



An  
Bord  
Pleanála

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

## Inspector's Report ABP-311699-21

### **Strategic Housing Development**

Demolition of existing structures, construction of 233 no. residential units (53 no. houses, 180 no. apartments/duplexes), creche and associated site works.

### **Location**

Lands located to the east of Carley's Bridge, Enniscorthy, Co. Wexford.

### **Planning Authority**

Wexford County Council

### **Applicant**

Torca Developments Limited

### **Prescribed Bodies**

IFI

Irish Water

TII

## **Observers**

Aidan Browne  
Alex Petrovics  
Anne Byrne and Others  
Beau and Pepe Fraser  
Brian and Wendy Walsh  
Cathal Byrne  
D Mulroy and Others  
David and Elizabeth Askins  
David and Elizabeth O'Reilly and Liam Davitt  
Evelyn Devitt and Others  
Gordon Bass  
James and Catriona O'Sullivan  
James Browne  
James Donald and Joan Askins  
Joe and Helen O'Sullivan  
John Scally  
Kathleen and Francis Miller  
May Wilson and Others  
Millbrook Residents Association  
Noel Byrne  
Paddy Redmond  
Patrick Murphy  
Paul Kehoe  
Residents of Potters Way  
Saoirse Byrne and Others  
Stephanie and Peter Byrne  
Steve Canavan and Sinead Furlong

**Date of Site Inspection**

13<sup>th</sup> January 2022

**Inspector**

Rónán O'Connor

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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

- 2.1.1. The subject site is located c. 1km west of Enniscorthy Town Centre on Lands East of Carley's Bridge, Enniscorthy, E.D. Enniscorthy Rural, Co. Wexford, on a site area of c. 8.6 ha. The site is bounded to the north west by Carley's Bridge Road and to the north by detached dwellings fronting Carley's Bridge Road, to the south by agricultural land, to the north and east by the Urrin Valley and Millbrook residential estates and to the south west and west by the River Urrin.
- 2.1.2. Vehicular access to the site is off Carley's Bridge Road to the north west of the subject site. New pedestrian entrances are provided to the north along Carley's Bridge Road and to the east to Millbrook residential estate.
- 2.1.3. The site is a greenfield site in use for agricultural purposes. The boundaries comprise of a dense row of trees, mature vegetation and hedgerows along all sides and the southern and western boundary comprises of the River Urrin. A hedgerow runs through the centre of the site from west to east.
- 2.1.4. The predominant land use in the vicinity of the site is mixed comprising of residential use to the north and east; and agricultural uses to the west and south. The area east of the site is Enniscorthy Town Centre.
- 2.1.5. There are a number of abandoned and ruinous agricultural structures located to the north of the site. The site is not located within a Conservation Area or an Architectural Conservation Area.

## 3.0 Proposed Strategic Housing Development

- 3.1.1. The proposed Strategic Housing Development will consist of 233 no. residential units comprising 180 no. apartments/duplexes up to 4 storeys in height consisting of 72 no. 1 beds, 40 no. 2 beds and 68 no. 3 beds; and 53 no. 2-3 storey houses (45 no.

3-bed houses and 8 no. 4 bed houses). Provision of a creche (c.290 sqm), 352 no. car parking spaces, 497 no. cycle parking spaces, open spaces (including new riverside public park), bin storage, bicycle stores and pumping station. The proposal includes for new vehicular and pedestrian accesses via Carley's Bridge Road to the north and north-west, and a pedestrian access via Millbrook Residential Estate to the east of the site. All associated site development works including site reprofiling, boundary treatments, plant, site services and services connection

### Key Figures

Site Area	8.7 ha (Gross) 6.64 ha (Net)
No. of units	233 no. units (53 houses; 180 no. apartments)
Density	35 units/ha (net)
Height	Up to 4 storeys
Public Open Space	24,000 sq. m
Communal Space	2,030 sq. m
Part V	47 No. units (20%)
Vehicular Access	Via Carley's Bridge Road
Car Parking	352 no. spaces
Bicycle Parking	497 no.
Creche	C290 sq. m.

Unit Type	1 bed	2 bed	3 bed	4 bed	Total
House	-	-	45	8	<b>53</b>
%			19%	4%	
Apartment/Duplex	72	40	68	-	<b>180</b>
%	31%	17%	29%		

Total					233
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## 4.0 Planning History

### Site

- 4.1.1. WCC Reg. Ref. 20180818 / ABP 303797-19 – Permission refused in November 2019 for demolition of existing agricultural structures and the construction of 97 no. dwelling units and the provision of a single storey crèche for the following reasons:
1. Having regard to the provisions of the Ministerial Guidelines, ‘Sustainable Residential Development in Urban Areas’ 2009, published by the Department of Environment, Heritage and Local Government, specifically paragraph 5.11 and Appendix A, and ‘Urban Development and Building Heights’, December 2018, prepared by the Department of Housing, Planning and Local Government, specifically SPPR4, it is considered that the net density of the proposed development, at this residentially zoned outer suburban site on the edge of a larger town, is excessively low and would be contrary to the Ministerial Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.
  2. It is considered that the proposed disposition of open space areas, including lands identified as fully enclosed (apart from maintenance access) to allow for existing foul line retention, is discordant and haphazard and, in conjunction with the positioning of proposed dwellings which back onto these areas, would constitute a poor quality and inefficient layout and would, therefore, be contrary to the Ministerial Guidelines, “Sustainable Residential Development in Urban Areas’ 2009, published by the Department of Environment, Heritage and Local Government, specifically paragraph 3.3 and Box 2: Best Practice Design Manual Criteria. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
  3. It is considered that the proposed development would comprise a poor response to the potential of the site to provide a firm boundary to the southern growth of the town, which demands a high quality of design and layout, and would seriously

injure the residential amenity of future occupants and would, therefore, be contrary to the proper planning and sustainable development of the area.

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

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

1. Having regard to the provisions of the Ministerial Guidelines, 'Sustainable Residential Development in Urban Areas' 2009, published by the Department of Environment, Heritage and Local Government, specifically paragraph 5.11 and Appendix A, and 'Urban Development and Building Heights', December 2018, prepared by the Department of Housing, Planning and Local Government, specifically SPPR4, it is considered that the net density of the proposed development, at this residentially zoned outer suburban site on the edge of a larger town, is excessively low and would be contrary to the Ministerial Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. It is considered that the proposed siting of a creche facility (in the absence of full design details including elevations and sections) and the consequent removal of originally proposed public open space and potential for pedestrian connectivity to the adjoining Millbrook estate, would constitute a poor quality layout and would militate against the provision of sustainable transport connections to and from the subject site and would, therefore, be contrary to proper the planning and sustainable development of the area.
3. It is considered that the proposed development would comprise a poor response to the potential of the site to provide a firm boundary to the southern growth of the town, which demands a high quality of design and layout, and would seriously injure the residential amenity of future occupants and would, therefore, be contrary to the proper planning and sustainable development of the area.

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



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

## 5.0 Section 5 Pre Application Consultation

- 5.1.1. A section 5 Consultation meeting took place via Microsoft Teams on the 3<sup>rd</sup> December 2020 in respect of the following development:
- Demolition of existing sheds, construction of 269 no. residential units (58 no. houses, 211 no. apartments), creche and associated site works.
- 5.1.2. In the Notice of Pre-Application Consultation Opinion dated 16<sup>th</sup> December 2020 (ABP Ref. ABP-307305-20) the Board stated that it was of the opinion that the documentation submitted required **further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 5.1.3. The prospective applicant was notified that the following issues needed to be addressed prior to submitting an application:
1. Further consideration of the documents as they relate to the design and layout of the proposed development with regard to national and local planning policy, in particular the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas', the updated 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities', the 'Urban Developments and Building Heights Guidelines for Planning Authorities', the National Planning Framework and the relevant provisions of the Enniscorthy Town Development Plan 2008-2014 (extended) and the Wexford County Development Plan 2013-2019.
  2. The prospective applicant should satisfy themselves that the proposed design and buildings heights provide the optimal urban design and architectural solution for this site and that it is of sufficient quality to ensure that the

proposed development makes a positive contribution to the character of the area over the long term. In this regard, the submitted documents should allow for further consideration of the following matters:

- Provision of additional variety in the architectural composition of the various building types.
  - Introduction of hierarchical height structure and more variation in building typology to create an appropriate urban edge along the internal access road fronting the riverside park.
  - Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. Additional CGIs and visual assessment, having regard to the local objectives pertaining this site, and recognising the visual sensitivity of this area/site.
3. Further consideration of the documents as they relate to the provision of pedestrian and cycle links from the proposed development through Millbrook Estate towards Enniscorthy town centre. The submitted documentation should be sufficient to show that proper links would be provided from the site through the Millbrook Estate upon the initial occupation of the proposed homes. The documents should provide details of necessary upgrade works required to facilitate the development to include, inter alia: a quality audit, plans and particulars and relevant third-party consent, as applicable.
- The submitted documentation should indicate how the proposed links can facilitate movement by pedestrians and cyclists after dark and whether such movement would be constrained. Cycle links should be designed in compliance with the National Cycle Manual issued by the NTA.
4. Further consideration of the documents as they relate to upgrade works and the provision of a continuous footpath connection on Carley's Bridge Road from the north eastern site boundary over a distance of approx. 150m from the site boundary to the existing public footpath connecting the site to Enniscorthy town centre. The provision of appropriate connections and permeability into and out of the site is considered a necessary component of the development. The documents should provide details of necessary

upgrade works required to facilitate the development in consultation with Wexford County Council to include, *inter alia*: plans and particulars and relevant third-party consent, as applicable. The justification should include, *inter alia*, alternatives considered/deliverable if applicable.

5.1.4. The applicant was also advised that the following specific information should be submitted with any application for permission:

1. The inclusion of all works to be carried out, and the necessary consents to carry out works on lands, within the red line boundary.
2. A landscape and permeability plan of the proposed open space within the site clearly delineating public, semi-private and private spaces, areas to be gated, treatment of interface areas and provision of future connections to adjoining lands, location and design of identified play areas.
3. A landscape masterplan for the proposed Riverside Park to include appropriate measures to address water safety at the water's edge.
4. A Site-Specific Flood Risk Assessment Report.
5. Proposals as they relate to water and wastewater proposals to service the development. The documents should provide details of necessary upgrade works required to facilitate the development to include, *inter alia*: plans and particulars, having regard to the concerns raised by Irish Water report dated 6<sup>th</sup> July, in particular, site specific modelling.
6. A statement of compliance with the applicable standards set out in DMURS, and a mobility management plan which justified the proposed provision of parking for cars and bicycles.
7. Submission of a Traffic and Transport Assessment.
8. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including its specific planning policy requirements.
9. A comprehensive daylight and sunlight analysis, where applicable, for apartment units within the development.
10. A building life cycle report in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).

11. Inclusion of a Social and Community Audit of the schools in the vicinity in particular school going children and the accommodation of additional requirement resulting from the proposed development.
12. A phasing scheme for the development which would indicate how open space and access to serve the proposed houses would be provided in a timely and orderly manner.
13. Proposals for compliance with Part V of the planning act.
14. A construction management plan
15. A waste management plan
16. A NIS, clearly addressing all potential impacts (construction as well as operational, delivery and operation of mitigating features associated with the development; etc.
17. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective (s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

## 5.2. Applicant's Statement

- 5.2.1. The application includes a statement of response to the pre-application consultation (Chapter 6 of the Planning Report), as provided for under section 8(1)(iv) of the Act of 2016 and within this document the applicant has responded to each issue raised in the opinion and to each item of specific information raised in the opinion.

### **Material Contravention Statement**

- 5.2.2. The applicant has submitted a Material Contravention Statement (Chapter 8 of the Planning Report) which refers to potential material contraventions of the Wexford County Development Plan 2013-2019 and the Enniscorthy Town & Environs Development Plan 2008-2014 (as extended) in relation to the matters of (i) Density and (ii) Car Parking.

5.2.3. I refer the Board to Section 10.13 of this report which summarises the contents of same and considers the issue of material contravention generally.

## 6.0 Relevant Planning Policy

6.1.1. National policy as expressed within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 supports the delivery of new housing on appropriate sites. I also note the Government’s Housing for All Plan which identifies the need to increase housing supply as a critical action.

### **Project Ireland 2040 - National Planning Framework (2018)**

6.1.2. The NPF sets out the Governments’ high level strategic vision for shaping the future growth and development of the country.

6.1.3. National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

6.1.4. National Planning Objective 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

6.1.5. 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.

6.1.6. The NPF states that the demand for student accommodation exacerbates the demand pressures on the available supply of rental accommodation in urban areas. In the years ahead, student accommodation pressures are anticipated to increase. The location of purpose built student accommodation needs to be proximate to the centres of education, as well as being connected to accessible infrastructure such as

walking, cycling and public transport. The National Student Accommodation Strategy supports these objectives.

## **Section 28 Ministerial Guidelines**

6.2. Having considered the nature of the proposal, the receiving environment and the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- 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’ (Updated December 2020)
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013). Interim Advice Note- Covid 19 (May 2020).
- The Planning System and Flood Risk Management (including the associated ‘Technical Appendices’) (2009)
- Architectural Heritage Protection – Guidelines for Planning Authorities (2011)

Other Relevant Guidance

## **5.2 Regional**

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

6.2.1. 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.

## **5.3 Local**

### Wexford County Development Plan 2013-2019

- 6.2.2. The site is located within the administrative area of Wexford County Council and is therefore subject to the land use policies and objectives of the County Development Plan 2013-2019.
- 6.2.3. The Development Plan states that “the larger towns of Enniscorthy and New Ross are recognised as important urban centres. They provide good bases for population and services which will attract investment and employment activities additional to those that need to be located in or near the Gateway.” The Plan states that Enniscorthy is to be targeted for growth. There will be a focus on consolidating the existing pattern of development and on encouraging and facilitating the provision of physical and social infrastructure
- 6.2.4. Section 18.10.11 refers to 20% of the residential units designed as ‘lifetime’ homes Objective HP20 and HP21
- Enniscorthy Town & Environs Development Plan 2008-2014 (extended to 2019) and as varied by Variation No.s 1 & 2
- 6.2.5. The site is located within the administrative area of Enniscorthy and is therefore subject to the land use policies and objectives of the Enniscorthy Town & Environs Development Plan 2008-2014 (Extended to 2019).
- 6.2.6. Section 18.10.11 refers to 20% of the residential units designed as ‘lifetime’ homes Objective HP20 and HP21
- 6.2.7. A review of the Wexford County Council website would indicate that Enniscorthy Town & Environs Development Plan 2008-2014 (Extended to 2019) is the operational plan from the town.
- 6.2.8. The subject site is subject to the following zonings:
- New Residential/Low Medium Density (R1): “To provide for new residential development, associated residential services and community facilities.”
  - Zoning Objective F - Open Space & Amenity (OS): “To protect and provide for recreation, open space and amenity provision.”
  - A small portion of the site zoned Existing Residential and Infill/Medium Density (R)
- 6.2.9. The site is identified as Master Plan Zone 5 – Cherryorchard, St. Johns

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

## 7.0 **Observer Submissions**

7.1.1. 28 no. submissions on the application have been received from the parties as detailed above. The issues raised in the submissions are summarised below.

### **Principle of Development**

- Do not oppose housing in general at this site
- Proposal is a contravention of the Wexford County Development Plan 2019-2019 and the Enniscorthy Town & Environs Plan 2008-2014
- Previous refusals on this site/refused due to impacts on trees/watercourses/SAC/previous reasons for refusal are still applicable/this is a larger development than previous proposals
- Draft Plan should be given significant weight
- Location of the development is not justifiable under national policy goals
- Current Enniscorthy Plan is outdated in terms of current and emerging local policy/excessive amount of lands zoned for residential development in peripheral locations



- Future plans will only allocate 39ha for Tier 1 residential development – which is only 12.5% of the current extent of lands zoned for residential development/site is a likely candidate for rezoning
- Proposed development would accommodate almost 30% of the total allocated population for the plan period
- Should not be concentrated within a single development in a such a poor location
- Would not represent sequential development/undeveloped lands closer to the town centre
- Site is located more than 1km from the town centre
- Does not have any high density developments even within the town centre

### **Design and Layout including Height**

- Object to the height of the proposal
- Would create a precedent
- Density will be higher than existing development in the area
- Development is incongruous with the established character of the immediate area
- Higher ground levels of the site will result in development towering above adjacent houses/gardens
- Development would ruin the landscape
- Scale of development is not in keeping with the rural setting
- Height of the apartment blocks will mean they are visible from the road to the west of the site where it will be seen in the skyline with the spire of St. Aidan's Cathedral.

### **Residential Amenities/Residential Standards**

- Question the appropriateness of the residential mix
- Insufficient play space for children
- Housing type is more suitable for a city location than a small town
- Will be purchased by investors/erode the sense of community

## **Surrounding Residential Amenity**

- Impact on the privacy of the Millbrook Estate
- Would impact on light to the adjoining houses
- Security concerns in relation to the laneway
- Overlooking/Loss of privacy
- Light pollution
- Additional noise/Late night activity
- Play area adjacent to existing housing/noise concerns from same
- Blocks 16 & 17 have balconies which will result in overlooking/request that Blocks 16 and 17 be removed
- Will result in overshadowing
- Existing medical condition requires sufficient light/will impact on same
- Require sufficient boundary treatments

## **Traffic and Transportation**

- Use of the existing grass as a laneway is a concern/Board should consider an alternative
- Potential for anti-social behaviour
- Loss of green area
- Cars parking in Millbrook Estate
- Impact on road infrastructure resulting in a traffic hazard
- Loss of car parking space as a result of the proposed cycle/pedestrian path
- Residents currently utilise the green space for sports/play etc
- Blind spot near the proposed development entrance/exit point
- Existing road is winding, narrow and dangerous/development does not address impact of additional traffic/heavy construction traffic
- Existing road does not have sufficient space for a cycle track

- Pedestrian entrance will be hard to see
- Site is located in excess of 2km from the railway station/lacks basic connectivity to the town core/lack of cycle lanes
- Lies with the 80kph zoned where a pedestrian bridge is proposed.
- Traffic survey data was taken on a single day
- Insufficient car parking has been provided
- Little employment in the town/people will need to commute for work
- There is no bus service within 4km of the site
- Main primary school is also 3km from the site/no footpath
- There are no sightlines available at the site exit /proposed traffic light system is not an acceptable method of overcoming this problem/lights should not be used to overcome a road safety issue/will become an accident blackspot in the case of failure.
- Lack of proposed footpath provision for future occupiers/no footpath from the proposed site exit to the existing Carley's Bridge footbridge
- Access to the development during floods will not be possible
- Steep incline of the site will impact on accessibility

### **Ecology/Trees**

- Loss of hedgerow/impacts on biodiversity
- Hedgerow and trees need to be retained in its entirety/reinforced with additional planting
- Impact on the River Urrin – incl impact on Trout/Salmon

### **Flood Risk/Site Services**

- Gardens have flooded in the past
- 233 houses being built on a flood plain
- Site has flooded in the past and does so on a regular basis

- Lack of surface water infrastructure/impact of raised road surface on surface water runoff/flooding of adjacent gardens
- Potential for foul sewer flooding
- Climate change will lead to greater flood risk/more frequent flooding
- Applicants have stated that the site has never flooded/this should be looked into
- Not all of the existing surface water/foul water infrastructure has been identified
- Wexford CC have previously demolished Island House because of flooding issues, 300m upstream from the site (Planning Ref 20200167)
- Plans to develop a public park on the river bank will cause further flooding, including on the subject site
- Insufficient infrastructure to serve the site
- Offer from IW is now longer valid/was issue prior to 6 months from the date of application.
- Upgrades to the drinking water supply are necessary/No reference to this in the Irish Water correspondence
- Need for a pumping station and associated infrastructure represents an unsustainable use of resources
- Flood plain area/area proposed for park will endanger life
- Impact of the flood relief scheme on the site/floodable area may increase

#### **Other Issues**

- Torca does not own the area where the proposed pathway is
- Legality issue over the letter issued to Torca by Liz Hore
- Existing business located to the north-west of the proposed development/requires unrestricted access during construction stage and when the development is completed

## 8.0 Planning Authority Submission

- 8.1.1. Wexford County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. I have summarised this submission below.

### Principle of Development/Design/Standards

- Lands are zoned residential – proposed development is considered to be in accordance with the zoning objective of the site.
- Is in accordance with the Core Strategy
- Site is zoned for residential low to medium development and open space
- Considered that the separation distances and overall orientation of the proposed dwellings would not significantly impact upon the residential amenities of the adjoining properties
- Satisfied that there is a high level of permeability within the proposed street network and that there is provision for connection to adjoining lands/is in accordance with the overall objectives of DMURS
- Coherent relationship between housing blocks and active frontages and passive surveillance to the open spaces to the north and west
- Mix of house types and sizes are acceptable
- 95% of units are dual aspect/no north facing single aspect units
- Proposed building heights are varied within the development/ensures a visually engaging and high quality residential development
- 3 to 4 storey buildings on the lowest point of the site/provides a strong edge to the open space/use a split level section to address the steeper parts of the site
- Taller buildings also address the link to Millbrook and provide passive surveillance to these areas

### Transport Issues

- Poor visibility and no footpath on Carleys Bridge Road

- Road is narrow, limited in capacity and extent/prevents the road becoming a major route for heavier vehicles/consider the road to be very hazardous for pedestrians and cyclists, especially at night.
- Development would result in a significant re-engineering of a section of this road/provision of a footpath north to connect with the end of the existing (somewhat substandard) path/proposed alternative route through Millbrook estate to the north would most likely be shorter and safer for most residents.
- Traffic and Transport Assessment concludes that there will be no material impact on the operation of the local road network.
- Street dimensions and configuration are broadly in accordance with DMURS
- Proposed density (c35 units/ha) is considered consistent with Development Plan policies and appropriate Guidelines.

#### Open Space

- Over 27% open space would be provided/open space provision reflects the character of the area and the need to protect the mature landscaping/has taken into consideration the need to protect the existing watercourse and riparian habitat by the creation of a linear park/provision of open space considered to be of high quality
- Conditions are required to ensure tree protection

#### Site Services

- Capacity currently being upgraded at the Enniscorthy Waste Water Treatment Plant/connection requires the provision of a pumping station and connection of an existing foul sewer through the site
- Provision of a gravity foul sewer is feasible/far more favourable option than the proposed wastewater pumping station and should be provided.

#### Parking

- 352 car parking spaces are proposed/12 accessible/7 spaces serving the crèche and visitor parking/497 cycle spaces

- Parking is consistent with Wexford County Development Plan standards  
EV charging points should be provided
- Creche meets the Section 28 Childcare Guidelines
- Ground floor units have been designed as life time homes
- Part V agreement has been finalised
- Residential Amenity
- Not considered that there would be any undue impact from overlooking, overshadowing or overbearing impact/separation distances and overall orientation would not significantly impact on the residential amenities of the adjoining properties
- Proposed layout successfully responds to the subject site/represents a high standard of urban design in accordance with the Development, Section 28 Guidelines and the NPF
- Proposal includes a proposed pedestrian link/this is not formalised in Millbrook/existing footpath routes do not encourage walking/preferred option would be to improve pedestrian permeability through the existing estates and reduce car dependency/this would require new footpaths/cycle lanes and lighting in the adjoining estate/these works have not been agreed with Wexford County Council and would require the cooperation of residents of Millbrook and Urrin Valley/is considered appropriate to request the omission of the pedestrian linkage be omitted by way of condition/as been previously omitted under previous application 20180818/9/omission would be consistent with previous applications.
- Proposed phasing is acceptable
- Do not consider that the proposed development would have a significant impact on drainage from the adjoining landholdings/implementation of the proposals will not increase run-off to the river/would not have downstream flooding implications.
- Apartment standards are met
- Houses meet the standards of the Development Plan
- Materials echo the predominant use of these materials in adjoining areas

- Condition in relation to archaeology should be applied
- Submitted Daylight, Sunlight and Overshadowing Study shows full compliance with the relevant standards/shows there will be no loss of sunlight or overshadowing of existing or proposed dwellings
- Recommend a final Traffic Management Plan is submitted to and agreed with the Planning Authority
- Subject to road improvements, satisfied that the proposed development will not result in under adverse traffic impacts/outstanding issues can be dealt with by way of condition.
- Mitigation measures as set out in the AA are considered to be suitable/however it is recommended that temporary construction fencing is erected along the buffer strip of the river to clearly differentiate the sensitive zone along the river bank/following mitigation it is considered the proposed development do not have the potential to significant affect the conservation objectives of the Slaney River Valley SAC and the Wexford Harbour and Slobbs SPA and the integrity of these sites will not be adversely impacted.
- Site is subject to a standards S.48 Development Contribution and a requirement for a special contribution of €180,000 towards a public footpath on Carleys Bridge Road

### Conclusion

- Overall design seeks to provide for the objectives as set out in the Master Plan Zone 5 (Cherryorchard, St. Johns) of the Enniscorthy Town Plan and reflects the changes to national policy relating to density and urban design
- Design and Layout provides for strong urban edge
- Proposed road network will deliver linkages to adjoining lands/creates the possibility to connect to St. John's
- Meets objectives relating to natural heritage and open space
- Complies with Core Strategy and with the land use zonings of the site
- Density of 35 units/ha complies with local and national policy



- In line with DMURS/Parking meets standard
- Conclusions of AA are acceptable
- Core Strategy allocates 972 housing units to Enniscorthy 2021-2027/scale of the proposed development is not exceptionally large in relation to the planned growth of the town

8.1.2. The Planning Authority recommend that **Permission be Granted** subject to conditions.

8.1.3. 32 no. conditions are recommended. Those of note are as follows:

- Condition 2 – standard contribution roads
- Condition 3 – standard contribution community
- Condition 5 – special contribution €180,000 towards improvements to the footpath network
- Condition 6 – omission of the proposed pedestrian link between the site and Millbrook
- Condition 9 – proposed distributor road shall be completed prior to the occupation of any dwelling unit
- Condition 12 – agreed improvement works to Carleys Bridge Road shall be undertaken prior to the commencement of the development
- Condition 21 – details of a segregated cycle way along the main access and orbital routes

### **Internal Reports**

No internal reports have been submitted with the Planning Authority's Submission.

### **Elected Members**

- Principle of development welcome
- Size, scale and density of the proposed development is excessive, having regard to the edge of town location and potential for negative impact on adjacent residential areas

- Would result in a lopsided approach to the development of Enniscorthy/too much development in a single area
- Proposed pedestrian link should be omitted/may lead to increased levels of anti-social behaviour/loss of open spaces
- Local knowledge indicates that there are flooding events in the roads and lands in the immediate area of the proposed development/have not been adequately addressed in the Flood Risk Assessment
- Water supply issues in the Enniscorthy Area

## 9.0 Prescribed Bodies

### Irish Water

- 9.1.1. Irish Water have stated in relation to water supply and foul water that there is an ongoing project to in relation to the modelling of the public water treatment and watermain network, and specifically in relation to foul water, Irish Water notes that upgrade works are on the Irish Water capital investment programme and are due for completion in 2023 (subject to change).<sup>1</sup> Notwithstanding, Irish Water have confirmed feasibility of water and four connections, subject to upgrades, with the nature of the site specific/local upgrades to be agreed at connection application stage with Irish Water, including the existing 450mm sewer into St. Johns Pump Station. Conditions are recommended

### Inland Fisheries

- 9.1.2. The submission from IFI notes that the Slaney River and its tributaries (of which the River Urrin is one) are an important salmonid system, with excellent stocks of Salmon, brown trout and sea trout, River Lamprey, Sea Lamprey and Brook Lamprey. Specifically in relation to the River Urrin, the IFI note that they have made a request to the NPWS that the main channel of the Urrin river be designated an SAC from its confluence with the Slaney a distance of approx. 15km upstream, due to the importance of this section of the Urrin River main channel as salmon

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<sup>1</sup> I note that information on the Irish Water Website, in relation to the upgrade of the Enniscorthy Wastewater Treatment Plant, states that this project is completed.  
<https://www.water.ie/projects/local-projects/enniscorthy-wwtp/>

spawning/nursery habitat and given that the salmon populations on the Urrin River are an integral component of the salmon populations of the Slaney SAC. The IFI raise concerns in relation to potential for pollution of the Urrin and smaller tributary during construction works on-site, with specific concerns regarding the potential for suspended solids run-off, and other pollutants, from the site during the construction phase, and have suggested measures designed to prevent same. Also of concern is the proposed incorporation of ponds within the open space area along the Urrin, which have the potential to facilitate non-native fish species, which then may be introduced to the Urrin and beyond. The IFI have requested clarification that there will be no hydrological connectivity between the ponds and the adjoining watercourse and have also requested that the ponds be so designed so as to be unsuitable as a habitat for fish.

#### Transport Infrastructure Ireland

- 9.1.3. The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations arising should be incorporated as Conditions on the Permission, if granted. The developer should be advised that any additional works required as a result of the Assessment should be funded by the developer.

## 10.0 **Assessment**

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

- Principle of Development
- Traffic and Transportation
- Design and Layout/Mix
- Residential Amenities/Residential Standards
- Surrounding Residential Amenity
- Ecology/Trees
- Flood Risk
- Site Services

- Other Issues
- Planning Authority's Submission
- Material Contravention

## 10.2. Principle of Development

### Zoning

- 10.2.1. The site is located within Masterplanning Zone 5 – Cherryorchard, St. John's of the Enniscorthy Town & Environs Plan 2008-2014 (Extended to 2019) (the Town Plan). The majority of the site is zoned Zoning Objective C New Residential (R1 & R2) 'To provide for new residential development, associated residential services and community facilities'. It is set out within the Town Plan that *inter alia* new development shall only take place in conjunction with the provision of the necessary physical, social, community and recreational services/facilities being provided. Zoning Objective C refers to R1 and R2 zonings, with the subject site termed R1 'New Residential/Low Medium Density', with R2 termed 'low density'. The western boundary of the site is zoned Objective F 'Open space and Amenity (OS)'. The residential dwellings are located on the area which is zoned 'New Residential/Low Medium Density'. The proposed open park associated with the development 'Riverside Park' is located within the area zoned open space. A small area of the site to the east is zoned 'Existing Residential Amenity'.
- 10.2.2. In relation to the uses proposed, residential development and childcare facilities are permitted in principle under the residential zoned lands. The larger areas of open space associated with the development are on lands zoned Objective F. The uses therefore are acceptable in principle.
- 10.2.3. Objective H20 of the Plan seeks to ensure appropriate Childcare Facilities are provided in all new residential developments, accommodating 20 children for approximately 75 dwellings. A crèche of approximately 290 sq. m. in area has been provided which will cater for 44 no. children.

### Core Strategy/Settlement Strategy

- 10.2.4. The Planning Authority state that the Core Strategy of the County Development Plan allocates 972 units to Enniscorthy. It is further stated that the proposed development

is in line with the Core Strategy and state that the proposed provision of 233 no housing units is not exceptionally large in relation to the planned growth of the town.

- 10.2.5. Objectives SS05 and SS14 of the Wexford County Development Plan 2013-2019 (hereinafter referred to as the Development Plan) seeks to encourage new residential developments to occur in the Larger Towns in accordance with the Core Strategy and Settlement Strategy and subject to adequate capacity being available in the relevant wastewater treatment facilities and water support. Enniscorthy is identified as a Larger Town with the Development Plan. I have considered the issue of wastewater in Section 10.9 below.
- 10.2.6. Chapter 3 of the Development Plan sets out the Core Strategy. Enniscorthy is designated as a 'Larger Town' on the Core Strategy Map (Map 5). The Settlement Strategy sets out that the focus will be on developing the role of Wexford Town as the Hub, which will be supported by the county's other three larger towns (New Ross, Enniscorthy and Gorey).
- 10.2.7. As such, having regard the above, the proposed development would appear to be generally in line with the Core Strategy and settlement strategy as envisaged for Enniscorthy, under the current Development Plan,

#### Sequential Development.

- 10.2.8. Objective SS16 requires phasing of residential development, based on a clear sequential approach. In relation to same, an observer submission has stated that the development of this site, on the edge of Enniscorthy, does not follow the sequential approach, and that there are more appropriate sites closer to the town centre. In relation to same, I note that the site is adjacent to existing residential development, and the development of this site, does not in my view, diverge from the principle of sequential development.

#### Density

- 10.2.9. The proposal proposes a density of approximately 35 units/ha (net). The site lies an approximately 1.7km/21 min walking distance from Enniscorthy town centre (via the Ross Road) although as noted below, there is no pedestrian infrastructure along Carley's Bridge Road in the vicinity of the site. With the proposed pedestrian link in place via Millbrook, the walking distance from the site to the town centre would be approximately 1.6km or 20 minute walk.

10.2.10. In relation to national policy, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.

10.2.11. In relation to Section 28 Guidelines, I note the provisions of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (Updated December 2020) which state, with respect to location, that apartments are most appropriately located within urban areas. Having regard to the level of public transport service relative to the site and the proximity of the site relative to Enniscorthy Town, I am of the view that the site lies within a 'peripheral and/or less accessible urban location' as defined within the Apartment Guidelines. The Guidelines state that such locations are generally suitable for limited, very small-scale (will vary subject to location), higher density development that may wholly comprise apartments, or residential development of any scale that will include a minority of apartments at low-medium densities (will also vary, but broadly <45 dwellings per hectare net)..

10.2.12. In relation to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), I am of the view that the site can be defined as an 'Outer Suburban/Greenfield Site'. These may be defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities. Studies have indicated that whilst the land take of the ancillary facilities remains relatively constant, the greatest efficiency in land usage on such lands will be achieved by providing net residential densities in the general range of 35-50 dwellings per hectare and such densities (involving a variety of housing types where possible) should be encouraged generally. Development at net densities less than 30 dwellings per hectare should generally be discouraged in the interests of land efficiency, particularly on sites in excess of 0.5 hectares.

10.2.13. Objective HP08 of the Development Plan seeks to ensure that density of residential development is appropriate to the location of the proposed development and will have regard to the density of existing development, the proximity of the site to town

centre or public transport nodes, the availability of existing services as well as Section 28 Guidelines - Sustainable Residential Development in Urban Areas (2009).

- 10.2.14. Objective HS 22 of the Town Plan requires diversity in the density of development and in the form, size and type of dwelling within residential areas. Table 1 of Section 11.2.1 'Residential Density' sets out that areas zoned Low Medium Density (green-field/edge of town) will have maximum density of 10-17 dwelling units per hectare, with a provision that densities in excess of the upper limits will be considered on their merits.
- 10.2.15. The Planning Authority have not objected to the density proposed. Elected members have expressed the view that the size and scale of the development may be excessive. Observer submissions have expressed similar concerns in relation to the density proposed.
- 10.2.16. I note the density exceeds that set out in Table 1 of the Town Plan, although the Planning Authority have not objected to same, nor have they considered the breach a material contravention of the Town Plan. I am of the view that there is sufficient flexibility within the Town Plan to allow for densities over and above that set out in Table 1. However, given that the density is twice that set out in the Town Plan, I would advise the Board that the density may be considered a material contravention of the Town plan and, as such, if the Board is minded to grant, they should do so having regard to the provisions of Section 37(2)(b) of the Planning and Development Act 2000 (as amended).
- 10.2.17. In relation to the merits of the density proposed, the principle of the proposed density is in line with overarching Section 28 Guidelines, although I note it is at the lower end of the density parameters cited above. It is within walking and cycle distance of the town of Enniscorthy and pedestrian and cycle links are proposed under this application (the merits of which I have discussed below). As such, a higher density than prevailing is considered to be appropriate, having regard to the need to develop such sites at a sufficient density,

### 10.3. **Traffic and Transportation**

- 10.3.1. The Planning Authority submission, in relation to Transport Issues, is satisfied that there the proposal is acceptable and have raised no road safety concerns. The

existing poor visibility on Carleys Bridge Road and lack of a footpath on same is noted, and it is stated that this road is considered to be very hazardous for pedestrians and cyclists. It is stated that proposed alternative route through Millbrook estate to the north would most likely be shorter and safer for most residents. However, in relation to same, the Planning Authority have recommended that this link be omitted, as despite the acknowledged improvements in permeability, it is set out that link would require new footpaths, cycle lanes and lighting in the adjoining estate which have not been agreed with Wexford County Council. It is stated that such an omission would be consistent with previous permission on the site, specifically PA Reg Refs 20180818/9. In relation to parking, it is stated that the quantum is consistent with Wexford County Development Plan standards. In relation to the impacts on the surrounding road network, it is stated that, subject to road improvements, the Planning Authority are satisfied that the proposed development will not result in under adverse traffic impacts. A special contribution of €180,000 towards a public footpath on Carleys Bridge Road is recommended. In relation to the proposed link road, it is stated that this road will deliver linkages to adjoining lands.

- 10.3.2. Observer submissions have raised concerns over the proposed pedestrian/cycle link and state that the Board should consider an alternative. Other concerns relate to the potential for cars to parking in surrounding residential estate, as well as the loss of a car parking space as a result of the introduction of the proposed pedestrian/cycle link cycle. It is also stated that the existing road (Carley's Bridge Road) is dangerous with a blind spot near the proposed development entrance/exit point, which is located within the 80kph zone. It is stated that there are no sightlines available at the site exit and the proposed traffic light system is not an acceptable method of overcoming this problem. Lack of proposed footpath provision for future occupiers is cited and it is stated that there is no footpath from the proposed site exit to the existing Carley's Bridge footbridge. It is stated that access to the development during floods will not be possible and that the steep incline of the site will impact on accessibility.

#### Development Plan and Town Plan Road/Footpath/Cycle Proposals

- 10.3.3. The Town Plan includes a roads objective for a link road connecting Carley's Bridge Road with Munster Hill, to the south-east of the site (Map No. 2 refers). The link road also includes a spur that links to the southern extent of the Daphne View Housing Estate. There is no explicit reasoning behind this particular roads objective although



the submission from the Planning Authority has stated that it will provide for future linkages with adjoining lands to the east. The proposal is part delivering this roads objective, and the Planning Authority support the provision of same. I am satisfied the delivery of same is in line with the roads proposal as set out in the town plan and will facilitate additional linkages to the residentially zoned lands to the east of the site.

10.3.4. Map No. 2 of the Town Plan indicates proposed footpath provision to the west of the site along Ross Road and Carley's Bridge Road (Labelled 'No. 7 Ross Road') and Specific Objective T11 of the Town Plan seeks to provide and improve public lighting and footpaths at a number of locations, including the Ross Road. The proposal is delivering a portion of same (see discussion below).

10.3.5. There does not appear to be any specific proposals to improve the cycle network on existing roads in proximity to the site, although Policy TM 7 of the plan seeks to develop cycle routes from the principle residential areas surrounding the town to the town centre (Objective CW3 seeks to provide same also). Policy CW4 seeks to provide cycle corridors on all new roads as identified on Map 2, and the proposal has provided these on the proposed new link road.

#### Public Transport

10.3.6. In terms of public transport, I am not of the opinion the site is well served by public transport, with the nearest bus services operating from the town centre, with the nearest stops located approximately 1.7km to the east of the site, serving Bus Routes 740 (Wexford to Dublin City Centre) and 376 (Wexford to Carlow) and Local Link Routes No's 368 (Tullow to New Ross) and 369 (Bunclody to Enniscorthy). The nearest rail services are located approximately 2km to the east of the site at Enniscorthy Rail station. This is on the Dublin Connolly to Rosslare Europort route which has 5 no. services towards Rosslare Europort and 4 no. services towards Dublin Connolly Station during weekdays.

#### Pedestrian Infrastructure on Carley's Bridge Road

10.3.7. Section 3.3 of the Design Manual for Urban Roads and Streets considers permeability and legibility and states that *inter alia* designers should maximise the number of walking and cycle routes between destinations. Criteria 2 of the Urban Design Manual (the companion document to the Guidelines for Planning Authorities

on Sustainable Residential Development in Urban Areas 2009 ) considers connections and notes that attractive routes should be provided for pedestrians and cyclists and that proposals should prioritise the pedestrian and cyclist in the layout and design of the public realm.

- 10.3.8. While the site is located approximately 1km from the town (as the crow flies) the existing road, cycle and pedestrian connections are poor, with no existing pedestrian facilities linking the site to the town centre or to adjacent areas, and the existing road has relatively poor forward visibility in the vicinity of the site, with poor sightlines in from the existing site entrance. As part of the proposed development, it is proposed provide a new 2m metre wide footpath adjacent to the site frontage on the southern side of Carly's Bridge Road is proposed, which will terminate at a new raised table. The 39m long raised table is proposed to be located on the public carriageway, adjacent to the entrance to a small residential development on the northern side of Carly's Bridge Road known as Potters Way. The submitted Traffic and Transport Assessment (TTA) states that the raised table is designed to both calm traffic and allow for pedestrians to cross Carly's Bridge Road at this location, where it will tie into a new 100m long, 1.8 metre wide pedestrian footpath on the northern side of Carly's Bridge Road, which will in turn connect with an existing footpath on Carly's Bridge Road. The raised table is some 39m in length, with no footpath on either side until it reaches the proposed new footpath on the northern side of the road. I have serious concerns in relation to this arrangement, both in relation to the principle of a raised table in place of a dedicated pedestrian walkway, and in relation to the nature and alignment of Carley's Bridge Road, at, and close to, the point where the raised table is to be located. In relation to the principle of the provision of an extended raised table on a public roadway, I do not concur that this is an acceptable solution to pedestrian connectivity, and the arrangement effectively forces pedestrians onto a public highway for some 39m. While the raised table may result in traffic slowing down on approach to same, the need for such calming measures raises concern in itself. The length of the raised table is such that traffic may then increase speeds once it is being traversed. Essentially, the provision of same is not an acceptable substitute for a dedicated walkway and would set an undesirable precedent for similar sites where connectivity is limited or non-existent. While I note the Planning Authority have not objected to the provision of same, there is no technical

Transportation Report on file which is unfortunate. In relation to the particular characteristics of this road, I am of the view that traffic approaching the raised table from the south-west along Carley's Bridge Road will have limited visibility of the full extent of the raised table due to the elevation of the road, with the raised table located close to the brow of the hill. Visibility is further restricted by the road alignment as one approaches from this direction, as the curved nature of the road limits views towards this raised table, although it is acknowledged that this visibility will somewhat improve with the removal of the hedgerow on the western boundary of the site. However, traffic approaching from the other direction, from the north-east, would also have limited visibility towards the raised table, due to the fact the road dips at, or near to, the location of same. Such limited forward visibility from both directions raises serious road safety concerns for pedestrians, in my view. While the TTA notes that pedestrian desire lines will be via the proposed pedestrian link to Millbrook Estate (the merits of which I have considered below), it is somewhat inevitable that pedestrians will also utilise the pedestrian walkway and the raised table along Carley's Bridge Road, especially those future occupiers located at the western extent of the site. The Stage 1 Road Safety Audit (Appendix E of the TTA) has not considered the safety or otherwise of this element of the proposed development, which is unfortunate.

10.3.9. Appendix H of the TTA includes letters of consent that relates to the proposed works to Carley's Bridge Road, and included in Appendix H is an alternative proposal for the footpath provision on Carley's Bridge Road, which indicates a far more limited extent of the raised table, with additional footpath provision on the northern side of Carley's Bridge Road (Drawing No. 2020 C543\_1/1 v1.5 – dated 13/01/2021). To my mind, this is a far more preferable solution to the issue of connectivity along Carley's Bridge Road, but it is not one that is before the Board, and there is no discussion within the application documents as to why this alternative proposal has not been pursued. I am somewhat reluctant to suggest a condition in relation to providing same, given that there may be a fundamental barrier to its delivery, that has not been articulated in the application documentation and hence that the Board is not aware of, and hence such a condition may not be implementable.

10.3.10. I do acknowledge that the proposed arrangement is somewhat of an improvement over the previously proposed arrangement that has been previously before the

Board (Wexford Co. Co. Ref 20180818/ABP Ref 303797-19 & Wexford Co. Co. Ref 20180819/ABP Ref 303839-19 – which were both refused for the reasons set out in Section 6 of this report) where it would appear that only a limited footpath provision on Carley’s Bridge Road was proposed, that essentially terminated on the opposite side of the road to the Hillside Pottery building and did not form a complete link to an existing footpath. However, in my view the arrangement proposed here is unacceptable on road safety grounds, for the reasons as set out above, and in my view constitutes a reason for refusal of the application (see also conclusion of this Section and Recommended Reason for Refusal in Section 14).

#### Proposed Pedestrian/Cycle Link to Millbrook Estate

10.3.11. Criteria 2 of the Urban Design Manual also considers links to existing movement routes and to places people want to get to. In this regard, a new pedestrian/cycle link is also proposed through the Millbrook housing estate to the east. A Letter of Consent in relation to the proposed link is referred to in the TTA. I note that this is a letter (Appendix H of the TTA and dated 17<sup>th</sup> September 2021) is not supported by an accompanying map. However the submission from the Planning Authority has not raised any consent issues in relation to the link and as such it is assumed that the applicant has the authority to propose and deliver this link, notwithstanding the concerns raised by observer submissions in relation to the validity of this letter. The Planning Authority acknowledge that this proposed route through Millbrook estate would most likely be shorter and safer for most residents. Notwithstanding, the Planning Authority have requested that this link be omitted from the proposal, as the linking of same to the pedestrian infrastructure within the Millbrook Estate would require new footpath and cycle lanes in the adjoining estates which have not been agreed with Wexford County Council.

10.3.12. The vast majority of observer submissions highlight this link as the major concern, and it is set out that it will attract anti-social behaviour and is unnecessary. It is also set out that the existing pedestrian and cycle facilities in the Millbrook Estate and other adjoining estates are insufficient to cater for the proposed new development.

10.3.13. In relation to same, I am of the view that the Planning History of the site is of some relevance in this instance, and the applicant’s Planning Report has set out details of same. Under Appeal Ref PL26.303839 (WCC Reg Ref 20180819) (for 90 units ), the

Board refused permission on the site for 3 no. reasons, the second reason for refusal refers to the proposed siting of a crèche which would remove the potential for pedestrian connectivity to the Millbrook Estate, and therefore militate against the provision of sustainable transport connections. As such it is apparent that such a link was previously considered favourably by the Board, despite the application ultimately being refused.

10.3.14. Section 3.3.3 of the Design Manual for Urban Roads and Streets (DMURS) considers 'Retrofitting' of additional links to existing neighbourhoods, and while highlighting the benefits of same, recognises that retrofitting connectivity can be problematic, and that the dendritic nature of some street patterns can mean that connection opportunities are limited. It is stated that, rather than seeking to retrofit a fully permeable network (i.e. maximising all connections), the focus should be on key desire lines where the maximum gain can be achieved through the minimum amount of intervention. It is further stated that links should be short, overlooked and well lit to mitigate anti-social behaviour.

10.3.15. Of overriding importance, however, is that this proposed pedestrian link provides the only complete link to the town centre, albeit it via a somewhat circuitous route through the Millbrook Estate. I am of the view that desire lines from the units located to the north and east of the site would be via this new link to access the town centre. I do not share the view that the link would result in anti-social behaviour, notwithstanding the concerns raised by observer submissions in relation to existing pedestrian links between estates. The other examples of pedestrian linkages between estates appear to be narrow laneway links, where passive surveillance is non-existent. In this instance the route is overlooked by proposed Blocks 5, 6 and 8 and is well lit, as demonstrated by the public lighting plans submitted with the application, and I am not of the view that it has potential to result in anti-social behaviour. I am not of the opinion that the existing pedestrian infrastructure is so poor within the adjoining estates so as to warrant the removal of this link and the existing footpaths are generally in good condition. While there are no dedicated cycle facilities within the adjoining estates, the layout of the roads is such that traffic speeds are limited, providing an appropriate shared space on the road in line with DMURS. In conclusion therefore, I am of the opinion that the provision of this link is a

positive element of the development and should be retained, should the Board be minded to grant permission.

#### Vehicular Access/Road Improvements

10.3.16. Vehicular access/ egress to/ from the application site is via a new priority controlled access/ egress junction onto Carley's Bridge which is in close proximity to the existing site access which is proposed to be extinguished as part of the development proposals. It is not proposed to provide traffic signals at this location, notwithstanding the submission of an observer.

10.3.17. I note that the existing visibility from both the existing access to the site and the proposed access point is extremely limited, by virtue of the bend in the road, in combination with the existing hedgerow planting. It is proposed to remove the majority of the hedgerow at this location, allowing for the stated visibility to be provided. The TTA sets out that 45 metres of forward visibility are provided in each direction along Carley's Bridge Road, in line with DMURS. However this is dependent the expansion of the 50 km/ h urban speed limit on Carley's Bridge Road, which is currently 80 km/ h immediately to the east of the existing site access junction, by some 50 metres to the west of the proposed new site access junction. . The Planning Authority have not raised any concerns in relation to road safety, and in fact, note the improvements to road safety that result. However, the Planning Authority's submission makes no reference to extension of the urban speed limit zone, and if, and when, it is it is proposed to be implemented. I have concerns in relation to the uncertainty in the delivery of same, and should the 80km/h limit remain in place at its current location, this would render the proposed access/egress point unsafe, with vehicles travelling at speed from the south-west along Carley's Bridge towards the proposed access/egress point, with subsequent implications for road safety. The problem of speeds on this road is highlighted in the Stage 1 Road Safety Audit (Appendix E of the TTA), which notes there is no 60 km/hr transition zoned between the 80 km/hr limit and the 50 km/hr limit.

#### DMURS

10.3.18. Notwithstanding the road safety concerns I have considered above, the internal layout of the development is generally in in with DMURS with a definitive street hierarchy in line with DMURS, with the proposed main road classed as a link street

with the other internal streets classed as local streets. The link street has been provided in a northwest-southeast alignment through the development, the carriageway of which is 6.0 metres wide. This delivery of the link street is a Roads Objective under the Town Plan and will connect Carley's Bridge Road with Munster Hill (when fully completed in future), although under this application it will terminate at the development site's southern boundary. Local access roads (local streets), providing access to dwellings within the development will have a typical carriageway width of 5.5 metres. Shared spaces or 'homezones' have been provided adjacent to dwellings and the creche, with a 4.8 metre carriageway width.

10.3.19. Raised tables are proposed at all junctions along the link road and small corner radii (3 metres) will ensure low traffic speeds at junctions between local roads. Corner radii, carriageway width and junction visibility splays have been designed in accordance with DMURS. 3.0m wide shared pedestrian/cycle facilities have been provided along the main 'boulevard' street, with 2m footpath widths provided within other areas of the site.

10.3.20. In terms of parking, I have discussed the quantum of same below. For the most part, design recommendations in DMURS to reduce the visual impact of parking, such as avoiding perpendicular parking on both sides of a street, to encourage a greater sense of enclosure and ensure that parking does not dominate the streetscape, have been applied i.e. perpendicular car parking will be located adjacent to the eastern side of the link road, with parallel car parking bays located on the eastern side of the road with parallel parking bays located adjacent to the western side of the road.

#### Car and Cycle Parking

10.3.21. The Planning Authority have raised no objections to the level of car parking proposed and have stated that parking is consistent with Wexford County Development Plan standards.

10.3.22. Observers have raised concerns in relation to the possibility of overspill parking on the surrounding residential estates.

10.3.23. Section 18.29.7 'Car Parking Standards' set out that parking provision at the rates set out in Table 39 should be incorporated within the design of development proposals. Table 39, in relation to residential and creche proposals, set out the following standards:

- House – 2 per house
- House (Town Centre Locations) – 1.5 per house
- Apartment – 1.5 per apartment
- Creche – 1 space per 4 children and 1 space per employee

10.3.24. The proposed crèche is designed to cater for 44 no. children with 10 Staff (as set out in the TTA). This would require a provision of 21 spaces, with an approximate provision of 6 spaces for staff (based on HSE Guidelines and assuming a range of ages are provided for within the creche).

10.3.25. The site is within the boundaries of Enniscorthy Town, but it is not a town centre location. As such, a strict application of the standards in the Development Plan, would require a total parking provision of 403 no. spaces. In this instance, the TTA has set out the proposals for car parking within the site. Surface car parking is proposed, with a total of 352 no. car parking bays (301 no. standard bays, 48 no. ev charging bays and 3 no. disabled bays). No parking for the crèche is proposed. The car parking bays are proposed to operate in a shared-use arrangement. The quantum of parking represents a ratio of 1.51 bays per dwelling, which the TTA acknowledges is below the standards as set out in the Wexford County Development Plan 2013-2019. The TTA makes the assumption that 2 no. spaces would be used by each house (106 spaces), 1 no. spaces by each apartment (180 no. spaces) and the remaining spaces utilised for visitor and crèche parking. It is stated then the parking provision is line with that set out in the Apartment Guidelines (2020), which suggests 1 space per apartment unit, with one per 3-4 apartment units for visitors.

10.3.26. In relation to the quantum of parking proposed, I note that the provision of 352 no. spaces is below the standard of approximately 403 spaces as set out in the plan. However I am not of the view that the shortfall is material. Notwithstanding I note the car parking provision is a standard rather than a policy or an objective of the statutory plan, and non-compliance with same does not constitute a contravention, let alone a material contravention of the statutory plan (see discussion in Section 10.14 below). The Planning Authority is satisfied with the level of parking provision. In relation to the acceptability of the quantum proposed, I am satisfied that the overall provision is sufficient for the nature of the proposal, and its location relative to the town of Enniscorthy. I am of the view that the demand from the crèche would be



limited, given the quantum of existing and proposed housing within walking distance of same. The pedestrian link to the town centre would serve to reduce reliance on the private car, reducing overall parking demand. I am of the view that overspill parking is unlikely, as sufficient parking has been provided within the proposed development. Furthermore, I am of the view that parking within the surrounding estates would not necessarily be convenient for occupiers of the unit proposed here. However, should overspill parking become an issue, the planning authority have the option of introducing more restrictive parking measures within surrounding estate to control same.

#### Cycle Parking

10.3.27. Section 18.29.5 of the Development Plan states that apartment complexes will be required to provide communal cycle storage facilities, although a standard is not set out. The Apartment Guidelines set out that a general minimum standard of 1 cycle storage space per bedroom shall be applied. Visitor cycle parking shall also be provided at a standard of 1 space per 2 residential units. This would require a provision of 356 for the occupants of the apartment duplex units and 90 spaces for visitors, a total of 446 no. spaces. It is proposed to provide 497 no. cycle parking spaces as part of the development. These are made up of 407 no. long-stay cycle parking spaces (203 no. 'Sheffield' style stands) and 90 no. short-stay cycle spaces. This provision exceeds Apartment Guideline standards.

#### Impacts on the surrounding road network.

10.3.28. The TTA has considered the impact of the development proposal on the following 3 no. junctions:

- 3-arm priority-controlled Site Access/ Carley's Bridge Road Junction;
- 4-arm Ross Road/ Andy Doyle Close/ Carley's Bridge Road/ Gort Na Gréine Roundabout; and
- 3-arm priority-controlled R744/ Carley's Bridge Road Junction.

10.3.29. Three no. assessment years are considered, namely base year 2020, year of opening (assumed to be 2022) and a horizon year (year of opening +15 – 2037). A 'do-nothing' and 'do-something' scenarios are considered, with central growth factors assumed (with reference to the appropriate guidance document - Transport

- 10.3.30. Utilising the TRICS database (for a slightly larger draft scheme of 269 units rather than the currently proposed 233 units), expected AM and PM peak traffic generation from the proposed development is set out, with the AM peak generating 39 inbound movements and 90 outbound movements, with the PM peak generating 65 inbound and 42 outbound movements. Trip distribution has been derived from the traffic survey data, although for the R744/ Carley's Bridge Road Junction survey data was not gathered due to Covid 19 restrictions in force, and traffic impacts on this junction were estimated using existing traffic survey data. Impacts on this junction were concluded to be moderate, with an increase in 16 PCUS in Carley's Bridge Road traffic during the PM peak hour by the 2037 opening year (when compared to the do nothing scenario), a 9% increase in traffic
- 10.3.31. For the remaining two junctions referred to above, utilising industry standard PICADY/ARCADY junction modelling, for both junctions considered it is shown that sufficient capacity to accommodate the development, at both year of opening (2022) and at the +15 Horizon Year (2037).
- 10.3.32. Having regard to the conclusions of the TTA, I am satisfied that any impacts on the surrounding road network will be acceptable, in terms of additional traffic volumes.

#### Conclusions on Traffic and Transport

- 10.3.33. The existing site is poorly connected with the town of Enniscorthy, with no footpath provision on either side of Carley's Bridge Road in the vicinity of the site. While the applicant has sought to improve this connectivity, by the provision of new footpaths along the southern and northern side of Carley's Bridge Road and the connection of same via a raised table, I am of the view that this provision is not acceptable on road safety grounds, both in principle, and having regard to the particular characteristics of Carley's Bridge Road at this location, where forward visibility along the road is limited, by virtue of the variable horizontal and vertical alignment of the road. Furthermore, the provision of a vehicular access/egress at a location close to an existing 80km/h speed limit zone, without sufficient reassurance in relation to the proposed altering of this speed limit, raises further road safety concerns in relation to vehicles exiting and entering the site in a safe manner. As such, it is recommended

that the Board refuses permission on the basis that the proposed development would endanger public safety by reason of a traffic hazard.

10.3.34. However, should the Board require further clarification on the issues of concern raised above, i.e. in relation to footpath provision on the Carley's Bridge Road, and in relation to the proposed access/egress point, the option of holding a limited agenda Oral Hearing is also open to the Board, as per Section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016, which provides that the Board may in its absolute discretion hold an oral hearing, and in making its decision, shall have regard to the exceptional circumstances requiring the urgent delivery of housing, as set out in the Action Plan for Housing and Homelessness. It is set out that the Board shall only hold an oral hearing if there is a compelling case for such a hearing.

#### 10.4. **Design and Layout/Mix**

10.4.1. The proposal consists of 21 no. duplex and apartment blocks ranging in height from 3 to 4 no. storeys (a total of 180 no. apartment units) and houses which range in height from 2 to 3 storeys. A single storey crèche building is located to the north of the site.

10.4.2. Section 11.2.3 of the Town Plan states that the design of dwellings in residential estates should bear a relationship to the nature, scale and form of the existing and adjacent built fabric.

10.4.3. The applicant has submitted a number of documents relating to the design, layout and visual appearance of the development including an Architectural Design Statement, a Landscape Architecture Design Rationale Report and a Photomontages and CGI document. Further justification for the design and layout of the proposal is also set out in the Planning Report. The Design Statement evaluates the proposal against the criteria in context of the 12 design criteria set out in s.28 Urban Design Manual – A Best Practice Guide and it is stated that the proposal complies with same. In relation to the criteria set out the Urban Design Manual, I have evaluated the proposal in relation to same below.

*Criteria 1 Context – How does the development respond to its surroundings?*

10.4.4. The site is an edge of town site, and lies to the west of established suburban style housing estates (Urrin Valley, Millbrook) which consist mainly of two storey dwelling

semi-detached dwelling houses). The layout of the proposal is generally in keeping with the surrounding development style, and in keeping with the layouts of housing estates generally, although the height of the buildings are higher than the immediately surrounding developments, with some of the buildings being 3 to 4 storeys in height. The higher elements are generally confined to those areas which are set away from the surrounding residential development. As such I am of the view that sufficient reference has been had to the immediate context of the site.

*Criteria 2 Connections - How well connected is the new neighbourhood?*

10.4.5. I have considered this issue of existing and proposed connections in Section 10.3 above and I refer the Board to same.

*Criteria 3 Inclusivity - How easily can people use and access the development?/*

*Criteria 9 Adaptability How will the buildings cope with change?*

10.4.6. The proposal provides a wide range of dwelling types facilitating a wide range of potential occupiers. The development has been designed to be compliant with Part M of the Building Regulations and 'Building for Everyone: A Universal Design Approach' with regard to accessibility. The proposed housing mix is as per the table below

<b>Unit Type</b>	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>	<b>Total</b>
House	-	-	45 (19.31%)	8 (3.43%)	<b>53</b>
Duplex	-	27 (11.59%)	63 (27.04%)	-	<b>90</b>
Apartment	72 (30.9%)	13 (5.58%)	5 (2.15%)	-	<b>90</b>
<b>Total</b>	<b>72</b>	<b>40</b>	<b>113</b>		<b>233</b>

10.4.7. In terms of adaptability, the broad range of units within the site allows for upsizing and downsizing while retaining community links. 53 of the houses have been provided with rear gardens will allow for future extensions, with the housing units providing for smaller rooms on the upper levels suitable for home offices.

10.4.8. *Criteria 4 Variety - How does the development promote a good mix of activities?*

Given the nature of the proposal as a Strategic Housing Development, the proposal is by definition limited in terms of the mix of uses that can be provided. However, a crèche of 290 sq. m, has been provided, as well as large public park with play areas, and a variety of other open spaces, Overall, therefore a good mix of activities has been provided.

10.4.9. *Criteria 5 Efficiency - How does the development make appropriate use of resources, including land?*

I have considered the issue of the quantum of development, in terms of density, in Section 10.2 above, and have concluded that overall the quantum of development is appropriate for the site context, and makes efficient use of the residential zoned land. The Residential Energy Statement sets out a number of energy efficient measures that have been incorporated into the design, which will ultimately reduce the overall light and heat demand of the finished units. The proposal also provides 48 no. EV charging points.

*Criteria 6 Distinctiveness - How do the proposals create a sense of place?/Criteria 12 Detailed Design - How well thought through is the building and landscape design?*

10.4.10. In relation to the materials proposed, the design statement sets out the approach to same. A mix of brick and render is proposed as the principal elevational materials, with two alternative brick types providing visual interest to the scheme. The use of a range of other materials within the scheme including pressed metal canopies, glass balustrades, stone to the duplex entrances and zinc dormer also add to the visual interest. I have no objection to the materials proposed, and I consider that there are of sufficient quality and draw sufficient reference to the prevailing materials in the surrounding developments. The Design Statement sets out that 3 no. character areas are proposed. Character Area 1 is a higher density area that provides an urban edge onto the proposed Road 1 and which provide passive surveillance over the amenity space to the south. Character Area 2 runs through the centre of the development and consists of a mix of 2 and 2.5 storey semi-detached and terraced dwellings, the height of which has been determined by the existing dwellings along Carley's Bridge Road and within the Millbrook Estate to the north-east. Character Area 3 comprises of duplex and apartment, and is designed to address the communal open spaces and the proposed link to the Millbrook Estate providing

passive surveillance over same. The 3 and 4 storey buildings are set back from the boundaries to the north.

10.4.11. The proposed ground levels of the unit are stepped across the site area to follow the site's contours.

*Criteria 7 Layout - How does the proposal create people friendly streets and spaces?*

10.4.12. The proposed development has been designed to address and provide passive surveillance over the street network and areas of open space. Front doors are directly accessed from the street. Traffic speeds throughout the development are controlled by way of street design with the use of raised tables and reduced radii at corners, as well as the use of homezone areas.

*Criteria 8 Public Realm - How safe, secure and enjoyable are the public areas?*

10.4.13. The proposed development seeks to retain the majority of the existing site boundaries, which are defined by trees and hedgerows. A total of 24,000 sq. m. of public open spaces are proposed to be provided with the scheme and include the Riverside Park area and the proposed green link to Millbrook Estate. Defined play areas are provided within the scheme which are overlooked.

*Criteria 10 Privacy and Amenity – How does the scheme provide a decent standard of amenity?*

10.4.14. I have discussed compliance with this criteria in detail in Sections 10.5 (in terms of neighbouring amenity) and 10.6 (in terms of residential standards). In general however it is consider that the amenity space provided for each unit is sufficient in quality and quantity, and I note that 95% dual aspect units are provided. Duplex units and apartments are provided with private patios, balconies or terraces. Where dual aspect units have not been provided, the majority of single aspect units have been provided with south-west facing private open space. Adequate storage is also provided within each of the units. In relation to boundary treatments, details of same can be sought by condition.

*Criteria 11 Parking - How will the parking be secure and attractive?*

10.4.15. The quantum of parking is discussed in Section 10.3 In terms of compliance with Criteria 11, I note that the proposed car parking will be easily accessible to residents

and that the spaces are overlooked by residents and pedestrians. Quality materials are used for parking areas and secure cycle parking facilities are provided.

### Height

- 10.4.16. Specifically in relation to the heights proposed, I note that national policy on heights, the National Planning Framework supports increases in densities generally, facilitated in part by increased building heights. It is set out that general restrictions on building heights should be replaced by performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth (NPO Objectives 13 and 35 refer). The principle of increased height, such as that set out here, is supported by the NPF therefore, subject to compliance with the relevant performance criteria.
- 10.4.17. In relation to Section 28 Guidelines, the most relevant to the issue of building heights, is the Building Height Guidelines (2018). Within this document it is set out that that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas. (Section 1.21 refers). Furthermore, I note the provisions of Section 1.9 of the guidelines which state that ‘the scope to consider general 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’.
- 10.4.18. Section 3.2 of the Guidelines set out development management criteria to be applied when assessing development proposals for buildings taller than prevailing building heights. SPPR 3 of the Height Guidelines states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 of the guidelines, then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. However, in this instance, there is no restriction within the Development Plan in relation to the heights proposed here and the Planning Authority have not objected to the heights proposed. However, given that the 3 and 4 storey heights proposed are generally higher than prevailing building height (which is generally 2 storey housing), the criteria contained with Section 3.2 of the guidelines are an appropriate framework within which to address the issue of height.

10.4.19. At the scale of the town, I have considered the accessibility of the site above, and while the site is not well served by public transport, it is within walking distance of Enniscorthy Town Centre. The accessibility of the site is poor as existing, although the proposed pedestrian link through Millbrook improves same, as would an appropriate pedestrian provision on Carley's Bridge Road (though not necessarily that proposed under this application, noting my safety concerns in relation to same). In relation to impacts on architecturally sensitive areas, on key landmarks and on key views, I note the Planning Authority have not raised concerns in relation to impacts on any specific ACA, Conservation Area or on any Protected Structures. The application is accompanied by a Cultural Heritage Assessment Report. This considers local history, archaeology and architectural heritage. I have consider the impacts on archaeological heritage in Section 10.10 below. The report notes that there are a number of ruinous outbuildings located in the northern area of the site. It is stated that they are former agricultural buildings, relatively modern in origin.

10.4.20. Section 6 of the report sets out the impact on architectural heritage. There are no Protected Structures on the site or within the defined study area. There are 5 no. structures listed on the National Inventory of Architectural Heritage (NIAH) within the defined, which consists of various structures, including Carley's Bridge, all at distances between 141m and 174m from the site, and all located to the west of the proposed development site. The report concludes that, given the distance from these structures to the development site, there will no impact on architectural heritage. I concur with the conclusions of same and agree that no impact is possible given the separation distance from the site to the structures above.

10.4.21. While the proposal is not accompanied by a landscape and visual impact assessment, I am of the view that there is sufficient information on file, including but, not limited to, the Architectural Design Statement and the 3D Views Booklet, to allow an informed assessment of the application. Volume 3 of the Development Plan sets out a Landscape Character Assessment and is supported by Map No. 13 'Landscape Units and Features'. Objectives L01, L02, L03, L04 and L09 of the Development Plan are of relevance to this application and in general state that the council will have regard to the Landscape Character Assessment and associated map, and will seek to ensure that developments are designed having regard to the landscape in which they site and should ensure any visual impacts are minimised.



The site lies within the 'Lowlands' Character Area which in general is considered to have characteristics which provide it with a higher capacity to absorb development without significant visual intrusion. The Planning Authority has not raised any concerns in relation to the impacts on the landscape, or visual impacts generally. I note that an observer has cited the visual impact of the proposal when viewed from longer distances, including when viewed from the R744 to the south-west of the site. I concur that there will be some longer distance views towards the development site from the R744, as well as shorter views from the surrounding road network and surrounding residential estates, although, given that much of the site lies at a lower elevation than the housing estates to the west, the visual impact is reduced. I note the designation of the site as a less sensitive 'Lowlands' character with greater ability to absorb development. While there will be a visual impact from both longer and some shorter views, I am not of the opinion that this will be negative. The development will read as an extension to the existing housing developments to the west of the site. In addition, the retention of the majority of the hedgerows and trees on the site, and the incorporation of the large riverside public park, will soften the visual impact on the landscape.

10.4.22. At the scale of the district/neighbourhood/street, I am of the view that the proposal responds well to the context of the site, and provides a positive contribution to the creation of streetscapes along the main proposed distributor road running through the site (Road 1) and along Carley's Bridge Road. On the immediate boundary with the Millbrook Estate, the majority of the houses are two storey in height (with accommodation at roof level), and due to the lower elevation of the development site, the ridge height of same is slightly lower than the ridge height of the houses at Millbrook. There is a separation distance of some 21m to the properties at Millbrook, In relation to the 3 and 4 storey Apartment and Duplex Buildings, while higher than neighbouring single storey and 2 storey dwellings, they are not dominant in appearance. Proposed building 7 for example, is 3 storeys in height, but due to the lower level of the site, the ridge height of same is 29.6 m OD, with the ridge height of the properties at Millbrook being 28.3m OD. Where greater ridge heights are proposed, for example the 4 storey building to the immediate north-west of the pedestrian link to Millbrook (proposed building 8), the ridge height is 31m OD, and the separation distance to the nearest property is some 50m. In relation to the part 3

part 4 story buildings to the north of the site (proposed blocks 10 and 13), to the south of the existing properties on Carley's Bridge Road, the elevation of the site is such that, despite the additional height over and above the existing prevailing one and two storey heights, these buildings only have a slightly greater ridge height (32m OD) than the existing property on Carley's Bridge Road (29.4m OD). They are also set back from these properties by at least 35m. The majority of the four storey structures are on the lower elevations of the site, along the proposed link road. In conclusion then, I am satisfied that the height strategy pursued on the site has had sufficient regard to its context.

10.4.23. In relation to the materials proposed, the design statement sets out the approach to same. A mix of brick and render is proposed as the principal elevational materials, with two alternative brick types providing visual interest to the scheme. The use of a range of other materials within the scheme including pressed metal canopies, glass balustrades, stone to the duplex entrances and zinc dormer also add to the visual interest. I have no objection to the materials proposed, and I consider that there are of sufficient quality and draw sufficient reference to the prevailing materials in the surrounding developments.

10.4.24. Criteria 3.2 sets out that, at the neighbourhood scale, proposals such as these are expected to contribute positively to the mix of use and building dwelling typologies, I have considered the mix and building typologies below in section 10.5, and I have concluded the proposal complies with this criteria.

10.4.25. While the principle of the proposed heights are acceptable, further criteria to be considered within Section 3.2 include the need to ensure that the massing and height of the proposed development is carefully modulated so as to maximise access to natural daylight, ventilation and view and minimise overshadowing and loss of light, with appropriate and reasonable regard taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out. I have set out my assessment of the internal amenity of the proposed units, as results to daylight and sunlight in Section

10.5 below, and I am satisfied that a sufficient standard of daylight and sunlight would be provided to the units. I have considered the issue of overshadowing of proposed amenity spaces in Section 10.5 below. I have considered the issues of surrounding residential amenity, in relation to overshadowing, daylight and sunlight in Section 10.6 below, and I am satisfied that there will be no significant adverse impact on surrounding residential amenity, as relates to daylight, sunlight and overshadowing impacts.

10.4.26. In relation to specific assessments, the Guidelines require that such assessments may be required, and refer to an assessment of the micro-climatic effects of the proposed development. In relation to same, I am not of the view that the height is such that any specific technical assessments such as wind study or telecommunications study is required nor are the heights, at a maximum of 4 storeys, such that at a specific bat or bird collision study/assessment is required.

#### **10.5. Residential Amenities/Residential Standards**

10.5.1. The submission from the Planning Authority sets out that the mix of house types and sizes are acceptable. The Planning Authority are also satisfied that sufficient open space has been provided.

10.5.2. Observer submissions have questioned the appropriateness of the residential mix and state that the housing type is more suitable for a city location than a small town, and that the units will be purchased by investors which will erode the sense of community. It is also stated that there is insufficient play space for children.

10.5.3. I have considered the issues raised above in my assessment below.

#### Daylight and Sunlight to the proposed units

10.5.4. The applicants have submitted a 'Daylight & Sunlight Assessment' (dated September 2021). This considers daylight and sunlight impacts to existing dwellings (see consideration of same in Section 10.6 below) and daylight provision to the proposed units.

#### Daylight

10.5.5. In relation to daylight, I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in

the development. Sections 6.5 to 6.7 of the Sustainable Urban Housing: Design Standards for New Apartments (December 2020) also contain similar requirements as relates to daylight provision. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. Section 1.6 of the BRE 209 Guidelines states that the advice given within the document is not mandatory and the aim of the guidelines is to help, rather than constrain the designer. Of particular note is that, while numerical guidelines are given with the guidance, these should be interpreted flexibility since natural lighting is only one of many factors in site layout design, with factors such as views, privacy, security, access, enclosure, microclimate and solar dazzle also playing a role in site layout design (Section 5 of BRE 209 refers).

10.5.6. The BRE 209 guidance, with reference to BS8206 – Part 2, sets out minimum values for ADF that designers/developers should strive to achieve, with various rooms of a proposed residential unit, and these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well-daylit living room. This BRE 209 guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. However, Section 5.6 of the BS8206 – Part 2: 2008 Code of Practice for Daylighting states that, where one room serves more than one purpose, the minimum average daylight factor should be that for the room type with the highest value. For example, in a space which combines a living room and a kitchen the minimum average daylight factor should be 2%.

10.5.7. The application is accompanied by a Daylight & Sunlight Assessment Report, which considers *inter alia* the daylight achieved to the proposed units. A total of 501 no. rooms were assessed, of a total of 851 no. rooms, with a 2% AND a 1.5% target applied to the Kitchen/Living/Dining Areas. Of the rooms assessed, there was 100% compliance with the BRE guidelines, when both targets were used. In relation to the apartment units, while the entirety of the rooms within each of the blocks have not been analysed, the ground, first and second floors of the 4 storey blocks have been considered, and these achieve BRE standards. I am satisfied that the upper floors will also achieve BRE targets. Each of the various house types (A to F) have been

considered and it is shown they comfortably achieve BRE targets. The general orientation of the units is similar and I am satisfied that the results would be replicated across of the units, notwithstanding that only one example of each unit type has been assessed.

### Sunlight

- 10.5.8. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. The APSH criteria involves an assessment of the level of sunlight that reaches the main living room window to determine the number of windows with an APSH level greater than 25% on an annual basis or 5% on a winter basis. The submitted assessment does not provide analysis in this regard; however, I note that the Building Height Guidelines do not explicitly refer to sunlight in proposed accommodation. The Building Height Guidelines state in criteria 3.2 that 'The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light'. Therefore, while daylight and overshadowing are explicitly referenced, there is no specific reference to sunlight, and reference is only to daylight, overshadowing or more generally 'light'.
- 10.5.9. While there is no analysis provided, I note the orientation of the proposed units, which are generally south-west/north-east in orientation, which, in my view, will allow sufficient access to sunlight for the majority of the units. Overall, given the orientation of the proposed blocks, I am satisfied that the acceptable levels of sunlight will be achieved to most living rooms in the proposed development in recognition of BRE criteria.

### Sunlight to Proposed Amenity Spaces

- 10.5.10. The BRE Guidelines recommend that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of it should receive at least two hours of sunlight on March 21st. The report considers sunlight to 13 no. proposed amenity areas within the scheme, with all of the areas being well above the recommended 50% target set by BRE, with the low value achieved being amenity area 7, of which 84.8% of the area is capable of receiving 2 hours of sunlight on March 21<sup>st</sup>. The areas considered are the communal areas to the proposed

apartment/duplex blocks, as well as the proposed areas of public open space to the north of the site. I note that the amenity spaces associated with some of the duplex units have not been analysed, and it would appear that a number of the north-east facing gardens associated the apartment/duplex units in Blocks 9 and 10, and in Blocks 18 and 19 may not achieve the BRE targets (Figure 5.39 of the report refers). However, the majority of the areas of amenity spaces associated with each of the units appear to achieve the BRE standard, and the wider areas of communal and public open space also achieve targets. As such, on balance, the level of sunlight achieved to the proposed amenity areas is acceptable.

#### Conclusion on Daylight, Sunlight and Overshadowing

10.5.11. I note that Criteria 3.2 of the Building Height Guidelines states that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Board can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution.

10.5.12. There are no shortfalls in daylight provision indicated and the proposals meet and exceed BRE standards in relation to same. The majority of the amenity areas achieve targets for sunlight, as is expected with a scheme of this nature, where heights are limited to a maximum of 4 storeys, with the majority of the blocks being 2 and 3 storeys in height.

10.5.13. Having regard to above, on balance, I consider the overall the level of residential amenity is acceptable, having regard to internal daylight provision and sunlight provision to amenity areas, and having regard to the overall levels of compliance with BRE Targets. As such, in relation to daylight provision for the proposed units, the proposal complies with the criteria as set out under Section 3.2 of the Building Height Guidelines, and provides a satisfactory level of amenity for future occupiers.

#### Public Open Space/Play Areas

- 10.5.14. A total of 24,000 sq. m. (2.4 Ha) of public open space has been provided, with the larger area of same provided to the south of the site (Riverside Park) and with a smaller area provided within the site and to the north/north-east. Objective TR2 of the Town Plan seeks the provision of a minimum of 2 hectares (5 acres) of public open space per 1,000 population in all housing developments. This would generate an open space requirement of c1.25 Ha (as set out in the submitted Planning Report which applies the national average household size of 2.7 persons). The proposed provision exceeds this requirement.
- 10.5.15. A riparian zone of 15m has been provided along the river bank where no infrastructure or hard landscaping will take place, which is in line with IFI guidance, and exceeds Town Plan requirements of a minimum of 5-10m from the riverbank (Objective NH7 refers).
- 10.5.16. Children's play areas have been provided in line in Objective TR5 of the Town Plan, with smaller spaces (c85-100 sq. m) provided for toddlers, and larger areas of 200-400 sq. m. for older children and teenagers.
- 10.5.17. In relation to communal open space areas, associated with the apartment and duplex units, these are generally located to the north-east of these blocks, and are easily accessible from same, and for the most part, have defined boundary treatment delineating these areas from the more general public realm areas. A total of 2,030 sq. m of communal open space has been provided, standards set out in Appendix 1 of the Design Standards for New Apartments (updated December 2020) (the required provision is 1,252 sq. m).
- 10.5.18. In terms of the quality of open space provided, I am satisfied that the areas of public open space will provide a valuable amenity to the occupants of the development and to the wider area, with a pedestrian link provided through the adjoining housing estate facilitating access to these areas. Appropriate landscaping is proposed, which will enhance the amenity of the open space provided through the site. Communal open spaces are accessible and for the most part, clearly defined, with the quantum of same significantly exceeding required standards.

#### Private Amenity

- 10.5.19. The houses, duplex and apartment units are provided with either a terrace or garden area, or balcony of sufficient size and which meet or exceed standards.

### Dual Aspect

10.5.20. 95% of the proposed apartments within the scheme are dual aspect, in excess of the 50% required by the SPPR 4 of the Apartments Guidelines, for intermediate sites such as this one.

### Mix

10.5.21. I have considered the mix of units in Section 10.3 above and I am satisfied that an appropriate mix has been provided.

### Floor Area

10.5.22. The apartment floor areas meet or exceed the minimum standards provided in Appendix 1 of the Apartment Guidelines.

## 10.6. **Surrounding Residential Amenity**

10.6.1. The vast majority of observer submissions have raised concerns in relation to the potential impacts resulting from the proposed pedestrian/cycle link to the adjoining Millbrook Estate, and such concerns relate to the potential for anti-social behaviour, security concerns and noise impacts from same, and the need for same is questioned by most submissions. Observer submissions have also raised concerns in relation to the impact on the privacy of the Millbrook Estate, and it is stated that overlooking would result from the proposed development, with specific concerns raised in relation to the balconies of Blocks 16 and 17. Noise pollution from the play areas have been raised as a concern. Other concerns relate to the loss of light generally (sunlight, daylight and overshadowing) arising from the proposed development. The need for sufficient boundary treatment is highlighted in some observer submissions.

### Daylight and Sunlight

10.6.2. I note that the criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice' and ask that '*appropriate and reasonable regard*' is had to the BRE guidelines. However, it should be noted that the standards described in the BRE guidelines are discretionary and



are not mandatory policy/criteria and this is reiterated in Paragraph 1.6 of the BRE Guidelines.

- 10.6.3. In relation to existing properties that could potentially be impacted, the BRE guidelines recommend that a proposed development does not reduce daylight levels to a VSC (vertical sky component) to less than 27%, or where this is the case, not more than 0.8 times its former value. The guidelines state that if with a new development in place, the VSC to an existing neighbouring property 'is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.' Therefore, the preservation of a minimum VSC of 27% and reductions to no more than 0.8 times the former value, illustrate acceptable daylight conditions to existing properties. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. This checks main living rooms of dwellings, and conservatories, if they have a window facing within 90o of due south. If with the development in place, the centre of the window can receive more than one quarter APSH, including at least 5% of APSH in the winter months between 21st September and 21st March, then the room should still receive enough sunlight. In relation to overshadowing, BRE guidelines recommend that at least 50% of existing properties rear gardens or other public / communal amenity areas, should receive at least 2 hours of sunlight on the 21st March.

#### Daylight.

- 10.6.4. The applicant has submitted a Daylight & Sunlight Assessment Report which considers *inter alia* daylight and sunlight impacts on existing dwellings, and impacts on adjoining gardens and open spaces. The surrounding properties considered in the report are as follows:

- Properties on Carley's Bridge Road
- Carrigabruce
- Hillgrange, Carley's Bridge
- 1-18 Millbrook
- Sundale, Carley's Bridge
- 13-23 Urrin Valley

- Westlands. Carley's Bridge

10.6.5. It is demonstrated that impacts on VSC levels are all within BRE Guidelines and it is concluded within the report that the effect of the proposed development will be imperceptible, with 195 no. windows considered in total. I note that a number the baseline VSC value to a number of windows (i.e. that value without the development in place) is below 27% but the proposed development does not reduce these values to less than 0.8 times their baseline value, and I am satisfied that impacts on same, and on all of the other windows considered in the report, will be as stated in the report (i.e. imperceptible) and are within BRE targets.

#### Sunlight

10.6.6. In terms of potential impact upon sunlight to existing dwellings windows, the submitted analysis describes those properties assessed, in conformity with the guidelines around considerations of proximity and orientation of a proposed development to existing receptors. I am satisfied that no other properties would require analysis in this regard as no significant impact will occur. The results in the submitted report confirm that all analysed existing windows will meet or exceed target APSH levels described in the guidelines and highlighted above.

#### Shadow Analysis

10.6.7. In relation to overshadowing, the BRE guidelines state that an acceptable condition is where external amenity areas retain a minimum of 2 hours of sunlight over 50% of the area on the 21<sup>st</sup> March. The report considers surrounding amenity spaces and it is demonstrated that impacts are within BRE guidelines.

#### Overlooking/Loss of Privacy/Visual Impact

10.6.8. To the east and north-east of the site, the closest properties to the proposed development site are those at No's 1 to 18 Millbrook, which are set back a minimum distance of 21m from the proposed development. I note that Block 7, a three storey apartment block is some 21m from the rear of No. 3 Millbrook. Other properties at Millbrook are set back at greater distances from the proposed development.

10.6.9. In relation to those properties at Urrin Valley, to the north and north-east of the proposed development, I note that the closes property (No. 16 Urrin Valley) is a distance of 38m from the nearest element of the proposed development, proposed

Block 9. To the north of the proposed development site, there is a group of three no. properties on a private road, set off Carley's Bridge Road, the closest of which (Westlands) is 26m from proposed Block 10, an 3/4 storey apartment block.

10.6.10. To the north-west, there are 2 no. properties which front onto Carley's Bridge Road, and whose rear boundaries border the site (Hillgrange and Sundale). Sundale is a minimum distance of 20m from Block 13, a 3/4 story block. I note there are no directly opposing windows however. Hillgrange is set back at least 30m from proposed Block 13.

10.6.11. There are three residential properties located on the opposite side of Carley's Bridge Road, to the west of the site, the closest of which is a minimum distance of 26m from proposed Block 16, a 2 storey apartment block. The Barn and Workshop associated with Hill View Pottery is located on the opposite side of Carley's Bridge Road, and is set back a minimum of 21m from proposed Block 16.

10.6.12. Having regard to the separation distances above, I am satisfied that in my view to ensure that no material overlooking will result from the proposed development.

#### 10.7. **Ecology/Trees**

10.7.1. The Planning Authority has concluded that the development has taken into consideration the need to protect the mature landscaping and has sought to protect the existing watercourse and riparian habitat by the creation of a linear park. Conditions are recommended in relation to tree protection.

10.7.2. Observer submissions have raised concerns in relation to the loss of hedgerow and impacts on biodiversity generally. It is stated that the hedgerow and trees need to be retained in its entirety as well as reinforced with additional planting. Concerns are raised in relation to the impact on the River Urrin and subsequent impact on Trout and Salmon therein.

10.7.3. The application is accompanied by an Ecological Impact Assessment (EclA), which is supported by a standalone Bat, Otter and Badger Assessment, a Hydrological Impact Report and a Construction Environmental Management Plan. The EclA sets out that a site survey was carried out on June 5<sup>th</sup> 2020 (by the author) with separate mammal surveys carried out in June 2020 by Brian Keeley of Wildlife Surveys Ireland (Otter and Badger surveys undertaken on the 15<sup>th</sup> and 16<sup>th</sup> June 2020). A bat

survey was carried out on two sequential nights (15<sup>th</sup> and 16<sup>th</sup> June 2020). An mammal and wintering bird survey was carried out in January 2021.

- 10.7.4. It is set out that the application site is not within or immediately adjacent to any nationally designated site, such as a Natural Heritage Area or a proposed Natural Heritage Area but it is within 15km of five sites that have been designated as proposed Natural Heritage Areas, with the nearest such site being the Slaney River Valley pNHA (000781), located 911m to the east of the site and 1.4km downstream.
- 10.7.5. The habitats recorded on the site include areas of improved agricultural grasslands (GA1), dry meadows and grassy verges (GS2), hedgerows (WL1), treelines (WL2), drainage ditches (FW4) and depositing lowland river (FW2), with the dominant habitat being improved agricultural grasslands.
- 10.7.6. There are a number of watercourses on the site, including drainage ditches (FW4) along the external and internal site boundaries. The River Urrin forms the western boundary of the application site, and this is a depositing lowland river (FW2). The river at this location is approximately 8m wide. The boundaries of the site to the north, east and south consist of a mosaic of hedgerows (WL1) and treelines (WL2), and it is stated that, overall, treelines and hedgerows are an important feature of the application site and they occur along the majority of site boundaries, as well as along the internal site boundaries. An invasive plant species, Indian Balsam, was noted as occurring extensively along the edge of the River Urrin.
- 10.7.7. In relation to mammals, no definitive signs of otter were determined, with one partial spraint on a rock in the river, which may also have been a mink spraint, given the smaller size of the spraint. No otter or badger sets were noted on the site and no otters were heard or seen during the nighttime survey work. Specifically in relation to bats, a mature oak on the site was determined to be of a very high roost potential, as a species of bat was observed returning to the upper branches, and it may serve as a roost site for other species on other occasions. 4 no. species of bat were noted within the site (roosting and/or feeding) and include the Common pipistrelle, Soprano pipistrelle, Leisler's bat and Daubenton's bat, with 3 no. species entering and departing the site at times that indicate nearby roost sites with other observations indicating nearby roosting or foraging sites. The EclA notes that there are no tree roosts within the trees that will be removed and no building roosts within the site.

10.7.8. In relation to birds, it is stated within the EclA that the subject lands contain suitable foraging, nesting and aquatic habitats, with such habitats suitable for a wide range of amber and red listed species. Observations on site (during the Summer and Winter Surveys) confirmed that that an extensive range of species utilise the site. These are as set out below:

<b>Site provides suitable habitat for:</b>	<b>Summer 2020 Survey Observed/Heard Species</b>	<b>Winter 2021 Survey/Observed Heard Species</b>
<u>Amber Listed Species</u>	Chaffinch	Sparrowhawk Accipiter nisus
Barn Swallow (Hirundo rustica)	Fringilla coelebs	Buzzard Buteo buteo
Common Kestrel (Falco tinnunculus)	Blackbird Turdus merula	Rook Corvus frugilegus
Common Kingfisher (Alcedo atthis)	Blue tit Cyanistes caeruleus	Hooded crow Corvus cornix
Common Starling (Sturnus vulgaris)	Great tit Parus major	Magpie Pica pica
Common Swift (Apus apus)	Jackdaw Corvus monedula	Woodpigeon Columba palumbus
Eurasian Teal (Anas crecca)	Magpie Pica pica	Blue tit Cyanistes caeruleus
	Pigeon Columba livia domestica	Wren Troglodytes troglodytes
	Robin Erithacus rubecula	Chaffinch Fringilla coelebs
	Swallow Hirundo rustica	Greenfinch Carduelis chloris
	Hooded crow Corvus cornix	Bullfinch Pyrrhula pyrrhula
		Goldfinch Carduelis carduelis
		Great tit Parus major
		Coal tit Periparus ater
		Robin Erithacus rubecula
		Blackbird Turdus merula
		Mistle thrush Turdus viscivorus
		Pied wagtail Motacilla alba yarrellii

Eurasian Wigeon (Anas penelope)	Rook Corvus frugilegus	House sparrow Passer domesticus
Great Cormorant (Phalacrocorax carbo)	Sparrow Passer domesticus	Pheasant Phasianus colchicus
House Martin (Delichon urbicum)	Common gull Larus canus	Snipe Gallinago gallinago
House Sparrow (Passer domesticus)	Starling Sturnus vulgaris	Black headed gull Chroicocephalus ridibundus
Lesser Black-backed Gull (Larus fuscus)	Willow warber Phylloscopus trochilus	Herring gull Larus argentatus
Eurasian Woodcock (Scolopax rusticola)	Reed bunting Emberiza schoeniclus	Goldcrest Regulus regulus
Mute Swan (Cygnus olor)		Lapwing (flyover) Vanellus vanellus
Sand Martin (Riparia riparia)		Redwing Turdus iliacus
Spotted Flycatcher (Muscicapa striata)		Starling Sturnus vulgaris
		Grey heron Ardea cinerea
		Dunnock Prunella modularis
		Cormorant Phalacrocorax carbo

<p>Stock Pigeon (Columba oenas)</p> <p><u>Red Listed Species</u></p> <p>Black-headed Gull (Larus ridibundus)</p> <p>Common Redshank (Tringa totanus)</p> <p>European Golden Plover (Pluvialis apricaria)</p> <p>Herring Gull (Larus argentatus)</p> <p>Northern Lapwing (Vanellus vanellus)</p> <p>Yellowhammer (Emberiza citrinella)</p>		
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10.7.9. It is stated that the site would provide some suitable habitat for common frog. A range of invertebrates were also noted during the site visit.

10.7.10. In relation to fisheries, it is noted that a 2014 survey carried out at the closest WFD monitoring point some 14km upstream of the site found brown trout, European Eel

and Salmon. All lamprey species and salmon are protected under the EU Habitats Directive. The Urrin River's WFD fish ecological status was described as good.

10.7.11. In relation to Hydrology, the application site lies within the Slaney and Wexford Harbour Hydrometric Area and Catchment and the Urrin Sub-Catchment and Sub-Basin. The Urrin River runs along the south-western boundary of the site (the EclA erroneously refers to the north-western boundary). The presence of drainage ditches running along the boundaries and running through the site is also noted and it is stated that these drain to the River Urrin. The River Urrin joins the River Slaney approximately 1.4km downstream of the site. The Ecological Status of the Urrin River and its tributaries is 'moderate' as defined by the EPA. 'Good' status must be reached by the end of the current cycle of the WFD. The Slaney River is classed as 'Good'. A sample taken from the River as part of the survey was also analysed and was considered to be of 'Good' status. A large amount of domestic rubbish was noted in the stream, which is a risk to wildlife.

10.7.12. In terms of Ecological Evaluation, the majority of the habitats on the site were considered to be of 'Local Importance (Lower Value)' with 'Well Structured Hedgerow – WL1' and 'Well Structured Treelines' – WL2 having a 'Local Importance (Higher Value)'. The Watercourses (FW2) and Drainage Ditches (FW4) were considered to be of 'County-International' Importance, as the Urrin River is a feature which is essential in maintaining the coherence of the Natura 2000 network.

10.7.13. In terms of potential impacts, those relating to Natura 2000 sites are considered in Section 12 of this report. It is noted that the site is 1.4km upstream of the Slaney River pNHA and any pollution of the River Urrin during construction and operation of the development could undermine the integrity of the pNHA, in the absence of mitigation measures.

10.7.14. The loss of all the grassland habitats will occur within the application site, as well as a proportion of the treelines and hedgerows, including the removal of 163m of hedgerow along Carley's Bridge Road and the removal of the upper section of the mid-site boundary. The removal of same will have an impact on the local biodiversity value with the loss of nesting habitat, potential bat roosts and ecological corridors. The ecological functionality of the drain running through the site will be impacted upon, with the culverting and partial realigning of same.



- 10.7.15. There will be some loss of trees and potential for damage to retained trees and hedges on the site during the construction stage unless properly protected.
- 10.7.16. Pollution of surface waters, during both the construction stage and operational stage, including the drainage ditches and the River Urrin, cannot be ruled out with impacts on water quality, in the absence of mitigation measures. Such pollution would impact on species within the Urrin, including, but not limited to, the protected species of salmon, eel and trout. With reference to the submitted Hydrological Impact Report, impacts on the underlying aquifer were considered to be a low to moderate risk.
- 10.7.17. In relation to disturbance to local wildlife, removal of vegetation during nesting season could result in direct mortality of birds, with local populations of birds disturbed by increases in noise, traffic and human activity. Loss of nesting, roosting and foraging sites for birds are expected also. Impacts on otters and badgers cannot be ruled out, including loss and fragmentation of the commuting and territorial habitats of these species during both the construction and operational stages.
- 10.7.18. Potential impacts on bats are likely to include the loss of potential roosting and hibernating sites due to the removal of mature trees, as well as loss of open habitat for foraging and ecological corridors (used in navigation).
- 10.7.19. During the operational phase, impacts may include disturbance to wildlife, impacts from lighting, including on bats, pollution of watercourses and impacts from inappropriate landscaping including the introduction of non-native and invasive plant species.
- 10.7.20. Cumulative impacts are noted as arising from the development of a number of other housing projects within the Enniscorthy Area, which will cumulatively reduce the open space and habitat availability with the areas, with subsequently cumulative impacts on local bird and mammal populations.
- 10.7.21. Section 6 sets out mitigation and monitoring measures and these included measures related to general good practice and measures to protect terrestrial habitats, which are also set out in the NIS, as well as the EclA. A treatment plan in relation to the invasive species on site should be prepared and adhered to. Measures to protect water quality are also set out and include the maintenance of the 15m buffer zone along the River Urrin, although it is acknowledged that some limited works are necessary, to allow for the installation of drainage pipes from the attenuation tanks

and associated infrastructure for same. Site specific measures are set out in the EclA and within the Construction and Environmental Management Plan, and will be overseen by an appointed Ecological Clerk of Works. These include measures related to the construction of the drainage pipes and associated infrastructure for same. Measures related to the protection of Bats and other mammals are also set out and include lighting controls, provision of bat boxes, appropriate measures and procedures to be followed when tree felling (including obtaining a derogation licence from the NPWS if necessary), provision of wildlife tunnels and ensuring that there is no impact on otter holts constructed within 5 m of the proposed headwall location. Biodiversity enhancement measures are also set out. Monitoring of the bat boxes and the development and maturing of the landscaping is recommended.

10.7.22. Section 7 concludes that with the recommended mitigation measures, the proposed development will have an overall initial and temporary negative to neutral impact upon local ecological receptors. The removal of the treelines and hedgerows and the culverting of the watercourse on site (the drainage ditch) will have an initial negative impact. With the maturing of the landscaping scheme, the initial negative impacts will be neutralised, and following the implementation of water protection measures, residual impacts of the River Urrin will be neutralised. The creation of new habitats on the site are considered to be a significant positive benefit to local ecology.

10.7.23. In terms of the conclusions set out in the EclA, as relates to impacts, I generally concur with same. I have discussed the issue of Natura 2000 sites specifically in Section 12 of this report. There is no evidence that there will be adverse impacts on bats, birds of conservation concern, protected mammals such as badger or otter, or on any other species or habitat of conservation concern, or significant impacts on water quality, subject to the mitigation measures being put in place, and I am satisfied that sufficient survey work was carried out in order to be able to arrive at the conclusions set out in the EclA.

10.7.24. In conclusion then, I consider that, subject to the recommendations of the appraisal being carried out, there would no significant negative effects arising from either the construction phase or from the operational phase of the development, and I concur that significant positive effects will result from the provision of additional habitats on the site. Specifically in relation to bats, I am satisfied that, subject to the measures as outlined in the EclA, as relates to appropriate lighting and provision of bat boxes,

being implemented there will be no significant negative effect on bats as a result of this development.

### Trees/Hedgerows

10.7.25. A Tree Survey and Planning Report has been submitted with the application. It is set out that a total of 41 individual trees were assessed with 3 trees were graded category A (high value), 26 trees were graded category B (moderate value), 10 were graded as category C trees (low value) and 2 were graded category U (poor condition). 3 no. tree groups were assessed, two being graded collectively as category C and one as category B. The four hedgerows were all graded category C. It is noted in the report that a number of trees (T5 to T11) are to be removed in the northern part of the site as well as roadside hedge H1 and T42, which will be removed in order to allow for adequate sightlines at the proposed access point. The hedgerow running through the centre of the site (H2) will also be removed with the proposed pedestrian access to the adjoining Millbrook Estate requiring the removal of a small Ash Tree (T33). The remaining trees and hedgerows on the site are to be retained, with some trees requiring specialist protection measures, which are set out in the Tree report.

10.7.26. Subject to the recommendations of the Tree Survey and Planning Report being carried out, I am satisfied the overall impact on Trees and Hedgerows on site will be minimised although I accept that some loss of trees and hedgerow is necessary to facilitate the efficient use of the site.

### **10.8. Flood Risk**

10.8.1. Section 9.3 of the National Planning Framework (NPF) includes guidance for water resource management and flooding with emphasis on avoiding inappropriate development in areas at risk of flooding. National Policy Objective 57 requires resource management by “ensuring flood risk management informs place-making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities”.

10.8.2. Objective SS08 of the Development Plan seeks to avoid the siting of new residential developments in areas vulnerable to flood risk in accordance with the provisions of the Flood Risk Management-Guidelines for Planning Authorities.

- 10.8.3. The Planning Authority have not raised any objections in relation to Flood Risk.
- 10.8.4. Observer submissions have stated that neighbouring gardens have flooded in the past. It is set out that the development site is a flood plain and that the site has flooded in the past and does so on a regular basis, despite the applicant's claim it has not flooded. The impacts of climate change is raised and it is set out that it will lead to more frequent flooding. The lack of surface water infrastructure is raised as a concern. An observer submission has raised concerns in relation to the impact of the raised road surface on surface water runoff with a possible increased risk of flooding of adjacent gardens. It is noted that Wexford CC have previously granted permission for the demolition of Island House (located 300m upstream of the site) because of flooding issues (Planning Ref 20200167). It is also set out that the proposed park will cause additional flooding and that the use of park will result in health and safety issues. Impacts of the Enniscorthy flood relief scheme on the site are questioned and it is stated that the area subject to flooding may increase.
- 10.8.5. A Site Specific Flood Risk Assessment has been submitted with the application. This noted that the site is bounded to the north by the Carley's Bridge Road and existing residential dwellings, to the east by existing residential dwellings, to the south by a field drain and to the west by the River Urrin and the River Lyre. The topography of the site is noted, and it is set out that the site slopes steeply from the northern boundary of the site to the southern boundary of the site. Existing ground elevations range from approximately 20.3m OD in the northern area of the site to 2.6m OD in the southern area of the site.
- 10.8.6. It is set out that possible flooding of the site could arise from fluvial sources (from the River Urrin and the River Lyre) with field drains running through and bounding the site. Other sources include pluvial flooding from existing urban drainage infrastructure, and possible flooding resulting from a blockage of the river bridge upstream of the site.
- 10.8.7. Preliminary Flood Risk Assessment (PFRA) mapping indicates an indicative fluvial flood zone within part of the south-western area of the proposed development site. There are no mapped indicative pluvial or groundwater flood zones within the boundary of the proposed development site. The OPW Flood Maps website ([www.floods.ie](http://www.floods.ie)) does not record any specific flooding events at or in the vicinity of

the proposed development site. However a flood event was recorded in November 2000 to the west of the development site at Careys Bridge Road and it is reported that severe damage was caused by flood waters, including road blockages as well as bridges and private property damage. A flooding incident also occurred in December 2019 within the Millbrook Estate, due to a new stormwater pipe connection to the existing stormwater pipe that runs through Millbrook and into the proposed development site. Following remedial works by Wexford County Council no further flooding issues have been reported. Geological mapping indicates alluvium deposits in the south-western area of the site, which could be indicative of areas that have flooded in the recent geological past.

- 10.8.8. South Eastern Region Catchment Flood Risk & Management Study (CFRAMS) Mapping indicates that the south-western portion of the site lies within the 10% AEP (1 in 10 year), 1% AEP (1 in 100 year) or 0.1% AEP (1 in 1000 year) flood extents. Mapping carried out as part of the Draft Wexford County Development Plan 2021-2027 SFRA indicates a similar extent of the site within Flood Zones A and B. Mid Range Future Climate Change Scenario Mapping indicates Flood Extents similar to the 1 in 1000 year fluvial flood extents shown on the OPW CFRAMS mapping.
- 10.8.9. The SFRA considers possible flooding from the Lyre Tributary, which is indicated along the northern boundary of the site within CFRAMS Mapping, is considered in the report. It is set out that, notwithstanding that CFRAMS mapping indicates the existence of this tributary evidence is set out in the SFRA indicating that this is not the case, including the lack of any evidence of the Lyre Tributary crossing Carley's Bridge Road, and it was concluded that the section of the Lyre Tributary to the north of Carley's Bridge Road, outside the boundaries of the site, flows in a northerly direction and then discharges to the main Lyre River. The SFRA notes that the channels that are referred to as the 'Lyre Tributary' in the CFRAM Mapping to the north of the site (Field Drains 1 and 3) were observed to be dry for most of the channel length, and it is likely that these channels acted as field drains for the lands to the north prior to the development of housing on same. These houses are now served by stormwater drainage infrastructure, which discharges to the downstream section of Field Drain 2 via existing pipework, therefore the catchment associated with these channels is considered to be negligible. It is concluded then the flood risk associated with these channels was low.

- 10.8.10. Risk associated with the Field Drain 2 was also considered to be low as this, and the other field drains on the site, only drain lands on either side of it and little or no flow was observed in these channels.
- 10.8.11. Secondary flood risk associated with existing urban drainage and water supply infrastructure is also considered in the report. No significant risks were identified, although of note is that any surcharging of the stormwater or manholes within the site would result in waters spilling on the development site but flowing downhill in a southerly direction towards the River Urrin, along the proposed roads infrastructure, and it is not anticipated that this would result in any significant ponding or flooding within the site. Flood risk from bridge blockages are also ruled out in the SFRA.
- 10.8.12. The analysis of predicted flood levels and site topography carried out in the SFRA leads to the conclusion that the south-western area of the proposed development site falls within a delineated Flood Zone 'A' and Flood Zone 'B', as a result of fluvial flood risk associated with the River Urrin and River Lyre. There is a small area of the proposed access road, footpath and road embankment that is located with Flood Zone 'A' (1 in 100 year extent) and Flood Zone 'B' (1 in 1000 year extent). In order to mitigate against possible flood risk it is set out that the proposed access road and footpath in the south-western area of the site will be raised above the 1 in 1000 year (0.1% AEP) flood levels in this area of the site. This results in the necessity for flood storage compensation of the order of 1723.35 m<sup>3</sup>. Storage of 1781 m<sup>3</sup> has been provided and it is concluded that the proposal would not result in any alteration to the existing fluvial and hydrological regime in the area and would not result in increased flood risk elsewhere.

#### Justification Test

- 10.8.13. Section 5 of 'The Planning System and Flood Risk Management Guidelines' sets out guidance in relation to the application of the Justification Test in development management. It is set out that when considering proposals for new development in areas at a high or moderate risk of flooding that includes types of development that are vulnerable to flooding (as set out in Table 3.2 of the Guidelines and reproduced below), the planning authority must be satisfied that the development satisfies all of the criteria as it applies to development management, outlined in Box 5.1 of the

Guidelines (and as reproduced below). Box 5.1 states that the Justification Test is to be submitted by the applicant.

	Flood Zone A	Flood Zone B	Flood Zone C
Highly vulnerable development (including essential infrastructure)	Justification Test	Justification Test	Appropriate
Less vulnerable development	Justification Test	Appropriate	Appropriate
Water-compatible development	Appropriate	Appropriate	Appropriate

10.8.14. In this instance the highly vulnerable uses proposed include the residential units and ancillary infrastructure. The applicants have submitted a Justification Test and I have summarised same in the table below, with the right hand column summarising the information as submitted by the applicant in the SFRA.

<b>Development Management Justification Test</b>	
<i>Criteria</i>	<i>Response</i>
The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.	The subject site is predominantly zoned 'New Residential' under the Enniscorthy Town Plan. The area along the riverbank is zoned open space and amenity. As such the area of open space associated with the residential development is located here, in accordance with the zoning and having regard to the planning history of the site.

<p>The proposal has been subject to an appropriate flood risk assessment that demonstrates that;</p>	
<p>a. The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;</p>	<p>Flood Storage Compensation will be provided within the green open space area to reduce the overall flood risk as a result of raising grounds levels in the site including the proposed access road, footpath and road embankment. The proposed volume of flood storage provided is 1781m<sup>3</sup> which provides an additional storage volume of 57.65m<sup>3</sup> during a 1 in 1000 year (0.1% AEP) flood event in the River Urrin and River Lyre. It is concluded, the proposed development is not expected to result in an adverse impact to the hydrological regime of the area and is not expected to increase flood risk elsewhere.</p>
<p>b. The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;</p>	<p>The finished floor levels (FFLs) of the proposed houses are a minimum of 8.65m OD, which is 1.15m above the peak 1 in 1000 year (0.1% AEP) flood level of the River Lyre at the proposed site entrance. The access road and footpath located in the western area of the site shall be raised to a minimum level of 9.35m OD at the entrance to the site, which is 1.85m above the 1 in 1000 year flood level.</p> <p>The access road and footpath located in the southern area of the site shall be raised to a minimum level of 7.50m OD,</p>



	<p>which is 1.56m above the 1 in 1000 year flood level of 5.94m OD in this location.</p> <p>It is set out that these measures shall mitigate any residual risk associated with potential future climate change.</p>
<p>c. The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access.</p>	<p>Access to the proposed development site during an extreme flood event is provided at the proposed entrance in the western area of the site and by raising the access road and footpath above the 1 in 1000 year flood level. There is no residual risk posed to the site as the proposed ground levels are above the peak 1 in 1000 year flood adjacent to the site.</p>
<p>d. The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.</p>	<p>The layout has been designed having regard to the policies and objectives of the Town Plan and Development Plan as well as the context of the area including the sloping topography of the site.</p>

10.8.15. Having regard to the detailed considerations above, and having regards the conclusions of the Flood Risk Assessment, I am satisfied that the highly vulnerable elements of the proposed development (the residential units and the associated shared amenity areas) will not be subject to pluvial, fluvial flooding, groundwater or tidal flooding. I have examined the mapping available on the OPW run website 'Floodinfo.ie' and this does not indicate any previous flooding events on site. As set

out in the SFRA notes a flooding event is recorded to the west which I have discussed above. This is also related to the submission of one observer, who has noted a property is being demolished in this area, due to recurring flooding (Planning Ref 20200167). Having regard to the information on Wexford County Council's website, this property lies within the flood plain of the River Urrin, whereas the proposed residential units in this instance lie outside of same, with FFLS at least 1.15m over the 1:1000 (0.1% AEP) flood extent level. I note that observer submissions have stated that the site floods on a regular basis, and as noted in the SFRA, the area of the site close to the River Urrin is subject to flooding and lies within Flood Zones A and B. However, no residential units are proposed in this area. In relation to the operational stage of the development, I am satisfied that that the proposal will not lead to an increased risk of flooding of adjacent sites and that sufficient compensatory flood storage has been provided.

## 10.9. Site Services

- 10.9.1. Irish Water have stated in relation to water supply and foul water that there is an ongoing project in relation to the modelling of the public water treatment and watermain network, and specifically in relation to foul water, Irish Water notes that upgrade works are on the Irish Water capital investment programme and are due for completion in 2023 (subject to change).<sup>2</sup> Notwithstanding, Irish Water have confirmed feasibility of water and four connections, subject to upgrades, with the nature of the site specific/local upgrades to be agreed at connection application stage with Irish Water, including the existing 450mm sewer into St. Johns Pump Station. While the applicants are proposing a pumped foul sewer solution, Irish Water have stated that based on high-level observations, this site is serviceable by a gravity sewer and Irish Water's preferred solution a gravity sewer. Irish Water have requested that the applicant is required to provide evidence, at connection application stage, that all gravity solutions have been explored ahead of any proposals for a pumped alternative. Notwithstanding, Irish Water have issued a statement of design acceptance for the proposals. I have considered Irish Water's submission in the assessment below.

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<sup>2</sup> I note that information on the Irish Water Website, in relation to the upgrade of the Enniscorthy Wastewater Treatment Plant, states that this project is completed.  
<https://www.water.ie/projects/local-projects/enniscorthy-wwtp/>

- 10.9.2. The Planning Authority note that the Enniscorthy Waste Water Treatment Plant is currently being upgraded to increase capacity. Similar to the position of Irish Water, it is stated that the provision of a gravity foul sewer is feasible on this site and is a more favourable option than the proposed pumping solution.
- 10.9.3. In relation to site services, observer submissions note that generally there is insufficient infrastructure to serve the site and note in particular, the lack of surface water infrastructure and the potential for foul sewer flooding. It is also stated that not all of the existing surface water and foul water infrastructure has been identified. I note specifically the submission from James Donald Askins and Joan Askins, Carley's Bridge, who have stated that surface and foul water infrastructure that crosses their property before entering the development site have not been identified, in particular the 300mm foul sewer. It is also stated that existing surface water discharges from their site, that discharge to the existing field drain on the development site, have not been identified and that the proposed surface water network should connect to same in order to avoid flooding on the observers property.
- 10.9.4. It is stated that upgrades to the drinking water supply are necessary and that there is no reference to this in the Irish Water correspondence. The need for a pumping station and associated infrastructure is also questioned and it is stated that the use of same represents an unsustainable use of resources. It is also set out that the offer letter from Irish Water is now longer valid as it was issued prior to 6 months from the date of application.

#### Foul Water

- 10.9.5. In relation to site services, the applicants have submitted a 'Report on Water Services for New Residential Development' as well as associated drawings, which outline the proposed solution for foul water. It is stated that the foul water from the development shall be collected in a proposed foul water pipe network within the proposed estate roads, and that this pipe network will discharge to a foul pumping station located in the southwest corner of the proposed development, which will in turn discharge via a pumped foul water rising main to the existing foul water pipeline located at the south-east corner of the proposed development. It is also set out within this document that a submission was made to Irish Water on 16<sup>th</sup> March 2021 (following the issuing of the Pre-Application Consultation Opinion on 16<sup>th</sup> December

2021) which included details verifying the omission of the proposed pumping station was not possible.

10.9.6. Appendix D of the above report includes a letter sent to Irish Water (dated 15<sup>th</sup> March 2021) outlining why a pumped foul water solution was necessary for the site and I have summarised the reasons set out therein below:

- It is necessary to direct all foul pipework within the proposed site to the southernmost corner of the site, resulting in an invert level leaving proposed development of 5.5m.
- A gravity alternative would need to follow the riverbank to an existing manhole (F300), with the pipeline gradient of 1 in 270, which is not in compliance with Irish Water's Code of Practice.
- The pipeline would require modifications of ground level, with impacts on the existing flood plain of the River Urrin.
- Unlikely that IFI would permit installation of foul water pipeline in such close proximity to the River Urrin.

10.9.7. It is unfortunate that this issue has not been resolved to a higher degree of certainty in advance of an application being made, and there is no reference to the applicant's letter in the submission from Irish Water. Notwithstanding, Irish Water have not stated that a pumping solution is not acceptable, rather it is not the preferred option, and have stated that evidence of the viability, or otherwise, of a gravity solution should be provided in advance of a connection application. A Statement of Design Acceptance has been provided, notwithstanding Irish Water's concerns. I am of the view that a fundamental redesign of the foul water system, should a gravity solution be found, would likely not be in line with any permission given here, should the Board be minded to grant, and as set out in the applicant's letter to Irish Water (dated 15<sup>th</sup> March 2021), this may have implications on *inter alia* water quality (with associated implications on ecology, including on downstream Natura 2000 sites – see Section 12) as well as on the existing flood plain. The reasons set out in the letter dated 15<sup>th</sup> March 2021, to my mind, appear to rule out the potential for a gravity based solution on this site. As such, given the need for certainty on this issue, and given that Irish Water have issued a Statement of Design Acceptance, I am satisfied

that a pumped foul water solution is acceptable in this instance. Should the applicant wish to amend this at a later date, there are procedures in place in order to do so.

- 10.9.8. However, should the Board require further clarification or certainty on this issue, the option of holding a limited agenda Oral Hearing is also open to the Board, as per Section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016, which provides that the Board may in its absolute discretion hold an oral hearing, and in making its decision, shall have regard to the exceptional circumstances requiring the urgent delivery of housing, as set out in the Action Plan for Housing and Homelessness. It is set out that the Board shall only hold an oral hearing if there is a compelling case for such a hearing.
- 10.9.9. In relation to the submission from James Donald Askins and Joan Askins, Carley's Bridge, I note that existing foul sewer running via a neighbouring property is indicated on the plans (dwg. No. JCA-002P), and it is proposed that this foul sewer is to be retained, (with the pumping station eventually pumping foul effluent to this sewer line). It may be the case that there is a mapping error in relation to the existing foul network, and in fact it runs through the observers property. I am satisfied that this can be clarified by way of condition and it does not alter fundamentally the acceptability or otherwise of the proposed foul water designs for the site.

#### Surface Water

- 10.9.10. The submitted 'Report on Water Services' and 'Report on Disposal of Stormwater', and associated drawings, set out stormwater proposals for the site and the latter report sets out the volume of attenuation required for the proposed development, as well as proposed maintenance of the stormwater system. It is stated that, due the various constraints of the site, the proposed stormwater drainage network has been divided in two zones, namely Zone A and Zone B, with separate stormwater drainage networks for each zone. Stormwater from both zones eventually discharge into the River Urinn, via a new stormwater network, which consists of flow control devices. In times of heavy rainfall, surplus stormwater from Zone A and from Zone B will overflow into the stormwater attenuation system on the site, located adjacent to proposed manholes S20 and S1 respectively, with both attenuation systems

provided with 2 flow control devices to limit outflow during a 1 in 30 year storm event, and a 1 in 100 year storm event respectively.

10.9.11. In relation to the existing surface water arrangements, and also in relation to the concerns raised by James Donald Askins and Joan Askins, Carley's Bridge, it is proposed to connect the existing field drain to the north/north-west of the site, adjacent to the observers' property, to the existing stormwater pipeline, which is then diverted to a proposed manhole (109), and is in turn diverted to a proposed 900mm surface water pipeline (which also facilitates existing surface water discharge from adjoining residential estates), which eventually discharges to the River Urrin. Therefore, the proposed development has taken into consideration existing surface water arrangements and I am satisfied that specific concerns raised by the observation above have been addressed. Furthermore I recommend a condition be imposed such that the detailed design of the surface water network be to the satisfaction of the planning authority, given further reassurance that the proposed design will be implemented in a satisfactory manner.

10.9.12. The Planning Authority have not raised any objections in relation to the proposed surface water network. Having regard to the details submitted with the application, and to the lack of objection from the Planning Authority in relation to same, I am satisfied that the surface water proposals are appropriate. Final details of same (i.e. the detailed design of the stormwater network, the precise type/model of attenuation system to be installed etc) can be agreed with the Planning Authority by way of condition.

#### Water Supply

10.9.13. It is proposed to connect to the existing watermain located to the north-east of the proposed development. I note that Irish Water have stated that that there is an ongoing project to in relation to the modelling of the public water treatment and watermain network. Observers have also cited concerns in relation to drinking water supply. Information on the Irish Water Website notes ongoing projects in the area , and it is stated that a planning application has been submitted to Wexford County Council as part of an upgrade to the Enniscorthy and Sow Regional Water Supply Scheme. Further projects include construction of approximately 1650m of water mains in Enniscorthy, with construction scheduled to commence in November 2021

with completion expected in December 2021 (this has not been updated on the website). Notwithstanding, Irish Water not raised any fundamental water supply issues and have issued a Statement of Design Acceptance in relation to the proposals, with a proviso that local upgrades are required. I am satisfied that subject to conditions, the water supply proposals are acceptable.

#### **10.10. Other Issues**

10.10.1. Archaeology – A Cultural Heritage Assessment Report has been submitted which considers *inter alia* the impact on Archaeological Heritage. The preparation of the report was based on field inspections carried out in October and December 2018, with an additional inspection carried out in April 2020, as well as on a geophysical survey and an archaeological testing carried out in October and December 2018, respectively. It is stated in the report that there are no previously identified archaeological monuments located within, or in the immediate environs of, the overall subject development lands. The nearest recorded monument is a ringfort located approximately 400m to the southwest. The LIDAR survey indicated some areas of archaeological potential but the results were not definitive. The subsequent archaeological testing determined that the majority of these areas (anomalies) were associated with ‘modern’ land use activities. Test trenching of the remaining anomalies suggests that the remains of a Fulacht Fia or Burnt Mound, dating from 2400-500 BC lie under the site. It is stated that the subsurface remains of these features are located within areas of proposed construction development and will consequently be disturbed by such works. However it is concluded that the existing disturbed nature of the archaeological features is such that they are not considered to be of significant archaeological status or rarity that would require that them to be subject to preservation *in situ* and it is concluded that it would be appropriate for the features to be ‘preserved by record and the wording of a condition is suggested in Section 9 ‘Mitigation Measures’ of the report.

10.10.2. Subject to an appropriate condition, which should include archaeological monitoring, I am satisfied that there will be no significant negative effects on archaeological heritage.

#### **10.11. Planning Authority’s Submission**

10.12. The submission of the Planning Authority indicates broad support for the scheme, and a Grant of Permission is recommended. The only suggested amendment of particular note relates to the omission of the proposed pedestrian link to the adjoining Millbrook Estate (PA's recommended condition No. 6). I have considered this issue in Section 10.3 of this report and I refer the Board to same. More generally the Planning Authority have suggested a gravity solution to the proposed foul water disposal would be preferable, and I have considered this issue in Section 10.9 above (although I note that Foul Water infrastructure falls under the remit of Irish Water).

10.13. While the Planning Authority have recommended a Grant of Permission, I am not supporting this recommendation, and I am recommending a refusal of the application for the reasons set out in Section 10.3 above and as set out in Section 14 below.

#### 10.14. **Material Contravention**

10.14.1. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned. Paragraph (c) of same states 'Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development'. As noted in Section 10.2, I do not consider that the proposal materially contravenes the zoning objectives that pertain to the site.

10.14.2. The Planning and Development Act 2000 (as amended) provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are as follows: (i) the proposed development is of strategic or national importance, (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section



28 , policy directives under section 29 , the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

10.14.3. The applicant has submitted a Material Contravention Statement (Chapter 8 of the Planning Report) which refers to potential material contraventions of the Wexford County Development Plan 2013-2019 and the Enniscorthy Town & Environs Development Plan 2008-2014 (as extended) in relation to the matters of (i) Density and (ii) Car Parking.

#### Density

10.14.4. In relation to density, the Material Contravention Statement notes that Section 11.2.1 and Table 1 of the Enniscorthy Town and Environs Development Plan 2008-2014 (the Town Plan) indicates that 'Medium High Density Residential (existing built up area)' zoned lands, such as the subject site, will have a maximum density of 17-25 units/Ha. It is also indicated that densities in excess of the upper limits will be considered on their merits.

10.14.5. Objective HS 22 of the Town Plan requires diversity in the density of development and in the form, size and type of dwelling within residential areas. Table 1 of Section 11.2.1 'Residential Density' sets out that areas zoned Low Medium Density (green-field/edge of town) will have maximum density of 10-17 dwelling units per hectare, with a provision that densities in excess of the upper limits will be considered on their merits.

10.14.6. As noted in Section 10.2 above, the Planning Authority have not objected to the density proposed and have not stated the density is a material contravention of the Town Plan. In relation to the density, I note that it exceeds that set out in Table 1 of the Town Plan. I am of the view that there is sufficiently flexibility within the Town Plan to allow for densities over and above that set out in Table 1. However, given that the density is twice the 'maximum' set out in the Town Plan, I would advise the Board that the density may be considered a material contravention of the Town plan and, as such, if the Board is minded to grant, they should do so having regard to the

provisions of Section 37(2)(b) of the Planning and Development Act 2000 (as amended).

10.14.7. In relation to the matter of strategic or national importance, (criteria 37(2)(b)(i) of the PDA 2000), the current application has been lodged under the Strategic Housing legislation and the proposal is considered to be strategic in nature, in that it is part of a cumulative response to a strategic issue of national importance (i.e. the provision of housing and compact urban growth). National policy as expressed within 'Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness', 'Housing for All - a New Housing Plan for Ireland 2021' and the National Planning Framework – Ireland 2040 fully support the need for urban infill residential development, and sought to expedite decision making around developments such as that proposed on this site in response to the housing crisis. I note the proposal makes a contribution to the housing stock, of some 233 residential units, and therefore seeks to address a fundamental objective of the Housing Action Plan, and as such addresses a matter of national importance, that of housing delivery.

10.14.8. With reference to section 37(2)(b)(iii) of the Act, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Objectives 27, 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.

10.14.9. In relation to relevant Section 28 Guidelines, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020), and the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009) both support increased densities in appropriate locations. The Apartment Guidelines state for 'peripheral and/or less accessible urban locations' such as this site, densities of the range of <45 dwellings per hectare net are appropriate. The Sustainable Residential Development Guidelines state that for 'Outer Suburban/Greenfield Sites', such as this one, densities in the range of 35-50 units/ha are appropriate. As such, I am of the view that, in principal, an increased density on this site, over and above that set out in the Town Plan, is supported by the Section 28 Guidelines referred to above.

10.14.10. Therefore, having regard to the considerations above, should the Board be minded to materially contravene the provisions of the Enniscorthy Town and Environs Development Plan 2008-2014 (as extended), as relates to the matter of density, in principle, it can do so having regard the criteria of 37(2)(b)(i) and (iii).

#### Car Parking

10.14.11. The Material Contravention Statement refers to the car parking standards in the Wexford County Development Plan 2013-2019 and acknowledges that the provision is below that required by the Plan.

10.14.12. I refer the Board to Section 10.6 of this report that considers the requirements of the Development Plan. In summary, having regard to Section 18.29.7 and Table 39 of the Development Plan, a strict application of the standards in the Development Plan, would require a total parking provision of approximately 403 no. spaces. In relation to the quantum of parking proposed, I note that the provision of 352 no. spaces is below the standard of approximately 403 spaces as set out in the plan. However I am not of the view that the shortfall is material. Notwithstanding I note the car parking provision is a standard rather than a policy or an objective of the statutory plan, and non-compliance with same does not constitute a contravention, let alone a material contravention of the statutory plan. However, I acknowledge the Board may take a different view in relation to same. Should the Board consider the proposed parking provision does, in fact, materially contravene the Development Plan, the following considerations apply.

10.14.13. In relation to the matter of strategic or national importance, (criteria 37(2)(b)(i) of the PDA 2000), as per the discussion above, the proposal is considered to be strategic in nature, in that it is part of a cumulative response to a strategic issue of national importance (i.e. the provision of housing and compact urban growth).

10.14.14. With reference to section 37(2)(b)(iii) of the Act, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020, in relation to 'Peripheral and/or Less Accessible Urban Locations' suggests a benchmark of one car parking space per apartment unit, together with an element of visitor parking, such as one space for every 3-4 apartments. For the apartment/duplex units, this quantum has been provided, with the provision for the housing units in line with Development Plan Standards. As such the overall car

parking provision here is in line with the Apartment Guidelines, and therefore, should the Board be minded to materially contravene the Development Plan as relates to car parking, it can do so having regard to the criteria of 37(2)(b)(iii).

10.14.15. In conclusion, should the Board be minded to invoke the material contravention procedure, as relates to matters of density and car parking standards, I am of the opinion that;

- In principle, meets the criteria of 37(2)(b)(i), as the development is strategic in nature and relates to matters of national importance (the delivery of housing);
- In principle, meets the criteria of 37(2)(b)(iii), as increased heights and densities are supported by national and regional policy, and by relevant Section 28 Guidelines. Reduced car parking provision is also supported by national and regional policy, and by relevant Section 28 Guidelines.

10.14.16. In conclusion, therefore should the Board be minded to invoke the material contravention procedure, as relates to the provisions of the Enniscorthy Town and Environs Development Plan 2008-2014 (as extended), pertaining to density, I consider that, in principle, the provisions of Section 37(2)(b)(i) and (iii) have been met, and in this regard I consider that the Board can grant permission for the proposal, should it be minded to do so. Should the Board be minded to invoke the material contravention procedure, as relates to the provisions of the Wexford County Development Plan 2013-2019 pertaining to car parking standards, I consider that the provisions of Section 37(2)(b)(i) and (iii) have been met, and in this regard I consider that the Board can grant permission for the proposal, should it be minded to do so.

## **11.0 Environmental Impact Assessment (EIA) Screening**

11.1.1. Class 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:

- Construction of more than 500 dwelling units

- 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.

\*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

11.1.2. Item 10(b)dd of Schedule 5 Part 2 of the 2001 Regulations provides that mandatory EIA is required for:

- All private roads that would exceed 2000 metres in length.

11.1.3. The development is delivering approximately 400m of a link road which allows vehicular access to the site and also forms part of the link road as indicated in Map 2 of the Enniscorthy Town & Environs Development Plan 2008-2014 (extended to 2019). This link road is intended to connect Carley's Bridge Road with Munster Hill, to the south-east of the site (Map No. 2 refers). The link road also includes a spur that links to the southern extent of the Daphne View Housing Estate. The extent of the road being delivered under this proposal is below the threshold of 2000m referred to above. The total extent of road would appear to be above this threshold. However, there does not appear to be any definitive plans to extend this road beyond this application site (beyond that outlined in the Enniscorthy Town & Environs Development Plan) and the Planning Authority have not referred to any definitive proposals to extend same, or made any reference to any relevant consents being in place to facilitate same. As such I am satisfied that the entire length of the link road is not subject to EIA Screening and the delivery of a portion of the link road does not involve 'project splitting' for the purposes of EIA Screening. Furthermore it is proposed that the road is to be taken in charge and as such would not constitute a 'private road'.

11.1.4. Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

11.1.5. It is proposed to construct 233 residential units, a crèche and associated site works. The number of residential units is well below the threshold of 500 dwelling units noted above. The site has an overall area of 8.7 ha and hence falls below the area

threshold of 10 hectares that applies to 'other parts of a built-up area' and 20 hectares 'elsewhere'. The site is not a business district and therefore the threshold of 2 Ha is not applicable in this instance. The site is a greenfield site, located adjacent to existing residential uses. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. While I note a Natura Impact Statement (NIS) has been submitted with the application, 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 any European Site (as discussed in Section 12 below). The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Wexford County Council upon which its effects would be marginal.

11.1.6. Section 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The submitted EIA Screening Report (dated October 2021) includes the information required under Schedule 7A to the planning regulations, although I note that it has not explicitly addressed the provision of the link road. However, as noted above, I am satisfied the extent of the road being delivered is below the threshold referred to above, and the delivery of this road does not involve 'project splitting' for the purposes of EIA Screening. In addition, the various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts regarding other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having

regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including *inter alia*:

- Ecological Impact Assessment
- Bat, Badger and Otter Assessment
- Natura Impact Statement
- Construction & Environmental Management Plan & Mitigation Measures Report
- Construction & Demolition Waste Management Plan
- Operational Waste & Recycling Management Plan
- Transport Assessment
- Flood Risk Assessment
- Report on Disposal of Storm Water
- Report on Water Services
- Cultural Heritage Impact Assessment
- Photomontages & CGIs
- Daylight and Sunlight Assessment Report
- Architectural Design Report
- Landscape Architecture Design Rationale Report
- Cultural Heritage Assessment Report
- Building Lifecycle Report
- Residential Energy Statement
- Tree Survey and Planning Report
- Social and Community Audit

11.1.7. Noting the requirements of Article 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account, I note that the applicant has submitted a

'Statement in Accordance with Article 299B (1)(b)(ii)(II)(C)'. (Appendix A of the EIA Screening Report). This notes that the following assessments / reports have been submitted: -

- A Natura Impact Assessment, an Ecological Impact Assessment Report, a Bat, Badger and Otter Assessment, Public Lighting Plan and a Construction Environmental Management Plan have been submitted with the application, in support of the Habitats Directive (92/43/EEC).
- A Natura Impact Assessment, an Ecological Impact Assessment Report, an Operational Waste Management Plan and a Construction Environmental Management Plan have been submitted with the application, in support of the Water Framework Directive (2000/60/EC).
- A Construction and Environmental Management Plan in support of the Environmental Noise Directive (2002/49/EC) and in support of the Clean Air for Europe (CAFE) Directive (Directive 2008/50/EC).
- A Site Specific Flood Risk Assessment have been submitted, which was undertaken in response to the EU Floods Directive (2007/60/EC).

11.1.8. In addition to that set out in the applicant's 299B Statement I note the following:

- An Appropriate Assessment Statement and an Ecological Impact Assessment, have been submitted with the application in support of the Birds Directive (2009/147/EC);
- An Residential Energy Statement has been submitted with the application, which has been undertaken pursuant to the EU Energy Performance of Buildings Directive and requirement for Near Zero Energy Buildings
- A Construction and Environmental Management Plan and Operational Waste & Recycling Management Plan have been submitted in support of Directive EU 2018/850 on the landfill of waste and in support of Directive 2008/98/EC;
- An Construction and Environmental Management Plan has been submitted, in support of the Directive 2000/14/EC on noise emission by equipment for use outdoors;



- A Building Lifecycle Report has been submitted, in support of Directive 2012/27/EU on energy efficiency, in support of Regulation EU 2018/842 relating to Greenhouse Gas emissions, in support of Directive EU 2018/2001 on the use of energy from renewable sources and in support of Regulation EU no. 517/2014 on fluorinated greenhouse gases.
- SEA Environmental Report for the Wexford County Development Plan 2013-2019 (Volume 8 of the Plan);
- SFRA of the Wexford County Development Plan 2013-2019 (Volume 7 of the Plan);

11.1.9. I have taken into account the above documentation when screening for EIA. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the nature and scale of the project, the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects of which would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 of the Regulations to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application. I am satisfied that information required under Section 299B(1)(b)(ii)(II) of the Regulations has been submitted. A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations, and as per the conclusions of the EIA screening assessment in Appendix A of this report.

## 12.0 **Appropriate Assessment**

12.1.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the

Planning and Development Act 2000 (as amended) are considered fully in this section.

### The Project and its Characteristics

- 12.1.2. I refer to the Board to the detailed description in Section 2.0 of this report. The following details are also of note for the purposes of Appropriate Assessment.
- 12.1.3. In relation to foul water, as discussed in detail in Section 10.9 of this report, Irish Water have cited some concerns in relation to the use of a pumping solution rather than a gravity solution for foul water disposal, and have sought additional evidence prior to any connection agreement being made. However, no fundamental objection to the use of the pump station is raised. Wastewater from the application site will be directed to the Enniscorthy Wastewater Treatment plant. Irish Water have issued a Statement of Design Acceptance in relation to the foul water proposals. Irish Water have not raised capacity concerns in relation to the Enniscorthy Wastewater Treatment plant although the submission from Irish Water states upgrade works are ongoing. As noted in Section 10.9 above, these upgrade works appear to be complete, having regard to information on the Irish Water website.
- 12.1.4. In relation to surface water, a detailed description of surface water proposals is set out in Section 10.9. In the interest of completeness I have set out again the proposals here. The submitted 'Report on Water Services' and 'Report on Disposal of Stormwater', and associated drawings, set out stormwater proposals for the site and the latter report sets out the volume of attenuation required for the proposed development, as well as proposed maintenance of the stormwater system. It is stated that, due the various constraints of the site, the proposed stormwater drainage network has been divided in two zones, namely Zone A and Zone B, with separate stormwater drainage networks for each zone. Stormwater from both zones eventually discharge into the River Urinn, via a new stormwater network, which consists of flow control devices. In times of heavy rainfall, surplus stormwater from Zone A and from Zone B will overflow into the stormwater attenuation system on the site, located adjacent to proposed manholes S20 and S1 respectively, with both attenuation systems provided with 2 flow control devices to limit outflow during a 1 in 30 year storm event, and a 1 in 100 year storm event respectively.

12.1.5. In relation to the existing surface water arrangements, for surrounding residential developments which currently drain into this site, these will continue to drain into existing field drains which will then be diverted into proposed surface water infrastructure, eventually discharging to the River Urrin. Headwalls are proposed for the 2 no. surface water outfalls

#### Compliance with Article 6(3) of the Habitats Directive

12.1.6. 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 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)

12.1.7. This section of the report considers the likely significant effects of the proposal on European sites with each of the potential significant effects assessed in respect of each of the Natura 2000 sites considered to be at risk and the significance of same. The assessment is based on the submitted Appropriate Assessment (AA) Screening Report (dated 24/05/2021) and Natura Impact Statement (NIS) (dated 27/05/2021) both of which were prepared by MKO, Planning and Environmental Consultants.

#### Description of the site characteristics

12.1.8. The Screening Report notes the habitat types on site and these are as described in Section 10.7 of this report (Ecology). However in the interests of completeness, I have set out the details below.

12.1.9. The habitats surrounding the site consist of buildings and artificial surfaces (BL3), along with amenity grasslands (GA2), flower beds and borders (BC4) and scattered trees and parklands (WD5). To the north-west, west and south of the application site, agriculture is the dominant land use and improved agricultural grassland (GA1) is the dominant habitat. Other habitats represented locally include treelines (WL2),

hedgerows (WL1) and small areas of mixed broadleaved woodlands (WD1). There are also numerous watercourses surrounding and within the site, including the Urrin River and its tributaries.

- 12.1.10. The habitats recorded on the site include areas of improved agricultural grasslands (GA1), dry meadows and grassy verges (GS2), hedgerows (WL1), treelines (WL2), drainage ditches (FW4) and depositing lowland river (FW2), with the dominant habitat being improved agricultural grasslands.
- 12.1.11. There are a number of watercourses on the site, including drainage ditches (FW4) along the external and internal site boundaries. The River Urrin forms the western boundary of the application site, and this is a depositing lowland river (FW2). The river at this location is approximately 8m wide. The boundaries of the site to the north, east and south consist of a mosaic of hedgerows (WL1) and treelines (WL2), and it is stated that, overall, treelines and hedgerows are an important feature of the application site and they occur along the majority of site boundaries, as well as along the internal site boundaries. An invasive plant species, Indian Balsam, was noted as occurring extensively along the edge of the River Urrin.
- 12.1.12. In relation to mammals, no definitive signs of otter were determined, with one partial spraint on a rock in the river, which may also have been a mink spraint, given the smaller size of the spraint. No otter or badger sets were noted on the site and no otters were heard or seen during the nighttime survey work. Specifically in relation to bats, a mature oak on the site was determined to be of a very high roost potential, as a species of bat was observed returning to the upper branches, and it may serve as a roost site for other species on other occasions. 4 no. species of bat were noted within the site (roosting and/or feeding) and include the Common pipistrelle, Soprano pipistrelle, Leisler's bat and Daubenton's bat, with 3 no. species entering and departing the site at times that indicate nearby roost sites with other observations indicating nearby roosting or foraging sites. The EclA notes that there are no tree roosts within the trees that will be removed and no building roosts within the site.
- 12.1.13. In relation to birds, it is stated within the EclA (although not within the AA Screening Statement) that the subject lands contain suitable foraging, nesting and aquatic habitats, with such habitats suitable for a wide range of amber and red listed

species. Observations on site (during the Summer and Winter Surveys) determined that an extensive range of species utilise the site, as set out in the table below:

<b>Site provides suitable habitat for:</b>	<b>Summer 2020 Survey Observed/Heard Species</b>	<b>Winter 2021 Survey/Observed Heard Species</b>
<u>Amber Listed Species</u>	Chaffinch	Sparrowhawk Accipiter nisus
Barn Swallow (Hirundo rustica)	Fringilla coelebs	Buzzard Buteo buteo
Common Kestrel (Falco tinnunculus)	Blackbird Turdus merula	Rook Corvus frugilegus
Common Kingfisher (Alcedo atthis)	Blue tit Cyanistes caeruleus	Hooded crow Corvus cornix
Common Starling (Sturnus vulgaris)	Great tit Parus major	Magpie Pica pica
Common Swift (Apus apus)	Jackdaw Corvus monedula	Woodpigeon Columba palumbus
Eurasian Teal (Anas crecca)	Magpie Pica pica	Blue tit Cyanistes caeruleus
Eurasian Wigeon (Anas penelope)	Pigeon Columba livia domestica	Wren Troglodytes troglodytes
Great Cormorant	Robin Erithacus rubecula	Chaffinch Fringilla coelebs
	Swallow Hirundo rustica	Greenfinch Carduelis chloris
	Hooded crow Corvus cornix	Bullfinch Pyrrhula pyrrhula
	Rook Corvus frugilegus	Goldfinch Carduelis carduelis
	Sparrow Passer domesticus	Great tit Parus major
		Coal tit Periparus ater
		Robin Erithacus rubecula
		Blackbird Turdus merula
		Mistle thrush Turdus viscivorus
		Pied wagtail Motacilla alba yarrellii
		House sparrow Passer domesticus
		Pheasant Phasianus colchicus

(Phalacrocorax carbo)	Common gull Larus canus	Snipe Gallinago gallinago
House Martin (Delichon urbicum)	Starling Sturnus vulgaris	Black headed gull Chroicocephalus ridibundus
House Sparrow (Passer domesticus)	Willow warber Phylloscopus trochilus	Herring gull Larus argentatus
Lesser Black-backed Gull (Larus fuscus)	Reed bunting Emberiza schoeniclus	Goldcrest Regulus regulus
Eurasian Woodcock (Scolopax rusticola)		Lapwing (flyover) Vanellus vanellus
Mute Swan (Cygnus olor)		Redwing Turdus iliacus
Sand Martin (Riparia riparia)		Starling Sturnus vulgaris
Spotted Flycatcher (Muscicapa striata)		Grey heron Ardea cinerea
Stock Pigeon (Columba oenas)		Dunnock Prunella modularis
<u>Red Listed Species</u>		Cormorant Phalacrocorax carbo

Black-headed Gull (Larus ridibundus)		
Common Redshank (Tringa totanus)		
European Golden Plover (Pluvialis apricaria)		
Herring Gull (Larus argentatus)		
Northern Lapwing (Vanellus vanellus)		
Yellowhammer (Emberiza citrinella)		

12.1.14. It is stated that the site would provide some suitable habitat for common frog. A range of invertebrates were also noted during the site visit.

12.1.15. In relation to fisheries, it is noted that a 2014 survey carried out at the closest WFD monitoring point some 12km upstream of the site found brown trout, European Eel and Salmon. All lamprey species and salmon are protected under the EU Habitats Directive. The Urrin River's WFD fish ecological status was described as good.

12.1.16. In relation to Hydrology, the application site lies within the Slaney and Wexford Harbour Hydrometric Area and Catchment and the Urrin Sub-Catchment and Sub-Basin. The Urrin River runs along the south-western boundary of the site (the EclA

erroneously refers to the north-western boundary). The presence of drainage ditches running along the boundaries and running through the site is also noted and it is stated that these drain to the River Urrin. The River Urrin joins the River Slaney approximately 1.4km downstream of the site. The Ecological Status of the Urrin River and its tributaries is 'moderate' as defined by the EPA. 'Good' status must be reached by the end of the current cycle of the WFD. The Slaney River is classed as 'Good'. The sample taken from the River as part of the survey was also considered to be of good status. The large amount of domestic rubbish was noted in the stream, which was a risk to wildlife.

#### Relevant prescribed bodies consulted

12.1.17. The application was referred to the following prescribed bodies.

- Irish Water
- TII
- IFI

12.1.18. In relation to foul water proposals, I note that the submission from Irish Water sets out that a 'Statement of Design Acceptance' has been issued for this development and note that all development is to be carried out in compliance with Irish Water Standards codes and practices.

12.1.19. The submission from IFI notes that the Slaney River and its tributaries (of which the River Urrin is one) are an important salmonid system, with excellent stocks of Salmon, brown trout and sea trout, River Lamprey, Sea Lamprey and Brook Lamprey. Specifically in relation to the River Urrin, the IFI note that they have made a request to the NPWS that the main channel of the Urrin river be designated an SAC from its confluence with the Slaney a distance of approx. 15km upstream, due to the importance of this section of the Urrin River main channel as salmon spawning/nursery habitat and given that the salmon populations on the Urrin River are an integral component of the salmon populations of the Slaney SAC. The IFI raise concerns in relation to potential for pollution of the Urrin and smaller tributary during construction works on-site, with specific concerns regarding the potential for suspended solids run-off, and other pollutants, from the site during the construction phase, and have suggested measures designed to prevent same. Also of concern is



the proposed incorporation of ponds within the open space area along the Urrin, which have the potential to facilitate non-native fish species, which then may be introduced to the Urrin and beyond. The IFI have requested clarification that there will be no hydrological connectivity between the ponds and the adjoining watercourse and have also requested that the ponds be so designed so as to be unsuitable as a habitat for fish.

Planning Authority Submission

12.1.20. In relation to Appropriate Assessment, the Planning Authority state that the mitigation measures as set out in the AA are considered to be suitable. It is recommended, however, that temporary construction fencing is erected along the buffer strip of the river to clearly differentiate the sensitive zone along the river bank.

Observer Submissions

12.1.21. Observer submissions have raised general concerns in relation to the impact on biodiversity, and more specific concerns in relation to the impact on the River Urrin, including impacts on Trout and Salmon.

Identification of relevant Natura 2000 sites

12.1.22. Section 4.2 of the Screening Report sets out that the application site is not within or immediately adjacent to any site that has been designated as a Special Area of Conservation (SAC) or a Special Protection Area (SPA) under the EU Habitats or EU Birds Directive. It is set out that there are 3 no. Natura 2000 sites within 15km of the proposed development, the Slaney River Valley SAC (00781), the Wexford Harbour and Slobs SPA (004076) and the Blackstairs Mountains SAC (000770). Details of same are set out below in Table 1.

<b>Site (site code) and distance from the proposed development</b>	<b>Qualifying Interests/Special Conservation Interests</b>	<b>Conservation Objectives</b>	<b>Potential Significant Effects</b>
Slaney River Valley	Estuaries [1130] Mudflats and sandflats not covered	To maintain or restore the favourable	There is a source-pathway receptor linkage between the

<p>SAC (000781) - 977m south-east / 1.4km downstream via Urrin River</p>	<p>by seawater at low tide [1140]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p>	<p>conservation condition of the habitats and species for which the SAC has been selected.</p>	<p>application site and this SAC, therefore significant effects arising on this SAC due to run-off from construction and operational works cannot be ruled out</p>
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	<p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>		
<p>Wexford Harbour and Slobs SPA 004076 - 1km south-east /1.4km downstream via Urrin River</p>	<p>Little Grebe (Tachybaptus ruficollis) [A004]</p> <p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Bewick's Swan (Cygnus columbianus bewickii) [A037]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p>	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p>	<p>There is a source- pathway receptor linkage between the application site and this SAC, therefore significant effects arising on this SAC due to run- off from construction and operational works cannot be ruled out</p>

	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p>		
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	<p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p>		
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	Wetland and Waterbirds [A999]		
Blackstairs Mountains SAC 000770	Northern Atlantic wet heaths with Erica tetralix [4010]  European dry heaths [4030]	To maintain the favourable conservation condition of the habitats for which the SAC has been selected.	No ecological connectivity between this SAC and the application site and therefore significant effects can be ruled out.

12.1.23. The Screening Report concludes that, as the proposed development will occur adjacent to the Urrin River, which is a tributary of the River Slaney, potential impacts on the Natura 2000 sites associated with same cannot be ruled out (the Slaney River Valley SAC and the Wexford Harbour and Slobs SPA). The following potential impacts were considered:

- Deterioration of surface water quality in designated areas arising from pollution from surface water run-off during site preparation and construction;
- Deterioration in ground or surface water quality in designated areas arising from pollution during the operation of the proposed development;
- Risk to Annex I or Annex II species associated with the site;
- Cumulative impacts with other proposed/existing developments.

12.1.24. No ecological connectivity to the Blackstairs Mountains SAC (000770) was identified and therefore likely significant effects on same, having regard to its conservation objectives, were ruled out.

12.1.25. The AA Screening concludes that the project should proceed to the next stage of Appropriate Assessment, namely the Natura Impact Assessment.

#### AA Screening Conclusion

12.1.26. In terms of the sites with the potential to be impacted, I concur with the conclusions of the Screening Report, in that the only Natura 2000 sites where there is potential for likely significant effects are the Slaney River Valley SAC and the Wexford Harbour and Slobs SPA for the reasons set out above, although I do note that the

AA Screening report is somewhat general in the description of potential impacts (although the NIS provides a far greater level of detail). It is somewhat unfortunate that the AA Screening Report does not set out the results of the desktop, summer and winter bird surveys. However these are set out in the EciA. In relation to same, the EciA notes that there are suitable foraging, nesting and aquatic habitats on the site for an extensive range of bird species (as set out above in the Table above). I note that some of these species are also qualifying species associated with Wexford Harbour and Slobs SPA and these are as follows:

- Cormorant (*Phalacrocorax carbo*)
- Grey heron
- Mute Swan
- Wigeon (*Anas penelope*)
- Eurasian Teal
- European Golden Plover (*Pluvialis apricaria*)
- Northern Lapwing (*Vanellus vanellus*)
- Common Redshank
- Black-headed Gull (*Larus ridibundus*)
- Lesser Black-backed Gull (*Larus fuscus*)

12.1.27. While it is noted that the site may provide suitable foraging, nesting and aquatic habitats for the above species, only two of these species were actually observed during the 2021 Winter Bird survey, and these were the Cormorant and the Black Headed Gull. The number of individual birds identified is not set out in the EciA. I note also that the principal supporting habitat for the Cormorant, within the SPA, is 'Sheltered & shallow subtidal over sand and mud flats' which is not a habitat associated with this application site, nor within immediately adjacent sites. The principal supporting habitat for the Black Headed Gull, within the SPA, is 'Intertidal flats & sheltered & shallow subtidal' which again which is not a habitat associated

with this application site, nor within immediately adjacent sites<sup>3</sup>. While the supporting NPWS documentation does indicate that these two no. specie feed inland, I note that the site is located some 10km from the Wexford Harbour coastline, albeit it does lie approximately 1km from the boundary of the SPA. However, there is no other evidence within the AA Screening Report, within the EclA or from any other documentation submitted with the application, nor from the Planning Authority or any Prescribed Body, not from any observer submissions on file, that the site provides for significant numbers of Cormorant and Black Headed Gull, or any other bird species associated with the Wexford Harbour and Slobs SPA, such that any localised impact on same would result in likely significant impacts on the Wexford Harbour and Slobs SPA, having regard to the site's conservation objectives. Therefore, I am satisfied that likely significant effects on the Wexford Harbour and Slobs SPA, arising from *ex-situ* impacts on the bird species associated the SPA, can be ruled out.

12.1.28. In relation to the pumping station, I note that this is proposed to be located some 39m north-west of the River Urrin, on the opposite side of the proposed link road. The pumping station will be required to be installed in accordance with 'Code of Practice for Wastewater Infrastructure' published by Irish Water (July 2020 Revision 2). This code of practice describes in detail the requirements to be incorporated into the design of pumping stations and such features for the design of pump stations include pump unit protection systems to cover potential for pump failure events, incorporation of dial out alarms/remote monitoring (telemetry) and emergency storage. The design and installation of the pumping station in line with Irish Water's Code of Practice for Wastewater Infrastructure do not constitute works that are designed or intended specifically to mitigate an effect on a Natura 2000 site. This is the only way such a pumping station can be designed and installed and the adherence to the Code of Practice is necessary for such wastewater infrastructure works, in order to protect the receiving local environment and the amenities of the occupants of neighbouring land, regardless of connections to any Natura 2000 site or any intention to protect a Natura 2000 site.

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[https://www.npws.ie/sites/default/files/publications/pdf/4076\\_4019\\_Wexford%20Harbour%20and%20Slobs%20&%20The%20Raven%20SPAs%20Supporting%20Doc\\_V1.pdf](https://www.npws.ie/sites/default/files/publications/pdf/4076_4019_Wexford%20Harbour%20and%20Slobs%20&%20The%20Raven%20SPAs%20Supporting%20Doc_V1.pdf)



12.1.29. Notwithstanding the above discussion in relation to birds species, I am satisfied that the general description of potential impacts as described in the AA Screening Report capture the range of potential impacts on the two No. Natura sites, that are associated with potential deterioration in surface water quality during construction and operational phases, potential risks to species associated with these two Natura sites and potential cumulative impacts associated with this development. I am satisfied that there are no identified ecological connections to the Blackstairs Mountains SAC (000770), or any other Natura 2000 sites at a distance greater than 15km from the site, and therefore I am satisfied therefore that likely significant effects on same, having regard to its conservation objectives, can be ruled out

12.1.30. However, as noted above, likely significant effects on Slaney River Valley SAC and the Wexford Harbour and Slobbs SPA cannot be ruled out, for the reasons set out above, and as such a Stage 2 Appropriate Assessment is required.

### **Stage 2 – Appropriate Assessment**

12.1.31. The NIS sets out a details description of the Slaney River Valley SAC (000781) and it is noted that the site comprises the freshwater stretches of the Slaney as far as the Wicklow Mountains, flowing through the counties of Wicklow, Wexford and Carlow. The extent of the floating river vegetation is set out which includes two rare aquatic plant species. short-leaved water-starwort (*Callitriche truncata*), a very rare, small aquatic herb found nowhere else in Ireland, and opposite-leaved pondweed (*Groenlandia densa*). It is set out that good examples of wet woodlands are found associated with Macmine marshes, along banks of the Slaney and its tributaries and within reed swamps. These woodlands have been described as two types: one is quite eutrophic, is dominated by willow and is subject to a tidal influence. The other is flushed or spring-fed subject to waterlogging but not to flooding and is dominated by alder and ash. Below Enniscorthy there are several areas of woodland with a mixed canopy of oak, beech, sycamore (*Acer pseudoplatanus*), ash and generally a good diverse ground flora. A nationally rare species summer snowflake (*Leucojum aestivum*) is also found within the site. The site supports populations of several species listed on Annex II of the EU Habitats Directive including sea lamprey (*Petromyzon marinus*), river lamprey (*Lampetra fluviatilis*) and brook lamprey (*Lampetra planeri*), otter (*Lutra lutra*), salmon (*Salmo salar*), small numbers of Freshwater pearl mussel (*Margaritifera margaritifera*) and in the tidal stretches,

twaité shad (*Alosa fallax fallax*). A survey of the Derreen River in 1995 estimated the population of freshwater pearl mussel at about 3,000 individuals. This is a significant population, especially in the context of eastern Ireland. The Slaney is primarily a spring salmon fishery and is regarded as one of the top rivers in Ireland for early spring fishing. The upper Slaney and tributary headwaters are very important for spawning. The site supports regionally significant numbers of common seal. This Annex II species occurs year-round in Wexford Harbour where several sandbanks are used for breeding, moulting and resting activity. At least 27 common seal regularly occur within the site. The site is of high ornithological importance also, with internationally important populations of mute swan, light-bellied brent goose, bar-tailed godwit and black-tailed godwit occurring, with a further 18 species of wintering waterfowl occurring in numbers of national importance. The site supports pine martins, Irish Hare and Daubenton's Bat among other mammals. It is noted that spreading of slurry and fertiliser is the main threat to water quality, as well as other threats including waste water outflows, industrial and landfill uses. The main threats, according to the Natura Standard Data form for this SAC (NPWS, 2015) include forest and plantation management and use, invasive non-native species, cultivation and diffuse pollution to surface waters arising from agriculture and forestry. These threats come from both outside and inside influences.

12.1.32. In relation to the Wexford Harbour and Slob SPA (004076), the NIS notes this site is divided between the natural estuarine habitats of Wexford Harbour and the reclaimed polders known as the north and south 'slobs'. The seaward boundary extends from the Rosslare peninsula in the south to the area just west of The Raven Point in the north, while the inner boundaries of the site extend to Ferrycarrig Bridge and towards Castlebridge. The principal habitat is shallow marine water, with extensive areas of intertidal flats exposed at low tides. Habitats are as set out in Table 1 above but include salt marshes and arable and pasture grassland on the reclaimed 'slobs'. The site is of international importance for several species of waterfowl but also because it regularly supports well in excess of 20,000 waterfowl, and it is one of the top three sites in the country for numbers and diversity of wintering birds. It is also one of the two most important sites in the world for Greenland white-fronted goose, with internally important populations of other bird

species. Threats to the integrity and conservation status of this site, as published by the NPWS, include fertilisation, aquaculture, grazing, urbanisation and forestry.

- 12.1.33. The NIS considers the qualifying interests of both of the Natura Sites discussed above, and notes that all of the qualifying interests of the Wexford Harbour and Slobs SPA have the potential to be impacted upon as they are water dependant. Not all of the qualifying interests of the Slaney River Valley SAC will have the potential to be impacted upon however, either due to the distance that they occur from the site or because they are features that are not sensitive to changes in water quality, and Table 3 of the NIS lists these 'non-relevant features' and these reasons for their exclusion. I am satisfied that the reasons set out therein are justified and I am satisfied that the proposed development will not have an impact on these particular qualifying interests associated with the Slaney River Valley SAC
- 12.1.34. Table 4 of the NIS sets out the relevant qualifying interest of the Slaney River Valley SAC that have been screened in and these are the generally, but not limited to, the qualifying interests that are water dependant. Possible effects on same are set out in this table, with reference to the conservation objectives for this site. Impacts on otter are also considered, and it is noted that while a deterioration in water quality will also impact on the diet of same, disturbance to habitat as a result of the construction of the headwalls or as a result of increased human activity or inappropriate disposal of waste, may occur. The Site Specific Conservation Objectives of the Qualifying Interests of the Slaney River Valley SAC and the Wexford Harbour and Slobs SPA are considered in Section 4.3 of the NIS.
- 12.1.35. Table 5 of the NIS sets out additional ecological information as relates to the bird species associated with the Wexford Harbour and Slobs SPA, as well as the qualifying wetlands habitat associated with same.
- 12.1.36. Section 4.4 of the NIS sets out potential impacts on the two Natura Sites screened in, and are as per the Screening Report, with a more detailed discussion of same. Possible deterioration of water quality could occur during construction stage, including from site preparation, the pouring of concrete and the construction of the headwalls from the attenuation areas into the river. As well as pollutants entering the river, an increase in siltation levels could have result in smothering of fish eggs, with subsequent ecological impacts resulting from same. These impacts would impact

negatively on the fish and aquatic invertebrate population, which could be significant on an international level, as the Urrin River leads to the River Slaney SAC and the Wexford Harbour and Slobs SPA. In relation to operational impacts, impacts from oil or silt contaminated surface water run-off from the site into the Urrin River was considered to be the most likely source of pollution, with potential negative impacts on water quality. In relation to Annex I and Annex II species, it is noted that otter, salmon, lamprey and twaite shad are all qualifying interests of the River Slaney SAC and they all have the potential to be impacted as a result of this development, by way of pollution, habitat loss, habitat fragmentation and disturbance. It is reiterated that the improved grassland habitats do not provide ex-situ habitats for bird species associated with the Wexford Slobs SPA.

12.1.37. Cumulative Impacts are considered in the NIS, and it is noted that recent applications which include domestic, commercial and industrial developments which have been granted permission have been accompanied either a Stage 1 Screening Report or by a Stage 2 NIS. While it is noted that the Enniscorthy Town and Environs Plan 2008-2014 (as extended) did not undergo Appropriate Assessment Screening, the NIS notes that future plan will be subject to such screening. It is concluded that, with the Mitigation Measures as set out in the NIS, it is unlikely that the proposed application will lead to any cumulative impacts on the two Natura Sites screen in.

12.1.38. Section 5 of the NIS sets out Mitigation Measures. It is recommended that works are overseen by an Ecological Clerk of Works (ECoW). It is also stated that the mitigation measures as set out in the NIS are specific to the site and have been incorporated into the Construction and Environmental Management Plan. Detailed mitigation measures are set out in the NIS and relate to general good practice and protection of terrestrial habitats, protection of water quality, including the maintenance of a 15m buffer zone along the River Urrin and adherence to Inland Fisheries Ireland (IFI) Guidelines including 'Protection of Fisheries Habitats during Construction and Development Works and River Sites and the updated guidelines ' Guidelines on Protection of Fisheries During Construction Works in And Adjacent to Waters (2016). Other site specific measures that relate to the protection of water quality, include, but are not limited to, measures relating to the construction of the surface water infrastructure that will discharge surface water into the River Urrin, and the NIS (and the CEMP) sets out a detailed methodology in relation to the

construction of same. Measures that relate to the protection of Bats and Other Mammals are set out (although for the purposes of Appropriate Assessment, the only relevant measures set out therein are those relating to the protection of otter habitat. In relation to same, the only measure directly related to same, is a requirement that the EcOW should ensure that no otter holts have been constructed along the river banks at the point of works, or for a distance of 5m either side of the headwall location. Measures relating to Biodiversity Enhancement are also set out in the NIS.

12.1.39. The NIS concludes that, taking cognisance of the migration measures set out therein, the proposed project will not have an adverse effect on the integrity of the Slaney River Valley SAC or the Wexford Harbour and Slobs SPA.

12.1.40. I generally concur with the conclusions in the NIS, and there is no scientific evidence either on file, or within the public domain, that would warrant different conclusions.

#### **AA determination – Conclusion**

12.1.41. The proposed residential development at has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

12.1.42. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on European Site No. 000781 Slaney River Valley SAC and European Site No. 004076 Wexford Harbour and Slobs SPA.

12.1.43. 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.

12.1.44. 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. 000781 Slaney River Valley SAC nor of the European Site No. 004076 Wexford Harbour and Slobs SPA, or any other European site, in view of the sites' Conservation Objectives.

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 European Site No. 000781 Slaney River Valley SAC and European Site No. 004076 Wexford Harbour and Slobbs 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 European Site No. 000781 Slaney River Valley SAC and European Site No. 004076 Wexford Harbour and Slobbs SPA.

### 13.0 Conclusion and Recommendation

The proposed residential scheme is acceptable in principle at this site with regard to the relevant zoning objectives of the Enniscorthy Town & Environs Development Plan 2008-2014 (extended to 2019). The provision of higher density (relative to the density provisions set out in the Enniscorthy Town & Environs Development Plan 2008-2014 – as extended to 2019) residential development at this location is acceptable in principle, having regard to the criteria as set out in relevant Section 28 Guidelines. The height, bulk and massing, detailed design and layout of the scheme are acceptable, subject to conditions. I am also satisfied that the development would not have any significant adverse impacts on the residential amenities of the surrounding area. The future occupiers of the scheme will also benefit from a high standard of internal amenity and the proposal will contribute significantly to the public realm. The overall provision of car parking and cycle parking is considered acceptable. I am satisfied the future occupiers of the scheme will not be at risk from flooding, and the proposal will not increase the risk of flooding elsewhere.

However, it is considered that, having regard to the fundamental road safety concerns raised as a result of the proposed provision of a raised table on Carley's Bridge Road, in place of a dedicated pedestrian footpath and having regard to the limited forward visibility at the location of the proposed raised table, as a result of the variable horizontal and vertical alignment of the Carley's Bridge Road, and having regard to the proposed provision of a vehicle access/egress point close to the location of the existing rural speed limit zone (80km/h), and the uncertainty in relation to the altering of same, the proposed development would endanger public safety by reason of traffic hazard.

I therefore recommend that planning permission should be refused for the reason set out below.

## 14.0 Recommended Order

### **Planning and Development Acts 2000 to 2019**

#### **Planning Authority: Wexford County Council**

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 19<sup>th</sup> Day of October by Torca Developments Limited care of McGill Planning Limited, 22 Wicklow St, Dublin 2, D02 VK22.

#### **Proposed Development:**

The proposed Strategic Housing Development will consist of 233 no. residential units comprising 180 no. apartments/duplexes up to 4 storeys in height consisting of 72 no. 1 beds, 40 no. 2 beds and 68 no. 3 beds; and 53 no. 2-3 storey houses (45 no. 3-bed houses and 8 no. 4 bed houses). Provision of a creche (c.290 sqm), 352 no. car parking spaces, 497 no. cycle parking spaces, open spaces (including new riverside public park), bin storage, bicycle stores and pumping station. The proposal includes for new vehicular and pedestrian accesses via Carley's Bridge Road to the north and north-west, and a pedestrian access via Millbrook Residential Estate to the east of the site. All associated site development works including site reprofiling, boundary treatments, plant, site services and services connection

#### **Decision**

**Refuse permission for the above proposed development based on the reasons and considerations 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**

1. It is considered that, having regard to the fundamental road safety concerns raised as a result of the proposed provision of a raised table on the Carley's Bridge Road, in place of a dedicated pedestrian footpath, and having regard to the limited forward visibility at the location of the proposed raised table, as a result of the variable horizontal and vertical alignment of the Carley's Bridge Road, and having regard to the proposed provision of a vehicle access/egress point close to the location of the existing rural speed limit zone (80km/h), and the uncertainty in relation to the altering of same, the proposed development would endanger public safety by reason of traffic hazard.

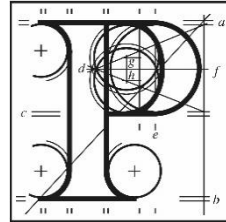
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Rónán O'Connor  
Senior Planning Inspector

4<sup>th</sup> February 2022



Appendix A: EIA Screening Form



An  
Bord  
Pleanála

**EIA - Screening Determination for Strategic Housing Development Applications**

**A. CASE DETAILS**

<b>An Bord Pleanála Case Reference</b>		ABP-311699-22
<b>Development Summary</b>		Demolition of existing structures, construction of 233 no. residential units (53 no. houses, 180 no. apartments/duplexes), creche and associated site works.
	<b>Yes / No / N/A</b>	
<b>1. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	A Natura Impact Statement (NIS) has been submitted with the application

2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	Please see Sections 11.1.7 and 11.1.8 of Inspector's report for details of same.

<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) <b>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</b>	<b>Is this likely to result in significant effects on the environment?</b> <b>Yes/ No/ Uncertain</b>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>			

<p><b>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</b></p>	<p><b>No</b></p>	<p>The residential use and other uses proposed and the size and design of the proposed development would not be unusual in the context of this residential area.</p>	<p>No</p>
<p><b>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</b></p>	<p><b>Yes</b></p>	<p>Such changes in land use and form are not considered to be out of character with the pattern of development in the surrounding area.</p>	<p>No</p>
<p><b>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</b></p>	<p><b>Yes</b></p>	<p>Construction materials will be typical of such urban development. Development of this site will not result in any significant loss of natural resources or local biodiversity.</p>	<p>No</p>
<p><b>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>

<p><b>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</b></p>	<p><b>Yes</b></p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction and Environmental Management Plan will satisfactorily mitigate potential impacts.</p> <p>Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p><b>No</b></p>
<p><b>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</b></p>	<p><b>No</b></p>	<p>No significant risk identified. Operation of a Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains water supply. Surface water will drain to the River Urrin via hydrocarbon interceptors and flow control devices. Irish Water have not cited any capacity constraints in relation to the foul water connection.</p>	<p><b>No</b></p>

<p><b>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</b></p>	<p><b>Yes</b></p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan. Lighting is designed to avoid overspill to adjoining lands</p>	<p><b>No</b></p>
<p><b>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</b></p>	<p><b>No</b></p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction, Environmental Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	<p><b>No</b></p>
<p><b>1.9 Will there be any risk of major accidents that could affect human health or the environment?</b></p>	<p><b>No</b></p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. In relation to flooding, the south-western area of the proposed development site falls within a delineated Flood Zone 'A' and Flood Zone 'B', as a result of fluvial flood risk associated with the River Urrin and River Lyre. The finished floor levels (FFLs) of the proposed houses are a minimum of 8.65m OD, which is</p>	<p><b>No</b></p>

		<p>1.15m above the peak 1 in 1000 year (0.1% AEP) flood level of the River Lyre at the proposed site entrance. I am satisfied that the risk of the proposed residential units flooding has been minimised and furthermore, having regard to the additional design features and measures as set out in the Site Specific Flood Risk Assessment, I am satisfied that that the proposal will not lead to an increased risk of flooding of adjacent sites and that sufficient compensatory flood storage has been provided, where existing flood storage has been displaced.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	
<p><b>1.10 Will the project affect the social environment (population, employment)</b></p>	<p><b>Yes</b></p>	<p>Redevelopment of this site as proposed will result in an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses.</p>	<p><b>No</b></p>
<p><b>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</b></p>	<p><b>No</b></p>	<p>The site is a greenfield site currently in agricultural use. The zoning of the site allows for a residential led development and the development of this site has been foreseen by the Enniscorthy Town &amp; Environs Development Plan 2008-2014 (extended to 2019) and as varied by Variation No.s 1 &amp; 2, which have undergone SEA. The development of residential units within the</p>	<p>No</p>

		<p>county has also been foreseen by the Wexford County Development Plan 2013-2019 which has undergone an SEA and has been subject to a Strategic Flood Risk Assessment (SFRA). Other developments in the wider area are not considered to give rise to significant cumulative effects.</p>	
<b>2. Location of proposed development</b>			
<p><b>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</b></p> <ol style="list-style-type: none"> <li><b>1. European site (SAC/ SPA/ pSAC/ pSPA)</b></li> <li><b>2. NHA/ pNHA</b></li> <li><b>3. Designated Nature Reserve</b></li> <li><b>4. Designated refuge for flora or fauna</b></li> <li><b>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</b></li> </ol>	<p><b>Yes</b></p>	<p>There are no conservation sites located on the site. No conservation sites located on the site. The site is located approximately 1km from the closest boundaries of European Site No. 000781 Slaney River Valley SAC and the European Site No. 004076 Wexford Harbour and Slobs SPA. An NIS has been submitted with the application which has concluded that that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the , European Site No. 000781 Slaney River Valley SAC nor of the European Site No. 004076 Wexford Harbour and Slobs SPA, or any other European site, in view of the sites' Conservation Objectives.</p>	<p><b>No</b></p>

<p><b>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</b></p>	<p><b>Yes</b></p>	<p>There is no evidence of protected, important or sensitive species of flora on the site. There no evidence of any use of the site by significant numbers of bird species associated with any Natura 2000 sites, and impacts on other protected fauna are mitigated by measures as set out in the Ecological Impact Statement and the Construction and Environmental Management Plan. Therefore no significant negative effects on such species are anticipated.</p>	<p>No</p>
<p><b>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</b></p>	<p><b>Yes</b></p>	<p>There are no features in the vicinity of the site likely to be affected by the proposed development. The application is accompanied by a Cultural Heritage Assessment Report has been submitted which considers <i>inter alia</i> the impact on Archaeological Heritage. It is concluded therein that the existing disturbed nature of the archaeological features on the site itself is such that they are not considered to be of significant archaeological status or rarity that would require that them to be subject to preservation <i>in situ</i> and it is concluded that it would be appropriate for the features to be 'preserved by record and the wording of a condition is suggested in Section 9 'Mitigation Measures' of the report. Subject to an appropriate condition, which should include archaeological monitoring, I am satisfied that there will be no significant negative effects on archaeological heritage.</p>	<p>No</p>



<p><b>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</b></p>	<p><b>Yes</b></p>	<p>The River Urrin and the River Slaney are both important salmonid Rivers, as highlighted in the submission from Inland Fisheries Ireland. These waters also provide a hydrological link to the coast, and to the Wexford Harbour and Slobbs SPA, which have bird populations of international and national importance. However measures as set out in the application documentation including, but not limited to, the Construction and Environment Management Plan, the Natura Impact Statement, the Ecological Impact Assessment and the Site Specific Flood Risk Assessment, will ensure the protection of water quality of the River Urrin, and subsequently the River Slaney.</p>	<p><b>No</b></p>
<p><b>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</b></p>	<p><b>Yes.</b></p>	<p>As per discussion in Section 2.4 above. In terms of flood risk, the development will implement SUDS measures to control surface water run-off. Having regard to the additional design features and measures as set out in the Site Specific Flood Risk Assessment, I am satisfied that that the proposal will not lead to an increased risk of flooding of adjacent sites and that sufficient compensatory flood storage has been provided, where existing flood storage has been displaced.</p>	<p><b>No</b></p>

<b>2.6 Is the location susceptible to subsidence, landslides or erosion?</b>	<b>No</b>	There is no evidence in the submitted documentation that the lands are susceptible to lands slides or erosion.	<b>No</b>
<b>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</b>	<b>No</b>	The site is served by a local urban road network.	<b>No</b>
<b>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</b>	<b>No</b>	There is no existing sensitive land uses or substantial community uses which could be affected by the project.	<b>No</b>

<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</b>	<b>No</b>	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	<b>No</b>
<b>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</b>	<b>No</b>	No trans boundary considerations arise	<b>No</b>
<b>3.3 Are there any other relevant considerations?</b>	<b>No</b>		<b>No</b>

<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<b>Yes</b>	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>	<b>No</b>		

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

(a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(c) The existing use on the site and pattern of development in surrounding area;

(d) The availability of mains water and wastewater services to serve the proposed development,

(e) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

(f) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

(f) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and

(g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Ecological Impact Assessment, the Natura Impact Statement, the Construction & Environmental Management Plan & Mitigation Measures Report, the Construction & Demolition Waste Management Plan, the Operational Waste & Recycling Management Plan, the Site Specific Flood Risk Assessment, the Report on Disposal of Storm Water, the Report on Water Services and the Traffic and Transport Assessment,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not therefore be required.

**Inspector:** \_\_\_\_\_ **Ronan O'Connor**

**Date:** 4<sup>th</sup> February 2022