Vanellus vanellus wintering, A143  Knot Calidris canutus wintering,  A144 Sanderling Calidris alba  wintering, A149 Dunlin Calidris  alpina wintering, A156 Black-tailed  Godwit Limosa limosa wintering,  A157 Bar-tailed Godwit Limosa  lapponica wintering, A160 Curlew  Numenius arquata wintering, A162  Redshank Tringa totanus wintering,  A179 Black-headed Gull  Chroicocephalus ridibundus  wintering, A183 Lesser Black-  backed Gull Larus fuscus wintering,  A195 Little Tern Sterna albifrons  breeding, A395 Greenland White-  fronted goose Anser albifrons  flavirostris wintering</p> <p><u>NOTE:</u> The following SCIs have not  been recorded in the subsite of  Ferrycarrig where the site is located  and are not considered further:  Bewick's Swan, Whooper Swan,  Greenland White-fronted Goose,  Pintail, Scaup, Common Scoter,  Red-throated Diver, Coot, Golden  Plover and Sanderling. Also no  change to wetland habitats</p>			
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	proposed, therefore this is excluded from further assessment.			
Slaney River Valley SAC (000781)	<p>The conservation objectives for the SAC at the Slaney River Valley are:</p> <p>To restore the favourable conservation condition of the following species – 1095 Sea Lamprey <i>Petromyzon marinus</i> 1096 Brook Lamprey <i>Lampetra planeri</i> 1099 River Lamprey <i>Lampetra fluviatilis</i> 1103 Twaité Shad <i>Alosa fallax</i> 1106 Atlantic Salmon <i>Salmo salar</i> (only in fresh water) 1355 Otter <i>Lutra lutra</i>.</p> <p>To maintain the favourable conservation condition of the following species 1365 Harbour Seal <i>Phoca vitulina</i>.</p> <p>To restore the favourable conservation condition of the following habitats – 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles 91E0 * Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>).</p> <p>To maintain the favourable conservation condition of the following habitats – 3260 Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation; 1130 Estuaries; 1140 Mudflats and</p>	Adjacent	Possible pollution and water quality issues, invasive species and disturbance	Effects cannot be ruled out without further analysis and assessment

	<p>sandflats not covered by seawater at low tide</p> <p><b>NOTE:</b> SCIs of the Freshwater Pearl Mussel and Brook Lamprey are located upstream of the site and are not considered within the zone of influence of the site. Similarly the SCI of Annex 1 alluvial woodland are not considered at risk given no change to hydrological regime of the River Slaney is anticipated.</p>			
<p>The Raven SPA (004019)</p>	<p>To maintain the favourable conservation status of the following habitat- A999 Wetlands.</p> <p>To maintain the favourable conservation condition of the following species – A001 Red-throated Diver <i>Gavia stellata</i> wintering, A017 Cormorant <i>Phalacrocorax carbo</i> wintering, A065 Common Scoter <i>Melanitta nigra</i> wintering, A141 Grey Plover <i>Pluvialis squatarola</i> wintering, A144 Sanderling <i>Calidris alba</i> wintering, A395 Greenland White-fronted goose <i>Anser albifrons flavirostris</i> wintering.</p> <p><b>NOTE:</b> No change to wetland habitats proposed, therefore this is excluded from further assessment.</p>	6.2 km	Possible pollution and water quality issues, invasive species and disturbance	Effects cannot be ruled out without further analysis and assessment

### Identification of Likely Significant Effects



11.3.14. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Construction related - uncontrolled surface water/silt/ construction related pollution
- Habitat loss/fragmentation
- Habitat disturbance/species disturbance (construction and or operational)

11.3.15. Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors, I can confirm that the only European Sites relevant to include for the purposes of screening for the possibility of significant effects are those within:

- Wexford Harbour and Slobbs SPA (004076)
- Slaney River Valley SAC (000781)
- The Raven SPA (004019)

#### 11.4. **Screening Determination**

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site No. 004076 (Wexford Harbour and Slobbs SPA), 00781 (Slaney Rivey Valley SAC) and 004019 (The Raven SPA) in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

I confirm that the sites screened in for appropriate assessment are the sites included in the NIS prepared by the project proponent.

The possibility of significant effects on other European sites hereunder has been excluded on the basis of scale of the works proposed, separation distance and lack of substantive ecological linkages between the proposed works and the following European sites:

- Raven Point Nature Reserve SAC (000710) – 6km from the site
- Screen Hills SAC (000708) – 7.3km from the site
- Long Bank SAC (002161) – 12.6km from the site
- Blackwater Bank (002953) – 14.6km from the site

In reaching the conclusion of the screening assessment, no account was taken of measures intended to avoid or reduce the potentially harmful effects of the project on any European Site.

## 11.5. The Natura Impact Statement

11.5.1. The application is accompanied by an NIS (Natura Impact Statement by Deborah D’Arcy Ecologist with contributions from Dr. Tom Gittings and Ross Macklin, dated 10<sup>th</sup> August 2020), which examines and assesses the potential adverse effects of the proposed development on the following European Sites

- Wexford Harbour and Slobbs SPA (004076)
- Slaney River Valley SAC (000781)
- The Raven SPA (004019)

11.5.2. The NIS was informed by the following studies, surveys and consultations:

- Desk top study
- An examination of aerial photographs and maps
- Habitat survey
- Otter survey
- Wintering bird surveys (2015/2016)
- Survey for invasive species
- Outline Construction Management Plan
- Construction Management Plan on the Importation of Fill and Related Ecological Protection Measures
- Consultations with the National Parks and Wildlife Service

- 11.5.3. The applicant's NIS was prepared in line with current best practice guidance and provides a description of the development: 413 dwellings, 2 childcare facilities and a retail unit; raising of the ground level to a min of 2.95m OD; a retaining wall along the northern and eastern boundaries to retain soils as per the Construction Management Plan on the Importation of Fill; foul sewerage infrastructure and a pumping station to connect to Wexford Town and environs sewage system; storm water system including oil interceptors, silt traps and five attenuation stores designed to attenuate the 100 year storm. Discharge pipes to the estuary to be fitted with tidal flaps and shall discharge to the estuary below the lowest low water level; replacement otter pond and otter protection measures; outline Construction Management Plan outlining additional measures and standard best practice construction site management measures to avoid pollution of groundwater or surface water and to reduce noise and dust emissions during construction.
- 11.5.4. Given the timeline of the surveys undertaken was greater than three years and in light of CEEM guidance, a further assessment by an professional ecologist was undertaken comprising a field walkover survey in July 2020, upon which it was determined that given no noticeable change in the habitats, flora and otter activity, and overall extent of the waterbird habitats that the surveys provide an adequate basis for this assessment despite the time that has elapsed. Having visited the site and upon examination of the information before me, I am satisfied that the surveys submitted are robust.
- 11.5.5. The NIS identifies and assesses possible adverse effects of the proposed development on the Slaney Rivey Valley SAC in Section 10 and on the Wexford Harbour and Slobs SPA and The Raven SPA in Section 11. Details of mitigation measures, how and when they will implemented are also detailed in Sections 10 and 11 of the NIS, with a summary of mitigation measures provided in Section 13. In combination effects with other plans and projects on these European sites in view of the sites conservation objectives are considered in Section 12. Ecological monitoring is also included for a number of mitigation measures which is in line with best practice. Mitigation and monitoring will be managed by the appointed contractor and a Construction management plan (CMP) has been submitted which incorporates mitigation measures detailed in the EIAR and NIS.

- 11.5.6. The applicant's NIS concluded that provided mitigation measures as summarised in section 12 and detailed in the relevant impact assessment sections are implemented in full, there will be no significant direct, indirect or cumulative negative effects on the conservation objectives of the Slaney River Valley SAC or Wexford Harbour and Slobbs SPA or The Raven SPA.
- 11.5.7. Submissions were received from the prescribed bodies of the Development Applications Unit of Department of Culture, Heritage and the Gaeltacht, An Taisce, HSE, IW, TII and observer submissions were received from Apartment Owners Network and from Faythe Harriers Hurling and Camogie Club (see section 11.3.10 of this report above for comments relating to European Sites).
- 11.5.8. Having reviewed the documentation available to me, submissions and consultations with the NPWS, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:
- Wexford Harbour and Slobbs SPA (004076)
  - Slaney River Valley SAC (000781)
  - The Raven SPA.

#### **11.6. Appropriate Assessment of implications of the proposed development**

- 11.6.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.
- 11.6.2. I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

11.6.3. The following sites are subject to appropriate assessment:

- Wexford Harbour and Slobs SPA (004076)
- Slaney River Valley SAC (000781)
- The Raven SPA (004019).

A description of these sites and their Conservation Objectives and Qualifying Interests, including any relevant attributes and targets for these sites, are set out in the NIS and outlined in table 1 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

#### Aspects of the Proposed Development

11.6.4. The main aspects of the proposed development that could adversely affect the conservation objectives of the European sites assessed include:

- Construction related pollution events and/or operation impacts on water quality, including from proposed fill required to increase the level of the site (surface water/foul water management, invasive species).
- Construction related noise and disturbance through increased human activity resulting in potential disturbance and or displacement of wintering water birds, and ongoing disturbance throughout the operation phase.
- Construction activities and disturbance, displacement, injury and death of mobile aquatic species (marine mammals, fish, otter), habitat modification/ fragmentation and barrier effects, and ongoing disturbance throughout the operational phase.

#### Wexford Harbour and Slobs SPA and The Raven SPA

11.6.5. Table 5 sets out the conservation objectives for the wintering waterbird SCI species of the Wexford Harbour and Slobs SPA and The Raven SPA.

11.6.6. In relation to the SPAs, the NIS reviews waterbird data which indicate that regularly occurring species in the area include Cormorant, Grey Heron, Little Grebe, Oystercatcher, Curlew, Black-tailed Godwit, Redshank and Black-headed Gull. The NIS also identified a potential for Hen Harrier and Little Tern in the area. It refers to the fact that the conservation objectives of the SPAs refer to the favourable

conservation condition of wetlands in terms of extent only. As the proposed development would not affect the extent of wetlands, it would not have implications for the achievement of the conservation objectives of the SPAs that refer to that habitat. The NIS sets out information regarding the existing ecological characteristics of the site and surrounding area. It is based on a survey of the site's habitats, a survey of otter activity and analysis of waterbird data and additional bird counts for the present assessment.

- 11.6.7. With regard to the SPAs at Wexford Harbour and Slobs and at the Raven, section 11 of the NIS refers to its previous finding in section 10 of that report that the proposed development would not have a negative impact on water quality in the estuary and so could not adversely affect the achievement of the conservation objectives of those SPAs by that mode. The bird surveys on the site did not reveal any use of the application site by hen harriers, so the loss of habitat upon it would not reduce the foraging habitat available to that species in the SPAs or have adverse implications for the conservation objective of the SPA at Wexford Harbour and Slobs which refers to that species. The habitats on the application site that would be lost to the proposed housing are not of use to any of the other species that are the subject of conservation objectives in the SPAs and there would be no direct effect on the SPAs from the proposed development.
- 11.6.8. Section 11 of the NIS extensively analyses the potential effect of disturbance of the bird species associated with the SPAs, noting that such effects might be significant if they lead to a habitat being abandoned by a species (which would have the same impact as the loss of the habitat) or if the disturbance caused a loss of feeding time and evasive behaviour that had energetic impact on the birds. Section 11.3 relates to habitat disturbance. It is determined that the four outfalls to be constructed will disturb 0.08ha of the intertidal habitat, however this habitat disturbance will not cause significant impacts to any waterbird species. As the outfalls will discharge to the subtidal zone, there will be no long term impacts through scouring. Section 11.4 of the NIS cites literature that demonstrates that multiple disturbance events during daytime hours would have to occur to cause impacts on wader survival rates. Human activity already occurs along the shoreline, with recreational use by walkers and bait digging observed during the ecological surveys of the site. The proposed development would cause a major increase in human activity on the application site

both during construction and occupation. The intertidal and sub tidal habitats near the application site are used by Cormorant, Grey Heron, Little Grebe, Oystercatcher, Curlew, Blacktailed Godwit, Redshank and Black-headed Gull. Section 11.3.4 of the NIS describes the responses of birds to disturbance, with the modal direct response distance of birds flushed by walking along the shoreline given as 50-75m during surveys on the site. Section 11.4.1 of the NIS reviews literature regarding the impact of disturbance from construction on adjacent populations of waterbirds. Multiple projects on Cardiff Bay were found to have an effect on population levels, but no significant impact was found in several other cases that involved single projects. Birds in the vicinity of the application site are unlikely to have become habituated to noise. The noise generated by the construction of the development has been forecast and compared to the levels of disturbance to birds arising from such noise levels on other projects. It is then compared to the recorded waterbird populations in the intertidal habitat in the vicinity of the application site and in the SPAs. This allows a calculation that around 1% of the population of the relevant species of the Wexford Bay are likely to be displaced by noise during construction. The displacement caused by visual disturbance would be lesser, as would impacts on the waterbird population in the subtidal habitat. These impacts which would not have adverse implications for the achievement of the conservation objectives of the SPAs relating to those species given the period over which the noise would be generated. During the occupation of the proposed development pedestrian activity within the development near the shoreline would be screened from birds in the SPA by vegetation in the buffer zone. Direct access to the shoreline would be controlled by fencing, although there would be likely to be some unauthorised access by children climbing over it. However it is noted that such access already occurs along the shoreline. Table 17 of the NIS sets out a worst-case scenario in this regard whereby less than 1% of the population of various bird species in Wexford Bay would be displaced during occupation of the proposed housing. Therefore the construction and occupation of the proposed development would not cause disturbance and displacement of birds that would have adverse implications for the achievement of the conservation objectives of the SPAs. The extensive information and analysis provided in the NIS puts this conclusion beyond reasonable scientific doubt.

Slaney River Valley SAC

- 11.6.9. The NIS sets out which of the conservation objectives of the applicable European 2000 sites could be affected by the development which include those that refer to the marine habitats and species in the SAC near or downstream of the application site, including otters. The freshwater species and terrestrial habitats, including freshwater pearl mussel, brook lamprey and alluvial forests, to which the conservation objectives of the SAC refer are remote and upstream of the application site and could not be affected by the development. The relevant conservation objectives for fish species include no barriers to migration and clean gravels for spawning. Sedimentation of watercourses and pollution of waters are a threat. The conservation objectives for otters include no significant decline in the distribution of the species or its habitats in the terrestrial, freshwater or marine environment, no significant decline in feeding resources or habitats for resting, breeding or shelter and no increase in barriers to connectivity.
- 11.6.10. The proposed development would not involve the loss of any habitats in the Slaney Valley SAC. The construction of the surface water outfalls would involve disturbance to the intertidal mudflat for an approx. 10m wide strip along the length of each pipeline. This results in 0.08ha of intertidal mudflats containing estuarine muds dominated by polychaetes and crustaceans complex amounting to 0.014% of this community complex. It is anticipated based on research that this community will be subject to temporary disturbance over 4-8 days, which would be anticipated to make good recovery over the short term of 6-12 months and therefore will not result in any significant negative effect on the tidal mudflats as a result of habitat disturbance due to installation of the outfall pipes. Due to discharge being to the subtidal zone, no ongoing disturbance due to scour of the intertidal habitat will occur.
- 11.6.11. The raising of ground levels upon the site as part of the proposed development would not affect flows of sediment in the estuary that could have indirect effects on physical structure of saltmarsh habitat there. This issue has been addressed in the Site Specific Flood Risk Assessment which concluded that the development would have an imperceptible impact on the hydrological regime of the area. The potential for the development to alter sediment transport with the River Slaney Estuary was also investigated and it was found that it is not expected that the development will have any adverse impact on the hydro-morphological regime and sediment transport of the Slaney Estuary. There is a potential for the development to



have impacts on estuary, tidal mud and saltmarsh habitats through the release of sediments or other pollutants during construction of the development. The estuarine waters of Wexford Harbour are classified as potentially eutrophic and of moderate. Measures are set out in the NIS (section 10.1.3) to mitigate this potential impact of construction on water quality including construction of a retaining wall to retail infill soils on site, construction management plan for all phases of development to include provision for construction of temporary berm and siltation ponds, adherence to construction method statements in accordance with the requirements of the IFI and the NPWS, and appointment of a project ecologist to monitor the implementation of the CMP. In addition, mitigation includes for provision of impermeable cement washout areas, diversion of runoff through settlement ponds, filter channels and silt traps as appropriate and proper soil handling which is specified in the NIS. The implementation of these measures would be likely to avoid a deterioration in the quality of waters in the SAC.

11.6.12. During the occupation of the development the potential impact on water quality would be mitigated by the drainage of foul sewage to Wexford Town Urban Waste Water Treatment Plant, and through the stormwater system proposed, which includes oil interceptors, silt traps and five attenuation stores with discharge to the subtidal waters, with no impact on water quality from the surface water discharges to the estuary, as supported by a specific study undertaken by Aquafact (2020) and assessed as part of the development. Littering or increased activity along the shoreline will be controlled by fencing and planting to augment the vegetation there, restricting access to the shoreline. There would be a negligible increase in NO<sub>x</sub> levels arising from the occupation of the housing which would not have a significant effect on the species or habitats in the SAC. Measures are set out at section 10.1.5 of the NIS to mitigate the potential for the deposition of dust on the habitats in the SAC during construction, including the watering and sweeping of road, wheel washing, restricted vehicle speeds and the covering of vehicles moving soil and similar materials. Tidal covering would mobilise any dust deposited on the saltmarsh. No significant impact on productivity, growth or density of saltmarsh or marginal habitats or saltmarsh is anticipated in the long term. As there would be no in-stream works in the proposed development, or alterations to water quality or the sediment regime, there would be no impact on the annex I habitat of floating river vegetation.

As the proposed development is not likely to affect water quality it would not be likely to affect the fish species to which the conservation objectives of the SAC refers. No significant disturbance of harbour seal is predicted as its breeding, moulting and feeding sites in the SAC are c5km from the application site, and no other significant negative effect would arise from a change in water quality or otherwise. Section 10.5 of the NIS reports that Japanese Knotweed and three corned leak have been found on the site. The extensive filling of the site that is proposed also raises a potential for negative effects from invasive species. Measures to avoid such impacts are therefore set out (see section 10.5.3 of NIS) including the monitoring of the site and works upon it and to control and eradicate such plants as they are found. This would avoid the risk of the spread of such species and thus an impact on the habitats in the SAC. The NIS in section 10.4 addressed potential impacts on otters. The NIS includes an otter survey that identified four zones of activity close the proposed development including around the pond in the north east corner of the site and around the reed bed at its south-eastern corner. There is a potential for the development to lead to loss of otter habitat through direct incursion or by disturbance by people, dogs or artificial light. The development would lead to the loss of the pond in the north-eastern corner of the site (outside the SAC) that is used by otters for washing. To mitigate any ex situ effect in this regard a similar pond of 293m<sup>3</sup> will be constructed nearby prior to the filling of the existing pond. Planting around the new pond will consist of scrub and hedge to provide privacy and shelter from the housing. The marginal habitats around the site of grassland, scrub and hedgerow used by otters will be retained after the proposed development, with a minimum buffer zone of 10m along the shoreline that will be fenced off from the proposed housing. This 10m buffer zone along the shoreline above the high water mark is considered crucial for otters. The fence will have a low wall of 575mm with a railing of 1525mm on top of it (total height of 2100mm). It would be likely to avoid negative effects on otter habitats due to the activity of people or dogs. The literature on the subject indicates that otters can tolerate proximity to areas occupied by humans in towns and cities. The proposed lighting scheme has been designed using directional LED lighting to avoid illumination of shoreline habitats. The lux levels at the boundary road around the housing would be between 1.4 and 4.9, with a localised area of 8.1 lux that would be screened from the marginal habitats by existing tall vegetation. Construction

activity to carry out the proposed would have the capacity to displace otters particularly if a natural holt was established. Measures are set out at section 10.4.4 of the NIS to mitigate any such effects in line with guidelines on the subject prepared by the NRA including preconstruction surveys and inspections and the established of temporary buffer zones of 150m around any breeding holt. Fencing of the buffer zone along the marginal shoreline habitat will occur before the commencement of other construction works. No works involving wheeled or tracked vehicles would take place within 20m of any active but non-breeding hole, and scrub clearance or digging within 15m of such holts would only occur under licence. The information submitted in the NIS is therefore sufficient to support a conclusion beyond reasonable scientific doubt that the proposed development would not have adverse effects on otters in the SAC.

#### Mitigation

11.6.13. Overall, I consider that the proposed mitigation measures, which are summarised in section 12, are clearly described, and precise, and definitive conclusions can be reached in terms of adverse effects on the integrity of European sites based on the mitigation measures submitted. I note that there are references to measures being subject to agreement with the NPWS, however, I acknowledge the NPWS does not have a direct role in ensuring compliance, and cannot agree or approve changes or alterations to the project, or associated conditions or mitigation measures, after approval by the planning authority. I consider the measures proposed are not dependent on NPWS approval and will be subject to existing best practice methodologies. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short, medium and longer term and the method of implementation will be through a detailed management plan.

#### In-Combination Effects

11.6.14. Section 13 of the NIS considers the potential for cumulative effects on the SAC and SPAs arising in combination with other plans or project. The application site is a discrete piece of land that is zoned for residential use in the development plan for Wexford town and environs. However most of the coastal lands adjacent to the SPAs and SAC are not zoned for development of this or other types, with extensive strips zoned for open space and amenity. The future development of the

town in accordance with the development plan, which was itself subject to appropriate assessment, would not lead to effects on the Natura 2000 sites that would, in combination with the proposed development, have adverse implications for the achievement of their conservation objectives. The paths in the proposed development near the shore could link to the coastal walking route which it is an objective of the development plan to provide. However, as stated above, the habitats and species in the SAC and SPAs are protected by the provision of a buffer zone with vegetation and fencing preventing direct access to the shoreline and the boundary vegetation proposed will visually shield the activity from the shoreline. The plan has an objective for the construction of a bridge over the Slaney that would land at the application site. If works to build that bridge were carried out at the same time as the proposed development than disturbance to species could arise that would be significant in that regard. However no consent has been sought or obtained for that bridge at this time and such a coincidence of works is highly unlikely and would have to be the subject of a further appropriate assessment. In combination effects were also considered in light of the recent permission for Trinity Wharf development at the southern end of Wexford Quays, which given the determination that no adverse effects on the Conservation Objectives of the Slaney River Valley SAC or the Wexford Harbour and Slobs SPA would arise, in-combination effects on water quality are not anticipated.

#### Appropriate Assessment Conclusion

- 11.6.15. The proposed residential development at Carcur Park has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 11.6.16. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on European Site No. 004076 (Wexford Harbour and Slobs SPA), 00781 (Slaney Rivey Valley SAC) and 004019 (The Raven SPA). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 11.6.17. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects

would not adversely affect the integrity of the European site No. 004076 (Wexford Harbour and Slobs SPA), 00781 (Slaney Rivey Valley SAC) and 004019 (The Raven SPA), or any other European site, in view of the sites Conservation Objectives.

11.6.18. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of Wexford Harbour and Slobs SPA, Slaney River Valley SAC and The Raven SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Wexford Harbour and Slobs SPA and The Raven SPA
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Slaney River Valley SAC.

## 12.0 Environmental Impact Assessment

### 12.1. Statutory Provisions

12.1.1. The development provides for 413 residential units of 175 houses and 238 apartments in seven apartment blocks, two crèche facilities and a retail unit. The site is located within the area of Wexford County Council and is within the urban area of Wexford Town.

12.1.2. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

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.

- 12.1.3. The proposal is on a site area of 13.84 ha within the town boundary. An EIAR has therefore been submitted.
- 12.1.4. The EIAR is laid out in one volume. Chapter 1 sets out the introduction and methodology including a list of the competent experts involved in preparing the EIAR. Chapter 2 provides a non-technical summary. Chapter 3 provides a description of the site, context, and proposed development. Chapter 4 examines alternatives. Chapter 13 examines potential of interactions between the various factors. Chapter 14 provides a summary of mitigation measures.
- 12.1.5. 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, prescribed bodies, appellant, observers and applicant has been set out at Section 7.0 of this report. The main issues raised specific to the EIA can be summarised as follows:

- Biodiversity
- Water and surface water management
- Soil
- Material Assets –Transport

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation.

### **Likely Significant Direct and Indirect Effects**

- 12.1.6. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

## **Major Accidents/Disasters**

- 12.1.7. I note the submitted EIAR does not specifically refer to Major Accidents/Disasters. While this is an omission from the EIAR, I consider there to be sufficient information submitted to assess this issue. The site is located proximate to Carcur Landfill which is closed. A report has been submitted, 'Report on Management, Future Monitoring and Mitigation of Gas Emissions from Carcur Landfill Site' to address potential gas emissions from the landfill. No significant impacts are identified, however mitigation and monitoring measures will be put in place. A Site Specific Flood Risk Assessment was undertaken for the site and has been addressed in the EIAR. It is noted that the site is not in an area prone to natural disasters. A Construction Management Plan (CMP) has been submitted as part of this application, which will reduce the risks of major accidents and disasters to human health. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that the risk of major accident is very low. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself.
- 12.1.8. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR adequately identifies and describes and the direct, indirect and cumulative effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2001, as amended.
- 12.1.9. This EIA has had regard to the application documentation, including the EIAR, and the observations received, as well as to the assessment of other relevant issues set out in section 10 of this report above. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the Planning Assessment.

## **Alternatives**

- 12.1.10. Chapter 4 of the EIAR addresses the alternatives considered. The site is zoned for development, therefore the applicant refers to a number of reasonable alternatives considered on the site with respect to the design and layout of the scheme, having regard to biodiversity and environmental parameters, including requirement for a buffer of ten metres from the high water mark, for the protection of otter habitat, and also results of the hydrological assessment which resulted in a

requirement to raise the level of the site to three metres above its current level. The proposed layout is informed by the objective in the plan to provide an inner orbital relief road through the site that could link with a bridge over the River Slaney at a specific point. A summary of the alternatives is provided.

12.1.11. Having regard to the zoning of the site as residential, I am satisfied that alternative locations and alternative processes are not relevant to the proposal. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives provides a justification in environmental terms for the chosen scheme and is in accordance with the requirements of the 2014 EIA Directive.

### **Consultations**

12.1.12. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

### **12.2. Assessment of the Likely Significant Direct and Indirect Effects**

12.2.1. The likely significant direct and indirect effects of the proposed development on the environment are considered under the headings below which follow the order of the factors as set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and human health
- Biodiversity, with particular attention to the 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;
- The interaction between the factors referred to in points (a) to (d).

12.2.2. My assessment is based on the information provided by the applicant, including the EIAR, in addition to the submissions made in the course of the application, as well as my site visit.

### **12.3. Population and Human Health**

12.3.1. Chapter 5 of the EIAR addresses population and human health. The methodology for assessment is described as well as the receiving environment. Recent demographic



trends are examined relating to population, housing stock, employment, education, emigration, and households.

- 12.3.2. Potential impacts are considered in terms of the construction and operational phases. It is noted that the proposed development has the potential to increase the number of housing units by 413 and population by 1005 persons, which is stated will positively support the achievement of critical mass to support social infrastructure and provide much needed housing in Wexford Town and rebalance population of the urban/rural area. The development of the site is in accordance with the land use zoning objective and in accordance with national policies for compact growth and efficient use of brownfield land.
- 12.3.3. The construction impact is considered not to be significant given the distance of the site from existing residential development (200-500m from the site). Construction phase impacts are a temporary impact, which will affect the uses of the adjacent playing fields. It is noted the peak use of the playing fields is generally outside standard working hours. I note Section 9 of the EIAR addresses noise and vibration. Measures to reduce construction noise effects are set out in section 9.6 of the EIAR. They include limiting hours of works, the use of appropriate plant and machinery, the erection of acoustic barriers, providing systems to monitor emissions and record any complaints and submission of a Construction Noise and Vibration Management Plan. Section 9.5.6 of the EIAR describes the likely effect of inward noise from the railway on the occupants of the houses, which would be limited by the low level of traffic on the railway. Nevertheless it might result in noise of 49dBLAeq, 1 hour at night and so mitigation is proposed through the installation of higher performance glazing and raising the wall along the railway to 3m, which should reduce nighttime noise levels in the homes to 45dB. The proposed measures are proven and have been shown to be effective in similar circumstances, and so would be sufficient to render significant adverse effects due to noise or vibration unlikely. The impact is rated as moderate, negative and short.
- 12.3.4. Noise and dust abatement are referenced and are stated to be addressed elsewhere in the EIAR.
- 12.3.5. Reference is also made in terms of mitigation to the requirement for a Construction Management Plan (CMP), to be agreed with the Local Authority.

- 12.3.6. The proposed development would be predominantly residential, which is the same use as that prevailing in the built up area of the town. The site is served by municipal foul drainage and water supply. There is a disused landfill site at Carcur on the other side of the railway from the proposed development. It closed 33 years ago and gas levels have been monitored by the county council, with the results indicating that the methane levels are not higher than expected background levels. It is unlikely, therefore, that there would be a significant adverse effect of human health arising from the proposed construction and occupation of housing on this site due to the location of the previous landfill.
- 12.3.7. It is considered that the overall impact on population and human health will be moderate, positive and long term. No long term negative effects are envisaged.
- 12.3.8. I have considered all of the written submissions made in relation to population and human health. I am satisfied that potential effects would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

#### **12.4. Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC**

- 12.4.1. Chapter 6 of the EIAR addresses biodiversity. The likely effects, direct and indirect, of the proposed development on species and habitats for which European sites adjacent to the site are designated is considered in Section 11 of this report relating to Appropriate Assessment, which informs the conclusions of this EIA.
- 12.4.2. The biodiversity chapter details the site characteristics and methodology of the ecological assessment. Flora and fauna (birds, mammals, and bats) surveys were undertaken on the 2nd and 19th September 2015, April and May 2016. It is stated that a preliminary mammal survey was carried out on 24th November and a detailed otter survey was carried out in January and February 2016. A detailed wintering waterbird survey and assessment was carried out between September 2015 and January 2016, in view of the potential impacts on wintering waterbirds of the adjacent Wexford Harbour and Slobs SPA. Disturbance recording was also carried out to assess the existing levels of human disturbance within the Ferrycarrig subsite

and to obtain information on the sensitivity of the waterbird species to disturbance impacts. Potential impacts from all phases of the project were assessed including the construction of the development, the presence of the residential development and associated infrastructure such as lighting and the associated human activities and took into account how the baseline conditions (the existing environment) will change. Cumulative impacts of the development and those arising from other developments were also assessed.

12.4.3. The validity of the field surveys is considered in the EIAR, given CIEEM guidance states that if more than three years have elapsed since the undertaking of ecological surveys, they are likely to be needed to be updated, subject to an assessment by a professional ecologist. The updating of the surveys was stated to have been considered by an ecologist and a walkover of the site was undertaken in July 2020, which indicated there has been no significant change in the baseline habitats, flora and other activity since 2015/16 that would affect the validity of the surveys undertaken. It is stated that as there have been no major changes to the overall extent of waterbird habitats in Wexford Harbour, or to the extent and quality of the waterbird habitats adjacent to the development site, the relative usage patterns derived from the 2015-2016 waterbird surveys are likely to remain valid. Having reviewed the extent of the survey work undertaken and considering the unchanged nature of the environment in the intervening years and on the basis of the review of the site provided by the ecologist, I am satisfied that the surveys previously undertaken are robust and can be utilised to form the basis of an assessment of the site.

#### Flora

12.4.4. In terms of the receiving environment, habitats and flora of the development site and immediate surrounding area are identified. Habitats comprise: recolonising bare ground; spoil and bare ground; exposed sand, gravel or till; buildings and artificial surfaces; hedgerows and treelines; scrub; dry calcareous and neutral grassland; dry meadow; wet grassland, reed and large sedge swamp; wet willow-alder-ash woodland (adjacent to old quarry pit); oak-ash-hazel woodland (adjoining railway to south); and pond. Adjacent habitats comprise: oak-ash-hazel woodland adjacent to the western boundary and adjacent to the shoreline, included within the boundary of the SAC, and which appears to be above the zone of inundation; reed and large

sedge swamp; shingle and gravel shores and annual vegetation of drift lines; mud shores/Annex I tidal mudflats; estuary/Annex 1 Estuaries; saltmarsh; amenity grassland; and improved agricultural grassland. Each of the habitats is evaluated and rated. The on-site habitats of hedgerow adjacent/within the SAC if of international importance, with exposed sand/gravel and pond habitats rated of local higher value importance. The adjacent Slaney River Valley SAC is of international value, as is the SPA. The oak-ash-hazel woodland and reed and large sedge swamp within the boundary of the SAC/SPA are of international importance. The saltmarsh is a non-designated Annex 1 habitat of county value.

- 12.4.5. The site is of low local importance to terrestrial bird species with the occurrence of common and widespread species. Mitigation measures in this regard include the large scale retention of hedgerow around the edge of the site and avoiding site clearance during the breeding season between 31<sup>st</sup> March and 1<sup>st</sup> September, as well as planting in the finished development. The residual impact on terrestrial birds is not likely to be significant.

#### Fauna

- 12.4.6. The site provides suitable habitat for some protected mammal species including otter, hedgehog, hare, pygmy shrew and bat species. There was no evidence of badger in the site.
- 12.4.7. With regard to bats, it is stated that bats are likely to use the boundary treelines, hedgerows and woodland habitat on and adjacent to the site for foraging and commuting. Bats may also feed over the grasslands and recolonising bare ground (ED3) habitat within the site. There is potential for bats to roost in the more mature trees present in the woodland adjacent to the western boundary of the site. Trees on site are considered to be generally immature or young trees and have low potential to support bat roosts. Bats could also potentially roost in the bridge over the rail line adjacent to the site. The two buildings on site have low potential as roost sites. These buildings were checked visually for signs of bats in November 2015. There were no signs of staining, droppings or feeding remains in the buildings. It is possible they could be used as temporary alternative roost sites. I note no specific bat surveys were carried out on the lands, aside from a visual inspection. On the basis of the NBDC data base for bat species within the 10 km square in which the site lies, it

is indicated that common pipistrelle, soprano pipistrelle, long-eared bat and Leisler's bat are likely to occur on the site and is predicted to be of local importance based on the presence of small areas of suitable habitats for foraging and commuting and low potential for bat roosts.

#### Birds

12.4.8. Surveys were undertaken of waterbirds in the Wexford Harbour and Slobbs SPA and Raven SPA with an assessment of the Ferrycarrig subsite within which the application site is located. The SPA and associated waterbird populations are of international importance. Birds within the development site were also assessed. The bird interest on the site is evaluated as of local importance (lower value). Depending upon the size of the population, any breeding reed warbler population that occurs around the Ferrycarrig subsite may be of national or county importance.

#### Fish and benthic fauna

12.4.9. The estuary is part of the Slaney Valley SAC and Wexford Harbour and Slobbs SPA with populations of Annex I fish species, and benthic communities which are an integral part of the ecology of the SAC and SPA. Fish and benthic fauna are evaluated as of international value.

#### Invertebrates

12.4.10. The invertebrate fauna of the development site is evaluated as of high local importance (primarily due to the likely presence of a diverse range of bees and butterflies and other species associated with early successional habitats) indicated by the floral diversity on site and the presence of suitable nesting habitat for a range of insect species.

#### Alien Invasive Species

12.4.11. A stand of Japanese knotweed (*Fallopia japonica*) is growing along the hedgerow bordering the railway line and spreading into the site. The Japanese knotweed extends for about 30m along the hedgerow. Another clump of Japanese knotweed is located adjacent to the site at the entrance to the GAA field from the railway tracks. Three-cornered leek (*Alium triquetrum*) was also recorded on site. It is located along the earthbank (BL2) on the northern boundary of the site and frequent throughout an area of disturbed ground in the centre of the site towards the eastern

boundary. Japanese knotweed and three-cornered leek are non-native invasive plant species listed on Schedule 3 of the EU Birds and Habitat Regulations 2011 and subject to restrictions under Regulations 49 and 50. Under regulation 49 it is an offence (except in accordance with a licence) to plant, disperse, allow or cause to disperse, spread or otherwise cause to grow in any place species listed on Schedule 3. The location of Japanese knotweed and three-cornered leek are shown in Fig. 6.4 Habitat Map Three other species considered to be invasive (but not subject to legal control) were recorded on site including butterfly bush (*Buddleia davidii*), old man's beard (*Clematis vitalba*) and winter heliotrope (*Petasites fragrans*).

#### Impact Assessment and Mitigation Measures

- 12.4.12. Mitigation and monitoring measures are set out in section 6.4, with a summary in 6.6 of chapter 6 of the EIAR, and table 6.11 sets out a summary of ecological impacts, mitigations measures and residual effects.
- 12.4.13. Natura sites screened in for assessment in the NIS include Slaney River Valley SAC; Wexford Harbour and Slobs SPA; and The Raven SPA. The conclusion of the NIS is that, provided mitigation measures are incorporated in full, there will be no significant direct, indirect or cumulative negative impacts on the integrity of the Natura Sites. Mitigation measures include retention and protection of the otter habitat; creation of a new replacement otter pond and protection of water quality. Residual impacts are considered not significant (see section 11 above in relation to findings and mitigation measures within the NIS).
- 12.4.14. Impacts on on-site habitats in terms of construction and operation stage impacts are considered. Mitigation measures set out include retention of hedgerow adjacent/within the SAC to the west, with particular attention to protection of trees roots and vegetation during construction of the retaining wall at this location. Loss of exposed sand gravel will be mitigated through creation of sand and gravel embankment from the existing which will mitigate impact on invertebrates. A planting plan for the site is also proposed as mitigation, particularly for terrestrial birds, lizards, and invertebrates. A preconstruction botanical survey will be undertaken of the recolonising bare ground and any rare plants found will be translocated. A small pond of c.300m<sup>2</sup> in the northeast corner of the site is of value due to its contribution to otter habitats. It will be lost in the course of the development. This loss will be

mitigated by the establishment of an alternative pond in the development as described in the appropriate assessment (see section 11 above), and the residual impact on the environment is not likely to be significant. There is an area of wet willow-alter-ash woodland in the central part of the site c0.36ha in extent, as well as an area of oak-ash-hazel of c0.33ha along the southern boundary of the site. The small extent of those habitats means that their loss is not likely to have a significant adverse effect on the environment. There would be no loss of the oak-ash-hazel woodland to the west of the site within the SAC. A bat roost survey will be undertaken before construction to allow specific measures to avoid harm to bats during site clearance. The residual impact of the development on bats would be slight negative at a local scale due to the loss of some foraging habitats within the site. The proposed development is not likely to have significant effects on other mammals. The habitats within the site are not used by waterbirds to any significant extent and their loss would not be likely to have a significant effect in this regard. With regard to the common lizard and invertebrates, mitigation includes provision in the landscaping plan for wildflower areas, hedgerow planting, and habitat creation including hibernacula and basking areas within the landscaping, resulting in a residual moderate negative impact of a local scale.

12.4.15. Post construction monitoring is proposed in terms of otters and the invasive species. An outline habitat management plan is included in Appendix 6.7 and there is a requirement for an invasive species management plan.

12.4.16. Cumulative impacts with other developments were assessed with reference to planning applications granted in the last 5 years in the vicinity of the development and with reference to the policies of the Wexford Town and Environment Development Plan 2009-2015 (as extended). Significant in combination effects with other developments are not anticipated as a result of this development.

#### Conclusion – Biodiversity

12.4.17. I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts on biodiversity would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable

direct or indirect impacts in terms of biodiversity, or on the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC.

### **Land, Soil, Water, Air and Climate**

12.5. Chapter 7 of the EIAR addresses soil/geology, water, engineering services and gas measures. In terms of soil and geology, the existing environment is assessed, predicted impacts examined, mitigation measures proposed and residual impacts considered. With regard to water, a hydrology study is summarised and conclusions/recommendations given. I note the section on water does not address potential impacts, set out mitigation measures proposed or residual impacts.

### **12.6. Soils and Geology**

12.6.1. Section 7.1 of the EIAR addresses Soils and Geology.

12.6.2. The soil and bedrock in the area of the site are described and also summarised in section 6 of the EIAR under description of the existing environment. The soil association is described as fine loamy drift with siliceous stones. Soil types are luvisols, surface and groundwater gleys with brown earths. The site is located on a Locally Important Aquifer (Lm) moderately productive bedrock. Groundwater vulnerability is classified as high. The characteristics of the soil on the site have been affected by the extraction of sand and gravel from it. Previous trial pitting and cable percussion drilling were carried out in 2007 across the site. 9 cable percussion boreholes were completed, and 20 trial pits. This investigation indicated 0.2-0.5m topsoil (where present), 1.3-3.0m made ground (at 4 locations), 0-2.1m gravelly clay, and 0.7-9.5m sand and gravel underlain by up to 8.0m gravelly clay. A buried, disused landfill is situated close to the site and methane monitoring has been put in place.

12.6.3. The proposed development would have a significant effect on the soil on the site as it is proposed to alter the ground levels on the site through importation of new soil of between 1m to 3m in depth to bring it to 2.95mOD to protect the development from flooding, with the floor levels of buildings another 0.3m above that. Section 7.1 of the EIAR states that the imported material would be inert soil and rock from other construction sites controlled by the applicant. The quantities of imported material are set out in an accompanying report title 'Fill importation & Gas monitoring of adjacent landfill'.



12.6.4. The following works are identified as having a predicted/potential impact on soils and geology:

- The importation of fill from external sources introduces a risk of possible soil contamination on site.
- Accidental leakage of hydrocarbon fuels or oils from vehicles and/or machinery on site during construction.
- The spillage and inappropriate disposal of any potentially hazardous substances (for example fuels or oils) on site could adversely impact on the surrounding groundmass.
- Discarded equipment can also potentially contain materials which could lead to contamination of the underlying soil environment.
- Possibility of soil erosion through the generation of airborne dust during construction especially during periods of dry weather. However, the quantity of soil remaining has been already significantly reduced by previous sand and gravel extraction and it is anticipated that relatively little additional soil would be lost through this process.
- During periods of heavy rain the washing away of clay and silt size sediment deriving from soil and subsoil disturbance or removal as construction progresses may potentially result in additional siltation in local surface water bodies, drainage ditches and streams which drain into the Slaney estuary.

12.6.5. There are no known reports of soil contamination at the site. The presence of a buried, disused landfill nearby has been noted already. Possible groundwater contamination issues are covered in the Site Specific Flood Risk Assessment which accompanies the application. Mitigation measures are described for the construction phase as set out in section 7.1.5 of the submitted EIAR and include provision of adequate number of drains to ensure overflow from pipes and impacts on soil will be avoided; containment and cleaning measures to address any accidental spillages on site; redundant equipment/machinery to be removed from the site and disposed of appropriately; construction of temporary settlement ponds to avoid siltation during

construction and carefully site surface water management; imported fill to be clean and inert and monitored to ensure tis to satisfactory standards.

- 12.6.6. I note the works to soil would also give rise of potential emissions to dust to air. Section 8.6.1 of the EIAR sets out the measures required to reduce the emissions of dust. Section 7.2 of the EIAR refers to Water and supporting documents accompanying the application, with Section 14 of the EIAR summarising mitigation measures relation to the prevention of pollution on water courses.
- 12.6.7. No significant residual impacts in terms of the soils and geology environment are expected.
- 12.6.8. I have considered all of the written submissions made in relation to soil and geology. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soils.

## **12.7. Water (including Flood Risk)**

- 12.7.1. Section 7.2 of Chapter 7 of the EIAR addresses Water. This section refers to the accompanying report of the Site Specific Flood Risk Assessment and Hydrological Assessment of Sediment Transport.
- 12.7.2. The subject site is located adjoining the River Slaney Estuary, which is located to the north and east. The River Slaney flows west to east and is tidally influenced.
- 12.7.3. It is proposed as part of the SSFRA, which is summarised in Section 7.2.1 of the EIAR (see also section 10.11 of my report above) that the following mitigation be integrated into the design of the development:
- It is proposed to raise the existing ground levels within the site area to a minimum level of 2.95m OD, which is equal to the predicted 1 in 1000 year (0.1% AEP) High End Future Scenario tidal flood level in the vicinity of the site. All houses are proposed to be constructed at least 300mm above this 2.95m OD level.
  - It is recommended that the finished floor levels are constructed a minimum of 0.3m above the predicted 1 in 1000 year tidal flood level (0.1% AEP) for the High End Future Scenario, i.e.  $2.95 + 0.3\text{m} = 3.25\text{m OD}$  (Malin).

- It is recommended that any existing or proposed surface water pipes or culverts within the site boundary are fitted with appropriately designed tidal flap valves.

12.7.4. Potential impacts during the construction and operational phases in terms of water are not set out in this section of the EIAR. This departs from the standard methodology in the other chapters, however I note reference is made to the hydrology study accompanying the application, where the issue of potential impacts on the hydrological regime of the Slaney Estuary and the proposed surface water management strategy is assessed in terms of impact on the estuary. I further note the mitigation measures proposed within the summary of the findings of the SSRFA satisfactorily address the issue of potential tidal and pluvial flooding. Section 10.1.3 of the NIS further addresses potential of pollution/deterioration in water quality and mitigation of potential construction impacts and operational impacts to water quality. The measures set out in that section of the NIS would also render it unlikely that the release of hydrocarbons, cement or other pollutants would have negative effects on water quality during the construction of the proposed development either. Subject to their implementation, the proposed development would not be likely to have significant negative effects on the quality of water.

#### Engineering Services and Gas Measures

12.7.5. Section 7.3.1 of the EIAR addresses the stormwater system. Section 7.3.2 of the EIAR addresses foul sewerage. Section 7.3.3 of the EIAR addresses water supply. Section 7.3.4 of the EIAR addresses possible gas migration from Carcur Landfill Site.

- Storm Water System/Surface Water Management

12.7.6. In terms of surface water management, section 7.3.1 of the EIAR refers to accompanying Engineering Report and its Appendix A Storm Water Report and Appendix B Aquaculture Impact Report.

12.7.7. A storm water collection system via 5 attenuation storage facilities is proposed, with permitted discharge calculated based on the recommendations of the Greater Dublin Strategic Drainage Study. It is stated the discharge will be controlled by a “Hydrobrake” or other approved control. Five stormwater outfalls are to be constructed and fitted with a tidal flap and will discharge to the estuary. They will be buried under the shore to below the low tide mark. Each attenuation facility is

preceded by an oil/petrol interceptor and a silt trap manhole 1.8m diameter with a 1m deep sump. One of the attenuation stores, Store 4, is proposed to discharge to the estuary through the Otter Pond at a reduced attenuate flow and another, Store 5, will discharge via the marsh at the eastern end of the site, also at a reduced flow. It is not proposed to use the otter pond as an attenuation store as it is noted that this would involve undesirably large fluctuations in water level in the pond. For that reason the flow is first attenuated in Store No. 4. A Foreshore Licence is required, and a copy of email correspondence with the department in relation to this has been submitted which states that it is preferable that planning permission be obtained prior to a foreshore licence being applied for. I note the surface water management approach is a departure from the previous refused application on this site which proposed use of individual soakpits for houses and for the apartment blocks, which gave rise to concerns on the basis of the level of information and analysis submitted in the EIAR. I note the CE Report does not raise any concerns in relation to this aspect of the development as now amended.

- 12.7.8. Appendix B of the Engineering Report submitted comprises an Aquaculture Impact Report, which reviews the possibility of the impact of storm water on aquaculture in the estuary and concludes that that due to: 1. the treatment and attenuation of the storm water, 2. the huge rates of dilution and, 3. the fact that the freshwater will float on top of the heavier estuary saltwater, the impact of the storm water discharge from the development on the estuary waters will be virtually unmeasurable and will not negatively affect aquaculture in the estuary.
- 12.7.9. Appendix C of the submitted Engineering Report, which is referred to by the EIAR for further detail, is a report titled Construction Management Plan on the Importation of Fill and Related Ecological Protection Measures. The volume of soil fill required to raise the level of the site is stated to be 76,500 cubic metres. It is stated this equates to 3.5 trucks per day over a 10 year period. I note that any permission is for a period of 5 years, which is what has been applied for, therefore the number of trucks per day would have to increase to get the development complete within the permitted time line. The report includes details of the phasing of site works and related ecological protection measures. Some of the measure include construction of a new otter pond 6 months prior to development commencing and confirmation that otters are using it prior to filling in existing pond; construction of a 1 metre high berm with a

top width of 1m and 1 in 3 side slopes on the line shown for the full extent of the site to prevent escape of silty water to the estuary and guide it to temporary siltation ponds; construction of a dog and intruder proof fence along access road and around the service compound to prevent site access and access to the beach; construction of siltation ponds at the future locations for the five Attenuation Stores all areas of the site grade to these ponds before discharge to the estuary after settlement via the installed outfalls.

12.7.10. As noted in relation to the section on water above, this section of the EIAR does not specifically follow the methodology of other sections in setting out potential impacts during the construction and operational phases, but refers the reader to the other documents listed. However, I am satisfied that there is sufficient information presented to demonstrate the extensive fill works and groundworks required by the proposed development and the ecological implications arising and measures proposed to address potential risks to the environment. The Stormwater Management Plan demonstrates the issues arising on site and measures proposed to address storm water management to greenfield run off, potential of pollutants and also impact of stormwater outfall on aquaculture.

- Wastewater

12.7.11. Waste water from the development will be piped to the Wexford Town Urban Waste Water Treatment plant (UWTP). The pumping station and associated foul sewer networks will be designed and constructed in accordance with the relevant Irish Water Code of Practice and Standard details. It is stated that Irish Water has agreed to the installation of 12 hours emergency storage at the pump station together with a facility for backup power generation. I note the on-site pump station is located above the 1 in 1000 year floor level based on the OPW High End Scenario for sea level rise. While IW in their submitted report states the applicant did not submit a Site Specific Flood Risk Assessment and therefore IW could not assess the potential impact on the pump station, I note that an SSFRA was submitted and the pump station is located in an appropriate location in accordance with stated IW standards at pre-application consultation with the applicant. I do not consider issues raised by IW in relation to lack of information is a significant issue, given the information has been submitted with the application and addressed by the applicant.

I further note that the development is nonetheless subject to an IW connection agreement and this issue can be addressed by way of condition.

- Water Supply

12.7.12. A connection to the public water supply is proposed and a supply main exists along the access road to the proposed railway bridge.

Possible Gas Migration from Carcur Landfill Site

12.7.13. A land fill site was operated at Carcur, south of the railway and southeast of the proposed development site during the mid-twentieth century. The landfill was closed in 1985 and is at its closest point 130 metres away from the nearest proposed housing within the development. The development is separated from the landfill by the railway line and by tidal marshes on each side of the railway. This level of separation and the fine and waterlogged nature of the silts in the tidal zone almost certainly prevent gas from the landfill from reaching any dwellings in the proposed development. Wexford County Council monitors the gas levels within the landfill. 2 gas monitoring wells have been installed by the developer within the development site adjacent to the landfill to assist in determining whether there is any migration of gases under the railway and the intervening mudflats. No concerns arise from the results taken from the gas wells. It is proposed to continue monitoring the gas levels before, during and after construction to ensure that this conclusion is valid and that there is no unforeseen risk to the development. No residual impacts are anticipated.

12.7.14. I have considered all of the written submissions made in relation to water. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

## 12.8. Air Quality and Climate

12.8.1. Air quality and climate is addressed in chapter 8 of the EIAR. The methodology and receiving environment are addressed.

12.8.2. The primary sources of potential impacts during construction and operational phases are assessed.

- 12.8.3. During the construction stage the main source of air quality impacts is indicated to arise from construction dust emissions, PM10/PM25 emissions and the potential for dust nuisance. Measures to reduce the risk of significant effects in this regard are set out at section 8.6.1 of the EIAR and include covering of vehicles, watering of roads and wheel washing. These are standard measures which are likely to avoid significant negative effects on the air arising from the proposed development.
- 12.8.4. During the operational phase, the main air quality considerations relate to traffic derived pollutants. The impact of NO<sub>x</sub> (i.e. NO and NO<sub>2</sub>) emissions resulting from the proposed road at the Slaney River SAC and Wexford Slobbs and Harbour SPA was assessed. The occupation of the largely residential scheme would not be likely to have significant effects on air or on the European sites.
- 12.8.5. With respect to climate change impacts on the proposed development, the greatest impact is predicted to be due to flooding. A Site Specific Flood Risk Assessment has been prepared for the subject lands and its findings have been incorporated into this EIAR. By raising the site above the level of predicted 1:000 year flood risk events, flooding will be prevented.
- 12.8.6. I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

## 12.9. **Noise and Vibration**

- 12.9.1. Chapter 9 of the EIAR evaluates noise and vibration associated with the construction and operational phases of the development.
- 12.9.2. Baseline noise monitoring was undertaken across the development and noise sensitive receptors were identified.
- 12.9.3. Potential noise impacts during construction are described, including noise arising from site clearance, building construction works, and landscaping works. Vibration impacts are considered limited to piling. During the operational phase, consideration is given to noise arising from road traffic and building services plant. The potential

inward noise arising from existing railway track is also considered, with the nearest proposed dwellings located at approximately 10meters distance from the trackside.

12.9.4. Mitigation measures are detailed for construction in section 9.6.1.1 of the EIAR. It is envisaged that once these mitigation measures are implemented that noise can be reduced to within the requisite noise limits. At operational stage, it is considered that in order to reduce the level of rail noise within dwellings proposed along the southern boundary of the site, the following mitigation measures are required: the boundary wall running along the railway will be increased to 3.0metres height relative to the finished floor level of the nearest houses and apartments; and upgraded glazing and ventilation will be incorporated into the design for facades of dwellings incident to the rail line. Glazing offering sound insulation performance of at least 33dB Rw shall be fitted. Additionally through wall or in frame vents shall be selected to offer a sound insulation performance of 35dB Dn,e,w. It is envisaged that once these measures are implemented that the level of rail noise incident to dwellings can be reduced to within the design goals.

12.9.5. I have considered all of the written submissions made in relation to noise. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise.

### **Material Assets, Cultural Heritage and the Landscape**

#### **12.10. Material Assets - Traffic Impact**

12.10.1. Chapter 11 of the EIAR details the Traffic and Transport assessment. The Board is also referred to section 10.10 of my report above in respect of traffic and transport.

12.10.2. The residential site itself is located to the west of Wexford Town with vehicular access being along the R730, via an established existing 40m diameter roundabout, which also leads to Faythe Harriers Hurling and GAA grounds and then onwards in a northerly direction toward the site, terminating on the southern side of the railway line. It is stated that the design of the development and the layout of the roads and infrastructure has been developed to accommodate the future construction of the



Slaney River Bridge at this location and the permitted railway bridge crossing to be constructed. I further note the proposed housing will be built over the 1 in 1000 year predicted flood level, thereby future proofing the material assets of the site when operational.

12.10.3. Potential impacts are described both during construction and operational stages. The EIAR has addressed construction phase impacts of the development in terms of traffic and noise and addressed potential impacts on European Sites. It is stated that mitigation measures related to construction activities will be implemented in accordance with a Construction Management Plan (CMP), including preliminary proposed details for securing the site, access arrangements for labour, plant and materials and it will also indicate the locations of construction parking/plant and machine compounds. Overall, potential construction impacts will be short term and temporary in nature and I am satisfied that they can be appropriately mitigated through good construction practices.

12.10.4. During the operational phase, the development is expected to generate a total of 154 PCU movements 2-way on the local road network in the AM Peak Hour and 194 PCU movements 2-way in the PM Peak Hour. The capacity of the proposed and established road network and junctions has been assessed to accommodate these volumes of traffic. It is stated the proposed development scheme and the completed existing local road junctions have been specifically designed with adequate geometry and capacity to safely accommodate the construction of the Future Slaney Bridge Crossing, connecting to and through the subject site. The key junctions assessed as part of the TIA are the new R730 Ferrycarrig Road Roundabout, and the recently constructed Old Hospital Road Roundabout. It is anticipated based on the TIA that there will be no capacity constraints on the existing junctions or on roads in the area. There are no remedial works identified as being required to accommodate the proposed development for the Operational Stage.

12.10.5. As noted previously, concerns have been raised by Faythe Harriers Hurling and Camogie Club in relation to construction traffic access for the various phases. I consider the use of the old track and bridge for construction traffic related to the entirety of phase 1 would be inappropriate and would give rise to safety issues. In my view construction access should be via the permitted new bridge proposed to be constructed over the railway line, with construction access via the existing bridge

only permitted for the purpose of building the new bridge and main street into the site. This can be addressed by way of condition, should the Board be minded to grant permission.

12.10.6. I have considered all the written submissions made in relation to traffic and transport. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of traffic and transport.

### **12.11. Archaeological, Architectural and Cultural Heritage**

12.11.1. Chapter 12 of the EIAR addresses archaeology and cultural heritage.

12.11.2. A desktop study and field inspection were carried out as part of the assessment of the site. There are no recorded monuments within the application site, no protected structures and no ACAs.

12.11.3. Potential impacts are identified relating to the construction stage in terms of archaeology. The proposed development site has however been the subject of quarrying in the twentieth century and a large proportion of the original ground level has been quarried away. The archaeological potential of the site has therefore been greatly reduced by the quarrying activity. The remains of an apparently post-medieval field system plus an unknown linear feature were uncovered in Area 1, which is proposed to be retained as open space in the development. Mitigation in the form of archaeological monitoring of Area 1 is recommended, plus archaeological monitoring of the installation of habitat protection measures in the foreshore area. No post-construction monitoring is required.

12.11.4. I have considered all of the written submissions made in relation to archaeology and cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect impacts on archaeology, architectural or cultural heritage.

### **12.12. Landscape and Visual Impact Assessment**

- 12.12.1. Chapter 10 of the EIAR addresses Landscape and Visual Impact. The EIAR notes the policy context and existing visual character. A Visual Impact Assessment incorporating photomontages has been submitted to assess the impact on specific viewpoints.
- 12.12.2. The site occupies a prominent position by the estuary. The estuary is a valuable element of the landscape and the existing condition of the site contributes to its setting. The proposed development will be close to and somewhat above the shoreline and would be visible from a wide area around the estuary. It will therefore have a significant effect on the landscape. Whether this impact is considered to be positive or negative requires informed judgment by the consent authority. Chapter 10 of the EIAR provides information to that end. It notes that due to its riverside location, the site is framed to the rear by a rising landscape and as such its impact on the skyline is minimal. The DOE and New County Hall Buildings are located on higher ground to the rear of the site and are of a similar bulk, scale and form. The development itself achieves an acceptable level of urban design in relation to the scale, details and layout of the proposed buildings. To mitigate the impact of the development, a landscaping plan is proposed, with particular species employed to prevent access to and protect the European sites and the Otter habitat and pond. Existing vegetation will be preserved where appropriate and there is extensive woodland adjacent to the site. This EIA therefore concludes that, while the development will have a significant effect on the landscape around the town and estuary, it would appear as a coherent and planned extension to the existing town and that its impact would therefore be positive.
- 12.12.3. I have considered all of the written submissions made in relation to landscape and visual impact. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on the landscape or on visual impact.

### 12.13. Significant Interactions

- 12.13.1. Chapter 13 of the EIAR comprises a matrix of significant interactions between each of the disciplines. I have considered the interrelationships between factors and

whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

12.13.2. In conclusion, I am satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative effects.

#### 12.14. Reasoned Conclusion on the Significant Effects

12.14.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers 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 that would result from the development.
- A significant direct effect on **land** by the change in the use of a relatively large site from brownfield and scrub to residential use. Given the limited value of the existing condition of the land in environmental terms and its location adjoining the built up area of the town and the need for housing in the region, this effect would not have a significant negative impact on the environment.
- A significant effect on the **landscape** due to the scale of the development and its location near the shoreline along the estuary. Given the standard of urban design achieved by the proposed development and its proximity to the existing built-up area of the town which includes substantial buildings on higher land that would frame the proposed development in views from around the estuary, this effect would not have a significant negative impact on the environment.
- 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** due to the proposed location of a substantial residential development on lands beside an estuary, which are at risk of flooding. The information submitted in the EIAR and the other documentation submitted with the application regarding the proposed measures to mitigate this impact is sufficient to demonstrate that such measures are likely to be successful in protecting the proposed development from flooding and comply with the justification test for residential development within flood risk zones A and B, as set down in the 2009 Guidelines on the Planning System on Flood Risk Management.
- Potential significant effects on **soil** and risk of pollution of the marine environment during construction due to the extensive filling required to carry out the development to protect the proposed development from flooding and potential spread of invasive species. The EIAR contains sufficient information to describe this aspect of the development and the measures to mitigate potential direct effect on soil and indirect effect on water quality due to the possible release of sediments or other pollutants to water during the construction of the development, therefore it is unlikely that negative effects on water quality would occur. Potential impacts from Japanese Knotweed would be mitigated through the undertaking of an Invasive Species Management Plan and monitoring programme.
- The proposed development is not likely to have significant adverse effects on human health, biodiversity or cultural heritage.

Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or requiring substantial amendments to it.

### 13.0 Recommendation

On the basis of the above assessment, I recommend that permission is granted, subject to conditions.

## 14.0 Reasons and Considerations

Having regard to the following:

- (a) the policies and objectives of the Wexford Town and Environs Development Plan 2009-2015 (as extended) and the Wexford County Development Plan 2013-2019 (as extended),
- (b) Regional Spatial and Economic Strategy for the Southern Region, which identifies Wexford as a 'key town' in the region,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (e) 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 2013, as amended, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (g) the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in March 2018,
- (h) the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (i) the nature, scale and design of the proposed development,
- (j) the range of proposed mitigation measures set out in the submitted Environmental Impact Assessment Report and Natura Impact Statement (incorporating Appropriate Assessment Screening),

- (k) the availability in the area of a range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history of the site and within the area,
- (n) the submissions and observations received, and
- (o) the report of the Chief Executive of Wexford County Council,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development 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.

## 15.0 Recommended Draft Order

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 21<sup>st</sup> August 2020 by Ian Doyle Planning Consultant on behalf of William Neville and Sons Unlimited.

### **Proposed Development:**

A total of 413 residential units consisting of 175 houses (12 four bedroom detached houses + Garages, 20 four bedroom Semi-Detached houses, 2 four bedroom corner detached houses, 80 three bedroom Semi Detached Houses, 20 three bedroom terraced houses, 7 three bed end of terrace houses, 4 three bedroom corner houses, 20 two bedroom terraced houses, 6 two bedroom end of terrace, 4 SemiDetached houses), 7 apartment blocks with a total of 238 Apartments: Block One: (47 units over 5 floors: 40 two bed, 7 three bed), Block Two: (50 units over 7 floors: 4 one bed, 38 two bed, 8 three bed), Block Three: (45 units over 7 floors: 3 one bed, 34 two bed, 8 three bed), Block Four: (20 units over 4 floors: 1 one bed, 19 two bed), Block Five: (38 units over 5 floors: 1 one bed, 37 two bed,) Block Six: (19 units over 4 floors: 3 one bed, 15 two bed, 1 four bed) Block Seven: (19 units over 4 floors: 3 one

bed, 15 two bed, 1 four bed)). Together with two crèche facilities (Crèche A: 346.4 sqm floor area. Crèche B 395.3sq.m floor area) and a retail unit of 86.3sq.m (located in Block 10). A total of 769 Car parking spaces (250 private parking spaces, 501 public spaces and 18 crèche spaces). And all associated site works". The proposal shall be delivered over four phases of development. An EIAR (Environmental Impact Assessment Report), an NIS (NATURA Impact Statement) and a SSFRA (Site Specific Flood Risk Assessment) have been prepared as part of the planning application.

## **Decision**

**Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives of the Wexford Town and Environs Development Plan 2009-2015 (as extended) and the Wexford County Development Plan 2013-2019 (as extended),
- (b) Regional Spatial and Economic Strategy for the Southern Region, which identifies Wexford as a 'key town' in the region,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016



- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018,
- (e) 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 2013, as amended, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (g) the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in March 2018,
- (h) the Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009,
- (i) the nature, scale and design of the proposed development,
- (j) the range of proposed mitigation measures set out in the submitted Environmental Impact Assessment Report and Natura Impact Statement (incorporating Appropriate Assessment Screening),
- (k) the availability in the area of a range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history of the site and within the area,
- (n) the submissions and observations received,
- (o) the report of the Chief Executive of Wexford County Council, and
- (p) the report of the Inspector.

### **Appropriate Assessment: Stage 1**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban site, the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than Wexford Harbour and Slobbs SPA (004076), Slaney River Valley SAC (000781) and The Raven SPA (004019), which are European sites for which there is a likelihood of significant effects.

### **Appropriate Assessment: Stage 2**

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development Wexford Harbour and Slobbs SPA (004076), Slaney River Valley SAC (000781) and The Raven SPA (004019), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European sites in view of the sites conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale, location and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted with the application;
- (c) The reports and submissions received from observers and prescribed bodies and the applicant's further submission in the course of the application;
- (d) The Inspector's report;

The Board agreed with the summary of the results of consultations and information gathered in the course of the Environmental Impact Assessment, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant and the submissions made in the course of the application as set out in the Inspector's report. The Board is satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

### **Reasoned Conclusions on the Significant Effects:**

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive

2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Management Plan (CEMP) is the overarching general mitigation embedded in the project design and delivery for the construction stage. In addition, plans relating to Waste Management, Invasive Species Management and Traffic Management are also proposed. The main significant effects, both positive and negative are:

- Significant direct positive effects with regard to **population** and **material assets** due to the increase in housing in the town that would result from the development.
- A significant direct effect on **land** by the change in the use of a relatively large site from brownfield and scrub to residential use. Given the limited value of the existing condition of the land in environmental terms and its location adjoining the built up area of the town and the need for housing in the region, this effect would not have a significant negative impact on the environment.
- A significant effect on the **landscape** due to the scale of the development and its location near the shoreline along the estuary. Given the standard of urban design achieved by the proposed development and its proximity to the existing built-up area of the town which includes substantial buildings on higher land that would frame the proposed development in views from around the estuary, this effect would not have a significant negative impact on the environment.
- 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** due to the proposed location of a substantial residential development on lands beside an estuary, which are at risk of flooding. The information submitted in the EIAR and the other documentation submitted with the application regarding the proposed measures to mitigate this impact is sufficient to demonstrate that such measures are likely to be successful in protecting the proposed development

from flooding and comply with the justification test for residential development within flood risk zones A and B, as set down in the 2009 Guidelines on the Planning System on Flood Risk Management.

- Potential significant effects on **soil** and risk of pollution of the marine environment during construction due to the extensive filling required to carry out the development to protect the proposed development from flooding and potential spread of invasive species. The EIAR contains sufficient information to describe this aspect of the development and the measures to mitigate potential direct effect on soil and indirect effect on water quality due to the possible release of sediments or other pollutants to water during the construction of the development, therefore it is unlikely that negative effects on water quality would occur. Potential impacts from Japanese Knotweed would be mitigated through the undertaking of an Invasive Species Management Plan and monitoring programme.
- The proposed development is not likely to have significant adverse effects on human health, biodiversity or cultural heritage.

### **Conclusions on Proper Planning and Sustainable Development**

The proposed development on this brownfield site would result in the creation of a new sustainable residential development within the northwest environs of Wexford Town and would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. Environmental Impact Assessment and Appropriate Assessment have been considered as set out in the sections above. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 Conditions

1.	<p>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 or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report, as set out in Chapter 14 of the EIAR 'Summary of Mitigation Measures' and Natura Impact Statement, as set out in chapter 12 'Summary of Mitigation Measures' submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission. The developer shall appoint a person with appropriate ecological and construction expertise as an environmental manager to ensure that the mitigation measures identified in the Environmental Impact Assessment Report and the Natura Impact Statement are implemented in full.</p> <p><b>Reason:</b> In the interest of protecting the environment and in the interest of public health.</p>
3.	<p>The proposed development shall be amended as follows:</p> <p>(a) The proposed boundary fence across the entrance to the existing railway bridge shall be omitted from the development and the existing access point to the bridge maintained, with a pedestrian/cycle connection over the railway bridge facilitated by the developer.</p>

- (b) Unit 14-01 to the west shall be omitted.
- (c) Provision of a planted privacy strip at ground level to the apartments in Blocks 2 and 3.
- (d) Full details of materials and colour for the proposed Otter wall and fence boundary. Where required, samples shall be erected on site for the Planning Authority to review.
- (e) Wall Type 2 and Wall Type 2bis shall have an overall maximum height of 2m.
- (f) Where Wall Type 2 is proposed, the lower height of 900mm shall apply to the entire depth of the main two storey elevation of the dwelling to which it relates and the wall shall only increase in height to 2m along that section of the boundary that relates to the rear garden behind the two-storey element of the building.
- (g) Wall Type 1 to the front of dwellings A1/14-01 to A1/18-18 to the west of the site and the front boundary Wall Type 1 to all other dwelling houses facing toward the estuary along the northern and eastern boundaries, shall be replaced with 900mm high railings supported by planting.
- (h) The side boundary Wall Type 2bis to the side elevation of dwelling unit A1/14-18 shall be replaced with Wall Type 2.
- (i) Dwellings on plot C1/7-03, C3/7-04, C3/7-5, C1/7-06, shall be omitted and replacement dwellings designed to provide an elevation to the street to the east as well as to the north and south, with dual frontage units at the corners.
- (j) Dwellings on plots A4/8-17, B3/6-07, C3/7-09, C3/7-01, B3/5-12, B3/5-16, B3/4-18, C3/11-09, C3/11-01 B1/12-08, B1/12-01, B1/3-16 and B1/3-12, shall be omitted and replaced with full dual-fronted designed dwellings.
- (k) The bin store to the southeast of Block 5 shall be relocated further west on the site or to another location to be agreed.

	<p>(l) All footpaths to the southeast of the site shall be located inside the line of the otter habitat boundary.</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, visual amenity, public realm and ecological protection.</p>
4.	<p>Eight apartments, labelled Units A00-05 to A00-08 and Units B00-01 to B00-04 at the ground floor level of Block 1 shall be omitted. A separate planning application shall be lodged for a childcare facility in the vacated space, capable of accommodating an additional 46 childcare spaces, or at an alternative location on the site as the applicant may determine appropriate, in consultation with the planning authority.</p> <p><b>Reason:</b> To comply with the provisions of “Childcare Facilities: Guidelines for Planning Authorities” issued by the Department of the Environment and Local Government in June 2001, and in the interest of the amenities of the area.</p>
5.	<p>Prior to the commencement of development, the developer shall submit a Building Lifecycle Report which shall be agreed in writing with the Planning Authority. The Building Lifecycle Report shall include details of the long term running and maintenance costs of the apartments as they would apply on a per residential unit basis, as well as demonstrating what measures have been specifically considered to effectively manage and reduce costs for the benefit of residents.</p> <p><b>Reason:</b> In the interest of the proper planning and sustainable development of the area.</p>
6.	<p>A suitably qualified ecologist shall be retained by the developer to oversee the site works and construction of the proposed development and the implementation of mitigation and all monitoring measures relating to ecology set out in the Natura Impact Statement and the outline Construction Environmental Management Plan. The ecologist shall be</p>



	<p>present during site construction works. Ecological monitoring reports detailing all monitoring of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.</p> <p><b>Reason:</b> In the interest of nature conservation and the protection of terrestrial and marine biodiversity.</p>
7.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
8.	<p>Details of external shopfront, lighting, security shuttering and signage for the retail unit and childcare facilities shall be as submitted to and agreed in writing with, the planning authority prior to-occupation of the commercial/retail units.</p> <p><b>Reason:</b> In the interest of the amenities of the area/visual amenity.</p>
9.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
10.	<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 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 place names for new residential areas.</p>
11.	<p>Public lighting shall be provided in accordance with a scheme, which shall 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/installation of lighting. Such lighting shall be sensitive to bat and otter species in the area and shall ensure no overspill of lighting onto the shoreline habitats.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</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.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
13.	<p>The number of bicycle parking spaces within the site, shall be agreed in writing with the planning authority. Details of the layout, storage arrangement, marking demarcation, and security provisions for bicycle spaces shall be submitted for the written agreement of the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
14.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS and the National Cycle Manual issued by the National Transport Authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In the interest of sustainable transportation.</p>

15.	<p>Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.</p> <p><b>Reason:</b> In the interest of encouraging the use of sustainable modes of transport.</p>
16.	<p>A minimum of 10% of all car parking spaces should be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p><b>Reason:</b> To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.</p>
17.	<p>Prior to commencement of development the developer shall submit a revised storm water management plan to provide for additional SuDS measures, including such measures as permeable paving on hardstanding areas, water butts, swales/basins, bioretention areas, raingardens, blue/green roofs etc. as appropriate.</p> <p>Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.</p> <p>Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no</p>

	<p>misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.</p> <p><b>Reason:</b> In the interest of public health and surface water management.</p>
18.	<p>The developer shall undertake a pre-construction invasive species survey and, following same, shall produce a management plan for the control of alien invasive plant species including a detailed monitoring programme and details of any proposed exclusion zones, which 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 visual amenity and to prevent the spread of alien plant species.</p>
19.	<p>The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to the planning authority for written agreement prior to commencement of any development. In particular this scheme shall include the following:</p> <ul style="list-style-type: none"> <li>a) Delivery of the railway bridge crossing as part of the first phase of development. The proposed construction access via Faythe Harriers Hurling and GAA Club shall be utilised only for the construction of the bridge over the railway line and the access road into the site. All other construction access shall be over the new bridge when complete.</li> <li>b) Delivery of a cyclist-pedestrian link over the existing railway bridge over the railway line to facilitate access to lands south of the railway line.</li> </ul> <p><b>Reason:</b> In the interest of traffic and pedestrian safety and the timely provision of supporting infrastructure.</p>
20.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with</p>

	<p>the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.</p> <p>In addition to the proposals in the submitted landscape plan, the following shall be submitted:</p> <ul style="list-style-type: none"> <li>a) A biodiversity information trail shall be provided for within a revised landscape plan, which shall provide for the installation of biodiversity information boards and/or other communication strategies at a number of prominent locations along the northern, western and eastern boundaries of the site. Information boards shall clearly display information related to: - (a) the prevention of spread of invasive species, (b) information in relation to birds and otters and (c) information about the protection of terrestrial and marine habitats. The information boards shall be maintained and updated as necessary. Revised drawings showing compliance with this requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</li> <li>b) Details in relation to proposed play facilities to address a range of ages across the scheme, including in communal spaces serving the apartments.</li> <li>c) Additional planting between every 6 spaces of on-street parking bays, where feasible.</li> </ul> <p>The above details shall be incorporated into a revised landscape plan and 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 nature conservation, residential amenity, and to ensure the satisfactory development of the public open space areas and their continued use for this purpose.</p>
21.	<p>The entire boundary of the site along the shoreline, reedbed and woodland to the west of the site shall be permanently fenced off by a low wall and</p>

	<p>fence of total height of 2100 mm to prevent access to the shoreline habitats by people or dogs. This fence, and the buffer zone vegetation, shall be regularly inspected and any damage to the fence shall be repaired by the developer, or by the Local Authority if this area is taken in charge.</p> <p><b>Reason:</b> In the interest of nature conservation.</p>
22.	<p>(a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained, particularly those adjoining the western boundary of the site shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) to be retained, particularly at the western boundary, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.</p> <p>(d) No trench, embankment or pipe run shall be located within three metres of any trees/hedging which are to be retained on the site.</p> <p><b>Reason:</b> To protect trees and planting during the construction period in the interest of visual amenity.</p>
23.	<p>A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years, and shall include</p>

	<p>details of the arrangements for its implementation.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of visual amenity.</p>
24.	<p>Following the installation of the outfall pipes in the estuary, a monitoring plan of Annex 1 habitat qualifying interest habitat 'Mudflats and sandflats not covered by seawater at low tide [1140]' of the Slaney River Valley Special Area of Conservation (Site Code: 000781) shall commence and shall be undertaken by a suitably qualified ecologist over a period of two years. Data collected shall be in the correct format for utilisation by the National Parks and Wildlife Service for updating the Natura 2000 form for the Slaney River Valley Special Area of Conservation (Site Code: 000781) in relation to estuaries and mudflats and sandflats not covered by low tide as relevant, and for Article 17 reporting.</p> <p><b>Reason:</b> In the interest of nature conservation and to inform national monitoring of Annex I Habitats.</p>
25.	<p>To address the issues of noise for residential units proximate to the railway line,</p> <p>a) All entrance doors in the external envelope of buildings shall be tightly fitting and self-closing.</p> <p>(b) All windows and roof lights shall be double-glazed and tightly fitting.</p> <p>(c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.</p> <p>Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To protect residential amenities.</p>
26.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of</p>

	<p>these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
27.	<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>
28.	<p>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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>



29.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, generally in accordance with the commitments set out in the Environmental Impact Assessment Report, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CMP shall include specific proposals as to how the CMP will be implemented effectively, and prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including inter alia:</p> <ul style="list-style-type: none"> <li>a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</li> <li>b) Location of areas for construction site offices and staff facilities;</li> <li>c) Details of site security fencing and hoardings;</li> <li>d) Details of tree protection measures;</li> <li>e) Details of on-site car parking facilities for site workers during the course of construction;</li> <li>f) Details of 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; the proposed construction access via Faythe Harriers Hurling and GAA Club shall be utilised only for the construction of the bridge over the railway line and the access road into the site. All other construction access shall be over the new bridge when complete. Deviations from this arrangement may be facilitated, subject to prior written agreement with the planning authority.</li> <li>g) Measures to obviate queuing of construction traffic on the adjoining road network;</li> <li>h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</li> <li>i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</li> </ul>
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	<p>j) 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;</p> <p>k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>m) 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.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety.</p>
30.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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 residential amenities of property in the vicinity.</p>
31.	<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.
32.	<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 development until taken in charge.</p>
33.	<p>The 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>
34.	<p>The developer shall appoint a person with appropriate archaeological and underwater/maritime archaeological expertise to ensure that the mitigation measures identified in the Environmental Impact Assessment Report are implemented in full.</p> <p><b>Reason:</b> In the interest of clarity and to protect the archaeological environment during the construction and operational phases of the proposed development.</p>
35.	<p>The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to the planning authority for written agreement prior to commencement of any development. In particular this scheme shall stipulate that construction access via Faythe Harriers Hurling and Camogie Club shall be utilised for the construction of the bridge over the railway line and the access road into the site only. All</p>

	<p>other construction access shall be over the new bridge when complete. Deviation from this arrangement may be facilitated in limited circumstances subject to prior written agreement with the planning authority.</p> <p><b>Reason:</b> In the interest of traffic and pedestrian safety and the timely provision of supporting infrastructure.</p>
36.	<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>

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Una O'Neill  
Senior Planning Inspector

19<sup>th</sup> November 2020