



An
Bord
Pleanála

Inspector's Report

ABP-312454-22

Development	Permission for a proposed development consisting of the construction of 18 no. residential units and a childcare facility.
Location	Chapelwood Estate, Litter More, Kilmuckridge, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20211302
Applicant(s)	Nicelander Limited.
Type of Application	Permission.
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Sandra Jones, Chapelwood Residents Association.
Observer(s)	None.
Date of Site Inspection	23 rd of November 2022.

Inspector

Stephanie Farrington

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1.0 Site Location and Description

- 1.1. The appeal site is located within and adjoining the existing Chapelwood Estate, Kilmuckridge, Co. Wexford. The site, which has an overall stated area of 0.79ha, is split into two distinct areas. The site comprises an undeveloped site of (0.04ha) within and to the west of the existing housing estate and a part brownfield site to the north of the estate with an area of 0.76ha. The site to the north of the estate is currently enclosed by post and rail fencing. The foundations of a number of previously approved dwellings are evident on this portion of the site.
- 1.2. The parent permission for the Chapelwood Estate dates to 2006. Permission was granted for 97 residential units and a creche under PA Ref: 20054247. The application documentation outlines that the permitted development was never fully implemented and to date 79 no. units have been provided on site and the permission has expired. The proposal seeks to provide for the delivery of 18 no. houses and a childcare facility outstanding from the parent permission.
- 1.3. The Chapelwood Estate comprises 2 storey detached and semi-detached houses and associated public open space areas. Access to the estate is provided via the L6017-1.

2.0 Proposed Development

- 2.1. The proposed development comprises the following:
 - Construction of 18 no. houses to the north of the Chapelwood Estate;
 - Creche;
 - 38 no. car parking spaces;
 - Residential access road, landscaping, boundary treatment and all associated works;
- 2.2. Access to the site is proposed via extension of the existing internal road network serving the Chapelwood Estate.
- 2.3. Table 1 below provides a summary of key site statistics.

Table 1: Key Figures	
Site Area	0.79ha
No. of Residential Units	18 no. houses
Unit Mix & Dwelling Type	12 no. 4 bed detached units (Unit Types A3, A6, B and E). 6 no. 4 bed semi-detached units (Unit Types Bs and Es).
Height	2 storeys
Density	Housing Site - 18 units on 0.71 ha = 25 units per ha Overall Chapelwood Estate =97 units on 1.94 ha = 50 units per ha
Creche	27 childcare spaces, 219.34 sq.m.
Public Open Space	275 sq.m. (Area F) 10.45% provided within overall Chapelwood Estate
Car Parking	38 - 2 no. spaces per dwelling, 2 spaces for the creche.

2.21. The application is accompanied by the following documentation:

- Planning Application Report.
- Application Form and Public Notices.
- Infrastructure Report.
- Schedule of Areas.
- Architectural and Engineering Drawings.

3.0 Planning Authority Decision

3.1. Decision

Wexford County Council issued a notification of decision to grant permission for the proposed development subject to 21 no. conditions. The following conditions are of note:

- Condition 2: Prior to the commencement of development the developer shall enter into an agreement with the planning authority in respect of compliance with Part V of the Planning and Development Act 2000 as amended.
- Condition 6: relates to the submission of a cash bond with Wexford County Council to ensure the completion of the development.
- Condition 7: Having regard to the infiltration issues identified from the overall housing scheme in the reports submitted that would impact the network for the development, the developer is required to enter into an agreement with Wexford County Council to resolve these issues to the satisfaction of the district engineer, prior to commencement of works on site.
- Condition 12: The playground shall be completed in full prior to the occupation of any creche or housing units hereby permitted.
- Condition 14: The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (27.09.2021)

The initial planner's report recommends a request for further information. The following provides a summary of the key points raised:

- The FI request seeks clarification in relation to the provision of a playground within the scheme. The application is misleading in terms of its reference to an existing playground within the estate which is not in existence.
- The applicant is requested to submit correspondence from Irish Water outlining that consent has been given for connection to a public sewer and water supply.
- Concerns are raised in relation to overlooking from first floor windows of the creche.
- The FI requests details of parking provision for the creche, lighting proposals, revisions to sewer connections and a survey of storm water drains.
- The AA Screening Report attached to the planner's report outlines that having regard to the limited extent of the proposed works and substantial distance to the nearest Natura 2000 site no element of the proposed project alone or in combination is likely to give rise to any impacts on the Natura 2000 sites.

Planner's Report (13.12.2021)

The planner's report dated the 13th of December 2021 recommends a grant of permission subject to conditions. The following provides a summary of the key points raised:

- The report includes a summary of the applicant's response to the request for further information.
- The estate was left by the developer for a time as an unfinished estate and the Council had to intervene with enforcement action to obtain completion of the roads and public lighting.
- The principle of additional housing on these lands is acceptable.
- The proposed development would not seriously injure the amenity of the area and would therefore be on accordance with the proper planning and sustainable development of the area.

Email Correspondence on file from Senior Planner (03.12.2021)

- This refers to the concerns raised within submissions on the application in relation to the unfinished nature of the estate. The report recommends the

application of a cash bond and the amendment of the wording of Condition no. 6 to reflect same.

3.2.2. Other Technical Reports

Environment (02.09.2021)

- Recommends further information in relation to confirmation from Irish Water of consent for proposed services connection. A revised site layout plan illustrating foul and sewer layout and connection points to sewer lines.

Environment (26.11.2021)

- No objection subject to condition

Disability Access Officer

- DAC is required.

Initial Report Area Engineer/ Water Services

- The planner's report dated the 27/09/22 refers to a request for further information from the Water Services section. The following points are raised:
 - The existing sewer between MH20 and MH18 must be diverted out of the private site.
 - The report refers to the report on the application submitted by Murphy Survey which identifies potential foul misconnections in the storm drains. The developer is requested to track all such misconnections to ensure that the flow from the development will not contribute to the misconnections and cause pollution to the watercourse.
 - The applicant shall enter into a connection agreement with Irish Water prior to works commencing on site.

Water Services

- Conditions recommended.

Roads Report (13/09/2021)

The initial roads report recommends a request for further information in relation to the following:

- Revised drawings illustrating drop off and parking requirements for the creche.
- Details of the road hierarchy within the estate.
- Provision of 2m wide footpaths within the scheme and extension of the footpath to serve units 97 and 98.
- Lighting design for the proposal.

Roads Report (25.11.2021)

- Further information provided does not clarify all issues with the creche. The parking locations indicated for the creche are shared with existing houses. The area is a public road so cannot be dedicated to the creche only and is located outside of the application site boundary.
- The report recommends a grant of permission subject to conditions.

Chief Fire Officer (8th of September 2021)

- No objection subject to condition.

3.3. Prescribed Bodies

Irish Water (8th of April 2021)

The correspondence on file from Irish Water confirms the following:

- Proposed connection to the Irish Water network can be facilitated at this time.
- A survey is required to confirm if the existing DN80 watermain needs to be upsized to cater for the development.
- No upgrades to Kilmuckridge WWTP are required to cater for this development.
- Reference is made to a surface water pipe crossing the site. The applicant is to contact the Planning Authority.

3.4. Third Party Observations

Submissions on the application were received by a number of existing residents within the Chapelwood Estate. The following provides a summary of the main issues raised:

- The existing estate was left unfinished for many years and residents have had to maintain the estate.
- Residents purchased the houses in the belief that there would be no further housing and the creche would not be built. The requirement for a creche is questioned.
- Lack of Social Infrastructure - There is no capacity within the school in Kilmuckridge. The village is served by one grocery store.
- Infrastructural capacity issues.
- Lack of public transport in the village.
- Construction related impacts including noise and construction traffic impact on internal road.
- Loss of scenic views.
- Inadequate parking provision.

4.0 Planning History

The following planning history relates to the appeal site and larger estate landholding.

Appeal Site

- PA Ref: 20201590: Planning permission refused for 18 no. residential units and a childcare facility on site by Wexford County Council in February 2021. The reasons for refusal related to inadequate information in relation to the feasibility of Irish Water to serve the estate, prematurity pending remedial works to address the infiltration issues within the overall housing scheme,

inadequate information in relation to foul water design and compliance with 10% public open space requirements.

- PA Ref: 20062536: Planning permission granted in August 2006 for alteration of house designs from semi detached to detached sites nos. 71-81 and 83-84.
- PA Ref: 20054272: Planning permission granted in May 2006 for 40 no. 2 storey developments including site development works and connection to existing public services.

Larger Landholding

- PA Ref: 20051535: Planning permission was granted in 18 no. in June 2005.
- PA Ref: 20052684: Planning permission granted for 40 no. houses in December 2005.

Enforcement History

- The planner's report includes a summary of the enforcement history within the Chapelwood Estate relating to the development permitted under PA Ref: 20051535.

5.0 Policy Context

5.1. Development Plan

Wexford County Development Plan 2022-2028

5.1.1. The site is located within the administrative boundary of Wexford County Council. At the time of the assessment of the application, the Wexford County Development Plan 2013-2019 was the operative development plan for the area. The application was assessed by Wexford County Council in accordance with the policies and objectives of this plan.

5.1.2. The Wexford County Development Plan 2022-2028 was adopted on the 13th of June 2022 and the Plan came into effect on the 25th of July 2022. I have assessed the proposal in accordance with the provisions of the operative development plan.

Settlement Hierarchy

5.1.3. Table 3.2 of the Wexford County Development Plan sets out the County Wexford Settlement Hierarchy. Kilmuckridge is designated as a Level 3b Strategic Settlement. Section 3.6.4 of the Plan sets out guidance for the role and function of designated Level 3b settlements and their development approach. The Plan sets out the following guidance in this regard:

Role and Function

“There is a strategic imperative to prioritise the development of these villages.... Some of the settlements, such as Wellingtonbridge, Kilmuckridge and Kilmore Quay, have potential to be regenerated through tourism related development. All of these settlements perform important functions including retail, commercial, education, residential, service and amenity functions for wide sub-county hinterlands. In general, these functions are far in excess of that required to support their own population.

A number of these settlements have not been targeted for significant population growth over the lifetime of the plan but have been included on this level of the hierarchy in order to prioritise the growth of infrastructure, employment and community and amenity services and improve socio-economic outcomes”.

Development Approach

Tailor population growth for each settlement having regard to their existing baseline populations, potential for economic development and infrastructural capacities. When allocating population, regard was also had to the rate and pace of past development and the need to deliver social and community facilities to keep pace with recent development e.g., Bridgetown.

- *Apply the sequential approach to the development of land, requiring residential development to take place within the existing footprint of the settlement. The leap frogging of infill/brownfield lands to undeveloped or greenfield lands will not be considered.*

5.1.4. In terms of Level 3b settlements Section 3.6.4 of the Plan outlines that the Council will vary the Plan to include settlement boundaries and specific objectives (and

identify infill and regeneration sites) for these settlements within three years of the adoption of the County Development Plan or within one year of the adoption of the LAPs for Wexford Town, Enniscorthy Town and New Ross Town, whichever is the sooner.

5.1.5. Section 3.7 of the Plan relates to allocation of population to the settlement hierarchy. Table 3.3 sets out the following population allocations for Level 3b Settlements.

Settlement Hierarchy	Settlement	2016	2021	2027	2031	2040
Level 3b Strategic Settlements	Bridgetown (462) ⁶ , Campile (448), Clonroche (326), Coolgreany (376), Kilmore Quay (372), Kilmuckridge (722), Taghmon (585), Wellingtonbridge (137). ⁷	3,428	3,628	3,869	4,019	4,356

Residential Zoned Land Housing Requirements

5.1.6. Section 3.8.4 of the Plan outlines that the zoned land requirement for each level in the settlement hierarchy was determined based on an allocated average density for that settlement, e.g., Level 1 Key Towns 35 units/ha, Level 2 Large Towns 35 units/ha and 25 units/ha to the Level 3a settlements. There will be no zoning in Levels 3b, 4, 5 and 6 on the Settlement Hierarchy. This is reflected in Table 3.4 of the Development Plan. The following objectives are of relevance:

- *Objective CS01: To implement the Core Strategy Guiding Principles and Development Approach and to ensure that required infrastructure and services are provided by infrastructure providers, either in advance or in tandem with development, to achieve this implementation.*
- *Objective CS02: To ensure that new residential development in all settlements complies with the population and housing allocation targets and the principles set out in the Core Strategy and Settlement Development Strategy, in so far as practicable.*

- *Objective CS04: To achieve more compact growth by promoting the development of infill and brownfield/ regeneration sites and the redevelopment of underutilised land within the existing built up footprint of existing settlements in preference to greenfield lands and to identify infill, brownfield and regeneration sites when preparing Local Area Plans, Settlement Plans and settlement boundaries.*
- *Objective CS18: To protect and promote the quality, character and distinctiveness of the county's rural towns, villages and open countryside while supporting the proportionate growth and appropriately designed development that contributes to their revitalisation and renewal and the development of sustainable communities.*
- *Objective CS22: To vary the County Development Plan to include Settlement Plans for Level 3a settlements and prepare boundaries and objectives for Level 3b settlements and prepare settlement boundaries for Level 4 and 5 settlements. Potential sites for infill, regeneration and appropriate locations for housing will be identified for all Level 3a, 3b, 4 and 5 settlements.*

Strategic Transport Objectives

- *Objective TS 19 - To ensure that Traffic and Transport Assessments, Mobility Management Plans, Road Safety Audits and Road Safety Impact Assessments are carried out in accordance with the requirements of Section 8.10 of this chapter and Section 6.2 of Volume 2 Development Management Manual to inform planning decisions and local authority own development including road and transport infrastructure development.*

Volume 2 - Development Management Objectives

5.1.7. Section 4.1 of the Development Plan relates to Childcare Facilities and outlines the following:

The Planning Authority will have regard to Childcare Facilities: Guidelines for Planning Authorities 2001, the Child Care (Preschool Services) Regulations 2006, We Like This Place: Guidelines for Best Practice in the Design of Childcare Facilities 2005, and the following in the assessment of proposals for childcare and educational facilities:

- Suitability of the site for the type and size of facility proposed.
- Availability of indoor and outdoor play space.
- Local traffic conditions.
- Access, car parking and drop off facilities for staff and customers.
- Nature of the facility (full day care, sessional, after school, etc.).
- Number of children to be catered for.
- Intended hours of operation.
- Impact on residential amenity.

5.1.8. The indicative standard is one childcare facility, accommodating 20 children, for approximately 75 dwellings. This standard may be modified in any particular case where there are significant reasons for doing so. Criteria that may be taken into account in such an assessment include the existing geographical distribution of childcare facilities and the emerging demographic profile of the area

5.1.9. Car parking standards are set out within Table 6.7 of the Development Plan. The following are of relevance:

- House – 2 per house
- Creche/Childcare – 1 space per 4 children plus 1 space per 1 employee

5.1.10. Section 3.12.1 relates to Mix of Dwelling Types and outlines that the overall dwelling mix in residential schemes should provide for a balanced range of dwelling types and sizes to support a variety of households. The mix of house types and sizes should provide far greater diversity than the traditional 3-bed semi-detached type housing development.

5.1.11. The Plan outlines that the design and layout of individual dwellings should provide a high quality living environment for the future residents. Designers should have regard to the targets and standards set out in the Quality Housing for Sustainable Communities Guidelines, DEHLG (2007) with regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation. All houses must accord with or exceed the minimum floor area standards set out in Table 3-4 below. Dwellings should also be designed to provide adequate room sizes

that create good quality and adaptable living spaces. The Planning Authority may consider deviations from these floor area requirements, however, at minimum the floor areas must comply with the minimum set out in the Quality Housing for Sustainable Communities Guidelines (See Section 5 of those Guidelines).

Table 3-4 Minimum Floor Area and Private Open Space for Dwellings

Type of Unit	Houses	Private Open Space
One Bedroom	50 m ²	48 m ²
Two Bedroom	80 m ²	55 m ²
Three Bedroom	92 m ²	60 m ²
Four Bedroom or more	110 m ²	70 m ²

5.1.12. Section 3.12.2 of the Wexford County Plan which relates to the provision of a minimum of 20% of dwellings in new residential developments of five dwellings or more are Lifetime Homes, suitable to accommodate or are adaptable to provide accommodation for people with disabilities and older people.

5.1.13. Table 6.1 sets out Mandatory thresholds for Traffic and Transport Assessments. The following are of relevance: residential development in excess of 200 dwellings, traffic to and from the development exceeds 10% of the traffic flow on the adjoining road.

5.2. National Planning Framework

- Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.3. Sustainable Residential Development in Urban Area's Guidelines

5.3.1. Chapter 6 of the Guidelines relates to Small Towns and Villages. These are defined as settlements with a population ranging from 400 to 5,000 persons. Kilmuckridge falls within this population range.

5.3.2. The Guidelines outline that new development should contribute to compact towns and villages. Section 6.7 outlines that the overall order and sequencing of

development of small towns and villages must avoid so called “leap frogging” where development of new residential areas takes place at some remove from the existing contiguous town/village and leading to discontinuities in terms of footpaths lighting or other services which militates against the proper planning and development of the area.

5.3.3. The Sustainable Residential Development in Urban Areas (2009) Guidelines outline that residential developments within villages such as Kilmuckridge, the primary consideration is that new development should relate successfully to the structure of the village. Layout and design considerations are set out within Section 6.8 of the guidelines and include how a development makes effective use of a site, makes a positive contribution to its surroundings, have a sense of identity and place, provides for effective connectivity, and includes a design approach to streets, plazas and open spaces.

5.3.4. In terms of density standards, paragraph 6.11 relates to densities or Edge of Centre Sites. The following guidance is provided:

“The emphasis will be on achieving successful transition from central areas to areas at the edge of the smaller town or village concerned. Development of such sites tend to be predominantly residential in character and given the transitional nature of such sites, densities to a range of 20-35 dwellings per hectare will be appropriate including a wide variety of housing types from detached dwellings to terraced and apartment style accommodation”.

5.4. **Section 28 Ministerial Guidelines**

5.4.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009;
- Childcare Facilities: Guidelines for Planning Authorities 2001.
- Urban Design Manual, A Best Practice, 2009;
- Design Manual for Urban Roads and Streets, 2013;

5.5. Natural Heritage Designations

The nearest designated European sites to the appeal site, including SAC's and Special Protection Areas (SPA's) include the following:

- Kilmuckridge-Tinnaberna Sandhills SAC 001741 1.9 km E
- Kilmuckridge-Tinnaberna Sandhills pNHA 001741 1.9 km E
- Cahore Polders and Dunes SAC 000700 4.5km NE
- Cahore Polders and Dunes pNHA 000700 4.5km NE
- Cahore Marshes SPA 004143 4.5km NE
- Blackwater Bank SAC 002953 6.6km E
- Ballyconnigar Upper pNHA 000743 8.4km S
- Ballyconnigar Sand Pits pNHA 000741 9km S
- The Raven SPA 004019 9.1km S
- Wexford Slob and Harbour pNHA 000712 9.1km S
- Wexford Slob and Harbour SPA 000712 9.1km S
- Screen Hills pNHA 000708 12.7km S
- Screen Hills SAC 000708 12.7km S

5.6. EIA Screening

Having regard to the nature and scale of the proposed development, the separation of the site from European and other designated sites, the proposed connection of the development to public water and foul drainage connections, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can therefore be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was submitted by Ian Doyle Planning Consultant on behalf of Sandra Jones, Chapelwood Residents Association. The following provides a summary of the grounds of appeal:

- The site is not located within the village of Kilmuckridge. The planning authority gave undue consideration to the fact that the proposal extends an existing housing estate and not enough consideration to national policy in particular the National Planning Framework and ignored its own emerging Draft County Development Plan.
- The appeal refers to the history of non-compliance with the existing associated housing estate. The Board is requested to refuse permission on the basis of past failures to comply. The appeal outlines that the extent of actions/inactions of the developer/landowner over the past year has caused distress to the residents of Chapelwood.
- The applicant failed to demonstrate compliance with Part V of the Planning and Development Act. Permission should be refused for the development on this basis.
- The development is inconsistent with emerging policy set out within the Draft Wexford County Development Plan which relates development in designated level 3 settlements. The development does not adhere to sequential development within the village. Chapelwood estate and the site are not located within the existing built footprint of the village. The site is peripheral to the village. Development of the site is not consistent with the overarching goals of the National Planning Framework which supports compact growth and a focus on brownfield development. There are multiple sequentially preferable sites closer to the village core. The proposal is contrary to the guidance set out within the Draft WCDP which advocates against *“leap frogging of infill/brownfield lands to undeveloped or greenfield lands”* in a more peripheral location.

- The development has an inappropriate Density and Unit Mix. The development would be classified as an “outer suburban greenfield site” in accordance with the Sustainable Residential Development in Urban Area’s Guidelines. The minimum density requirement for such sites is 30 units per ha. The proposal consists of solely 4-bedroom unit houses and as such represents the overprovision of a singular unit mix type.
- The appeal questions if the village has the required physical and social infrastructure to support the development. In this regard it is stated that Kilmucridge has extremely limited services with no neighbourhood shopping facilities, public transport is poor, and the primary school is currently at capacity. There are issues with upgrading sections of the wastewater infrastructure. No assessment has been carried out to determine that the village has sufficient social infrastructure to accommodate additional development.
- The need for a creche to serve the development has not been fully rationalised in the context of the existing 2 no. creches within the village and recently permitted additional facilities under PA Ref: 20200617. There is no dedicated play area proposed to serve the creche or sufficient room to provide same. The existing play area is outside of the application boundary and children would have to cross a road for access. This is inconsistent with best practice. Condition no. 12 of the planning authority’s decision is unimplementable as it relates to works outside of the application site boundary. A creche and schools demand assessment should be submitted. The creche is poorly designed, lacking in terms of outside play area and its need is unjustified.
- A Traffic Management Plan, Traffic Impact Assessment and Road Safety Audit should be submitted in support of the application. The appeal outlines that it is difficult to see how the planning authority made an informed decision in respect of the application in the absence of this information.
- Concerns are raised in respect of the limited scope for the Construction Management Plan to be submitted in compliance with condition no. 14 of the planning authority’s decision in terms of the reference to “noise management

and disposal of construction waste only”. In the instance of a grant of permission it is requested that the condition should be revised to consider wider issues associated with Construction Management.

- The Board is requested to refuse permission for the development.

6.2. Applicant Response

Brock McClure Planning Consultants provided a response to the grounds of appeal on behalf of the applicant. The following provides a summary of the key points raised:

- The appeal response provides a background to the planning history of the area. Permission was granted in 2006 for 97 no. residential units and childcare facility. The permitted development was never fully implemented and to date 79 no. units are completed.
- The development comprises the completion of the 18 no. houses and childcare facility outstanding from the previous permission.
- It is requested that the appellants reference to “past failure to comply” is dismissed by ABP. Any historic non-compliance was referable to another entity no longer linked to the applicant. The applicant is in a position to deliver the full extent of the originally permitted development under PA Ref: 20054272.
- The applicant will comply with the requirements of Condition no. 2 of WCC’s notification of decision to grant permission for the development in relation to Part V of the Planning and Development Act.
- The application seeks permission for 18 no. houses previously permitted on site and therefore did not follow a sequential approach.
- The requirement for a creche was identified under the parent permission. Permission was granted for this facility but never implemented. Kilmuckridge is expanding and evolving in accordance with planning policy. The appeal response refers to permission for 42 no. residential units in the village under PA Ref: 20200617. An outdoor play area of c 121.72 sq.m. is provided to the rear of the creche.

- The development forms an important part of the Chapelwood Estate and is easily incorporated in the area.
- The development represents an appropriate infill development at this location and makes good use of existing facilities including roads, open space and is an appropriate way to provide a modest increase in housing stock at Kilmuckridge.
- The parent permission yielded an overall density of 50 units per ha. (97 no units on 1.97 ha site). This density was deemed acceptable to the planning authority. The Draft Wexford County Development Plan identifies a density requirement of 25 units per ha for zoned lands in Level 3 settlements. The proposal comprises 18 no. units on a 0.71ha site yielding a density of 25 units per ha. This is considered to be an appropriate density for the area.
- The proposal includes the provision of 18 no. 2 storey 4 bedroom detached and semi-detached units and is considered to be consistent with the character and setting of the application site with respect to the existing Chapelwood Estate.
- No objection is raised to the extension in the scope of issues to be addressed within the Construction Management Plan as raised by the appellant. This could be addressed by means of condition by the Board.

6.3. Planning Authority Response

- None received.

7.0 Assessment

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

- Procedural Issues
- Principle of Development

- Social and Physical Infrastructure
- Access and Transportation
- Other Issues
- Appropriate Assessment

7.2. Procedural Issues

- 7.2.1. The site is located within the administrative boundary of Wexford County Council. At the time of the assessment of the application, the Wexford County Development Plan 2013-2019 was the operative development plan for the area. The application was assessed by Wexford County Council in accordance with the policies and objectives of this plan.
- 7.2.2. The Wexford County Development Plan 2022-2028 was adopted on the 13th of June 2022 and the Plan came into effect on the 25th of July 2022. I have assessed the proposal in accordance with the provisions of the operative development plan.

7.3. Principle of Development

- 7.3.1. The appeal raises concern in relation to the principle of the proposed residential development on lands removed from the village core of Kilmuckridge and non-compliance with the sequential approach to development. It is stated that the development is not in accordance with the requirements of the National Planning Framework which supports compact growth and the requirements of the Draft Wexford County Development Plan which advocates against leap frogging of development. The appeal furthermore questions the need for the proposed creche to serve the existing and proposed development on the basis of the provision of existing and permitted childcare facilities within the village. I consider the points raised in turn as follows.

Principle of Proposed Residential Development

- 7.3.2. The appeal site is located within the existing Chapelwood Estate, which is located approximately 500m from the centre of Kilmuckridge village. The site comprises 2 distinct plots including the brownfield and to the north of the site which is proposed to accommodate the 18 no. houses and a plot to the west of the estate which is proposed to accommodate a creche.

7.3.3. Kilmuckridge is designated as a Level 3b Strategic Settlement within the Wexford County Settlement Strategy as set out within Table 3.2 of the Wexford County Development Plan 2022-2028. Lands within Level 3b settlements are not zoned within the Development Plan. Objective CS22 of the Development Plan seeks: *“To vary the County Development Plan to include Settlement Plans for Level 3a settlements and prepare boundaries and objectives for Level 3b settlements and prepare settlement boundaries for Level 4 and 5 settlements. Potential sites for infill, regeneration and appropriate locations for housing will be identified for all Level 3a, 3b, 4 and 5 settlements”*.

7.3.4. The Development Plan sets out the following guidance for future development within Level 3b centres:

- Tailor population growth for each settlement having regard to their existing baseline populations, potential for economic development and infrastructural capacities. When allocating population, regard was also had to the rate and pace of past development and the need to deliver social and community facilities to keep pace with recent development e.g., Bridgetown.
- Apply the sequential approach to the development of land, requiring residential development to take place within the existing footprint of the settlement. The leap frogging of infill/brownfield lands to undeveloped or greenfield lands will not be considered.

7.3.5. In addressing the above guidance, I note that the Core Strategy of the Wexford County Development Plan envisages growth for Level 3b settlements particularly in instances where such settlements are served by physical infrastructure. I note that the scale of the development at 18 no. residential units is limited and served by connection to existing services. I furthermore note that the principle of the development of 18 no. residential units on site has previously been established.

7.3.6. The third-party appeal raises concern in relation to the principle of the development of a site for residential development which is removed from the existing village. The appeal outlines that the site, which is located outside of the urban footprint of Kilmuckridge, is not in accordance with the sequential approach to development and contrary to national and local policy in this context which supports compact growth and leap frogging of infill/brownfield lands to undeveloped or greenfield lands. I refer

to the requirements of Objective CS04 of the Wexford County Development Plan 2022-2028 in this regard which seeks the development of infill and brownfield/regeneration sites as detailed below.

- *Objective CS04: To achieve more compact growth by promoting the development of infill and brownfield/ regeneration sites and the redevelopment of underutilised land within the existing built up footprint of existing settlements in preference to greenfield lands and to identify infill, brownfield and regeneration sites when preparing Local Area Plans, Settlement Plans and settlement boundaries.*

7.3.7. In responding to the grounds of appeal the applicant refers to the planning history of the site wherein a 97-unit residential development was permitted. The permitted development was never fully implemented and to date 79 no. units are completed. The parent permission has now lapsed, and the applicant is seeking to complete the outstanding elements of the permitted development including the creche and 18 no. residential units.

7.3.8. The site is partially brownfield, and the principle of residential development has previously been accepted at this location. The proposed residential site is located adjacent to the existing and established housing estate at Chapelwood. In this regard the proposal would not constitute the development of a greenfield /undeveloped site. I consider the principle of the proposal to be acceptable subject to consideration of design, amenity and transport considerations which are addressed in further sections of this report.

Principle of Proposed Creche

7.3.9. The appeal questions the requirement for a creche to serve the development and outlines that the facility is unjustified in terms of existing provision within the village and additional facilities permitted within the area under PA Ref: 20200617. The appeal outlines that a creche and schools demand assessment should be submitted consider the existing estate and proposal.

7.3.10. At the outset, I note that the principle of a creche at the location proposed was accepted under the parent permission pertaining to the development under PA Ref: 2005/4272 wherein permission was granted for 97 no. residential units together with a childcare facility. The subject application seeks to complete the unimplemented

elements of this permission including the creche. The application documentation outlines that the proposed creche will accommodate 27 no. children.

- 7.3.11. I refer to the Development Management guidance set out within Section 4.1 of the Wexford County Development Plan which relates to Childcare Facilities. The Plan outlines that the indicative standard is one childcare facility, accommodating 20 children, for approximately 75 dwellings. This provision is in accordance with the guidance set out within the Childcare Facilities: Guidelines for Planning Authorities 2001.
- 7.3.12. The Wexford County Development Plan outlines that this standard may be modified in any particular case where there are significant reasons for doing so. In this instance the applicant is proposing to provide a childcare facility in accordance with Development Plan guidance. I see no significant reasons for deviation from the proposed requirement. The existing and proposed residential development within the Chapelwood Estate is a of scale which would support the proposed creche facility. I consider the principle of the proposed creche to be acceptable in this regard.
- 7.3.13. I note the reference within the appeal to the lack of capacity within the existing school within Kilmuckridge. In considering the point raised I note that Kilmuckridge, as a designated Level 3b centre within the Wexford County Settlement Strategy, is envisaged for residential growth. I furthermore do not consider the development, at 18 no. houses, is of a scale which would place significant pressure on existing educational facilities within the village.

7.4. Density, Design and Layout

- 7.4.1. The Sustainable Residential Development in Urban Areas (2009) Ministerial Guidelines outline that for residential developments in small towns and villages the primary consideration is that new development should relate successfully to the structure of the village. Smaller towns and villages are defined as those with a population of 400 to 5,000 persons within the Guidelines. The 2016 Census identified a population of 722 for Kilmuckridge village in 2016 and therefore fits within this category.

Density

- 7.4.2. The appeal outlines that the density of the proposal at 25 units per ha is not in accordance with the guidance set out within the Sustainable Residential Development in Urban Area's Guidelines. In this regard it is stated that the development would be classified as an "outer suburban greenfield site" wherein a minimum density requirement of 30 units per ha is recommended.
- 7.4.3. In considering the grounds of appeal I note that the classification of "outer suburban greenfield site" relates to development within Cities and Larger Towns as defined in Chapter 5 of the Guidelines. Kilmuckridge, which had a population of 722 in 2016, falls within the category of a Small Town and Village which are defined as those within a population range of 400 to 5,000 persons. The relevant guidance for Small Towns and Villages is set out in Chapter 6 of the Guidelines. As detailed in Section 5 of this report the applicable density for edge of centre sites is c. 20 -35 units per ha.
- 7.4.4. The proposed development which includes the development of 18 no. dwellings on a 0.71 ha site yields a density of 25 units per ha and the proposal is within this density range. I furthermore note that the density assumed for Level 3a Settlements within the Wexford County Development Plan 2022-2028 is 25 units per ha. I consider that the proposed density is in accordance with national and local policy.

Residential Development Design and Layout

- 7.4.5. The foundations of a number of previously approved dwellings are currently evident on site. The planning report submitted in support of the application details that these will be removed and the proposed residential units will be constructed afresh in their entirety. The Sustainable Residential Development in Urban Area's Guidelines outline that the layout and design considerations include how a development makes effective use of a site, makes a positive contribution to its surroundings, have a sense of identity and place, provides for effective connectivity, and includes a design approach to streets, plazas and open spaces.
- 7.4.6. The development includes the construction of 18 no. houses to the north of the existing estate and associated parking and access arrangements. The development includes a tie-in to the existing estate road network and dwellings are arranged in a linear format. A public open space area of 275 sq.m. is provided in the south-eastern corner of the appeal site. The height of the proposed dwellings and dwelling design

reflect those established within the estate. The layout of the development primarily reflects the development previously permitted on site.

- 7.4.7. Access arrangements seek to tie in with the existing estate layout. The proposed road is 6m in width and includes a 1.5m footpath. The report on file from the Roads Section of WCC recommends the provision of 2m footpaths within the estate. This can be addressed via condition.
- 7.4.8. I note the reference in the Site Layout Plan to a wayleave along an existing laneway which would connect the site to St. Mary's Church. I consider that the interface of the development with this laneway is unclear within the application. I consider that this can be addressed via condition in the instance that the Board is minded to grant permission for the development.

Unit Mix

- 7.4.9. The proposal includes a mix of detached and semi-detached 4 bed units. The appeal outlines that the proposal represents the overprovision of a singular unit mix type. I refer to the guidance set out within Section 3.12.1 of the Wexford County Development Plan which outlines that the overall dwelling mix in residential schemes should provide for a balanced range of dwelling types and sizes to support a variety of households. The mix of house types and sizes should provide far greater diversity than the traditional 3-bed semi-detached type housing development.
- 7.4.10. The applicant has made a case for the proposed unit mix outlining that it reflects the existing character of development within the Chapelwood Estate and is in accordance with the format of development previously permitted on site. Having regard to the location of the site to the north of an existing housing estate on the edge of the village, the small scale of the development and the planning history pertaining to the site, I consider the proposed unit mix is appropriate in this instance.

Creche Siting and Design

- 7.4.11. The appeal raises concern in relation to the siting, design and layout of the proposed creche. It is stated that the creche is poorly designed and lacking in terms of outside play area. The proposed creche is located within the western area of the existing housing estate across from Open Space Area D.

7.4.12. Section 4.1 of the Development Plan outlines that the Planning Authority will have regard to Childcare Facilities: Guidelines for Planning Authorities 2001, the Child Care (Preschool Services) Regulations 2006, We Like This Place: Guidelines for Best Practice in the Design of Childcare Facilities 2005, and the following in the assessment of proposals for childcare and educational facilities:

- Suitability of the site for the type and size of facility proposed.
- Availability of indoor and outdoor play space.
- Local traffic conditions.
- Access, car parking and drop off facilities for staff and customers.
- Nature of the facility (full day care, sessional, after school, etc.).
- Number of children to be catered for.
- Intended hours of operation.
- Impact on residential amenity.

7.4.13. The above criteria reflect those set out within the Childcare Facilities: Guidelines for Planning Authorities 2001. Section 3.3.1 of the Guidelines identify suitable sites for childcare facilities including new and existing residential areas which can provide outdoor play areas and have space for off-street parking. This is reflected in the development management criteria set out within the guidance and WCDP which sets a standard of a childcare facility for development over 75 houses.

7.4.14. In design terms, I consider that the creche resembles a detached dwelling and the proposed materials reflect those established within the estate. The appeal raises concern in relation to the lack of provision of an outdoor play area to serve the creche. However, I note that Drawing no. 20.21.102 "Proposed Site Layout Plan" submitted in response to WCC's request for further information illustrates the provision of an outdoor play area for the creche to the rear and side of the proposed creche building (121 sq.m.).

7.4.15. In addition to on site provision the application documentation refers to the existing open space and playground area in the vicinity of the site can be utilised by the creche (Open Space Area D). As detailed within WCC's request for further information there is no existing playground currently provided within Open Space

Area D. The area indicated as a playground within the application drawings is currently occupied by a landscaped seating area. The applicant's response to WCC's request for further information outlines that the playground would be reinstated at this location as illustrated within Drawing no. 20.21.107 "Proposed Re-Instated Playground Layout". The appeal outlines that the open space area is outside of the application boundary and children would have to cross a road for access which is inconsistent with best practice. In this regard I note that access to the open space area is in addition to with rather than in lieu of an outside play area.

7.4.16. The appeal furthermore outlines that the requirements of Condition no. 12 of WCC's notification of decision to grant permission which relates to the reinstatement of a playground is unimplementable as it relates to lands outside of the appeal site boundary. In this regard, I note that the Proposed Site Layout Plan Drawing no. 20.21.102 includes these lands within the blue line application boundary and identifies them as "*Other Lands within the Ownership of the Applicant*".

7.4.17. I consider that the provision of a creche to serve the estate is acceptable and in accordance with development management requirements of the Wexford County Development Plan and that the siting, design, outdoor play area provision and parking arrangements associated with the creche are acceptable. There are information deficiencies within the application in relation to the operating hours of the creche but this point could be addressed via condition in the instance that the Board is minded to grant permission for the development.

Conclusion

7.4.18. On an overall basis, I consider that the development of the site would enhance the residential and visual amenity of the area particularly for existing residents in the immediate vicinity of the proposed residential site where the unfinished nature of the development is most evident. The proposal will complete the estate, provide additional childcare facilities within the estate in accordance with Development Plan requirements, complete the internal road network and provide a more appropriate interface with existing properties.

7.5. Impact on Visual and Residential Amenity

7.5.1. The northern portion of the site is enclosed by fencing and includes the foundations of a number of previously approved residential units. The remainder of the site is

overgrown and undeveloped. In visual terms, I consider that the appeal site, in its current format, detracts from the visual amenities of the estate. The proposal will complete the estate and the internal road network and enhance the visual amenities of the area.

- 7.5.2. In terms of residential amenity of future occupants, I note that private open space for each dwelling is provided in excess of the guidance set out within Table 3.4 of the Wexford County Development Plan 2022-2028 “Minimum Floor Area and Private Open Space for Dwellings”. Floor areas of the proposed residential units are also in excess of this guidance. Minimum separation distances of 22m between opposing windows are observed between the proposed dwellings and between existing and proposed dwellings. The proposed houses have obscure glazing on side elevation windows to negate against overlooking.
- 7.5.3. I refer to the guidance set out within Section 3.12.2 of the Wexford County Plan which relates to the provision of a minimum of 20% of dwellings in new residential developments of five dwellings or more are Lifetime Homes, suitable to accommodate or are adaptable to provide accommodation for people with disabilities and older people. The development includes 7 no. adaptable/accessible houses in accordance with this requirement. I consider that the proposal would provide a good quality of residential amenity for the future occupants of the scheme.
- 7.5.4. I consider that the development of the site will also enhance the residential amenity for existing properties within the estate. Wexford County Council raised concern in relation to overlooking from the creche to the adjoining residential dwelling. This was addressed via design amendments in response to WCC’s request for further information through the relocation of elevational window openings.
- 7.5.5. On an overall basis, I consider that the development of the site would enhance the residential and visual amenity of the area particularly for existing residents in the immediate vicinity of the site where the unfinished nature of the development is most evident. The proposal will complete the estate and complete the internal road network and provide a more appropriate interface with existing properties.

7.6. Access and Transportation

- 7.6.1. A number of access and transportation related issues are raised within the grounds of appeal. The appeal outlines that the application should have been accompanied by a Traffic Impact Assessment, Road Safety Audit and Traffic Management Plan.
- 7.6.2. Access to the Chapelwood Estate is currently provided from the L6017-1. The appeal site is located to the north and west of the existing estate. Access to the proposed residential units will be provided via the extension of the existing residential road. Houses no. 79-87 will be accessed via the existing estate road network. Houses 88-96 will be accessed via a newly constructed estate road.
- 7.6.3. The principle of 97 no. residential units is established under the parent permission pertaining to the site. 79 of these units have been completed and the proposal seeks permission for the remaining 18 units. I refer to the guidance set out within Section 6.2.1 and Table 6.1 of the Wexford County Development Plan 2022-2028 which sets out mandatory thresholds for the submission of a TIA including where the quantum of residential development proposed is in excess of 200 dwellings and where traffic to and from the development is in excess of 10% on the adjoining road network. The proposed development is well below this threshold. The proposed development falls well below the identified thresholds.
- 7.6.4. Wexford County Council's request for further information raised concern in relation to traffic flows and traffic management associated with the proposed creche. Drawing no. CHA-BMD-00-ZZ-DR-C-1109 "Road Access to Creche" prepared by Barrett Mahony Consulting Engineers illustrates the proposed traffic management measures. WCC's Roads Report prepared in respect of the FI response outlines that as the works for directional signage and road markings are on the public road a levy is recommended to cover costs incurred on the planning authority for the provision of same. I consider that this point can be addressed via condition.
- 7.6.5. Having regard to the limited scale of the development (18 no. residential units and creche) the proposed parking provision and the location of the site within an established residential development I do not consider that the development constitutes a scale or format of development which would generate substantial traffic movements on the adjoining road network. I furthermore note that no objection to the proposal was made by the Roads Department in Wexford County Council.

7.6.6. Section 6.2.2. of the Wexford County Development Plan 2022-2028 outlines that a Road Safety Audit will be required in all cases where a TTA has been requested on national and non-national roads and may be requested in other cases on non-national roads. The proposal includes tie-ins and extension of the existing internal estate road network. I see no requirement for a Road Safety Audit on the basis of the characteristics of the proposal. The submission of a construction phase traffic management can be addressed via condition in the instance that the Board is minded to grant permission for the development.

Creche Parking

7.6.7. The appeal raises concern in relation to parking arrangements for the proposed creche. The existing parking spaces are located outside of the application site boundary and relate to shared parking between the creche and existing dwellings.

7.6.8. Parking for the creche unit was clarified by the applicant in response to WCC's request for further information. Drawing no. 20.21.105 "Proposed Creche Car Parking Layout" illustrates the provision of 14 no. parking spaces for the creche adjacent to the open space area including 1 no. accessible space and 4 no. drop off spaces. I refer to the report from the Roads Section in Wexford County Council which outlines that the existing parking spaces within the estate form part of the public road cannot be allocated for the exclusive use of the creche.

7.6.9. I consider that there is sufficient parking within the immediate vicinity of the proposed creche site and within the overall estate to accommodate the creche of the scale proposed. The Roads Report also recommends the provision of a levy for provision of directional signage to the creche facility within the estate and road lining along the public road. I consider that this will sufficiently manage traffic flows associated with the creche within the estate.

Construction Management Plan

7.6.10. The appeal refers to the requirements of Condition no. 14 of WCC's notification of decision to grant permission for the proposal which relates to the submission of a Construction Management Plan. The appeal raises concern in relation to the limited scope of issues to be addressed within the CMP including noise and waste disposal. The applicant has outlined that they have no objection to the extension in the scope of the CMP. I agree with the grounds of appeal in relation to the limited scope

identified for the CMP particularly in respect of the proximity of the application site to existing residential properties. I consider that this can be addressed via condition in the instance that the Board is minded to grant permission for the development.

7.7. Site Services

- 7.7.1. I refer to the planning history of the site wherein permission was refused for a similar development to that currently proposed in February 2021 under PA Ref: 20201590 for reasons relating to inadequate information in relation to the feasibility of Irish Water to serve the estate, prematurity pending remedial works to address the infiltration issues within the overall housing scheme and inadequate information in relation to foul water design.
- 7.7.2. The proposal seeks to connect to the existing foul drainage and surface water drainage network within the Chapelwood Estate. It is proposed to connect to the existing foul sewer at MH50 and surface water sewer at MH4. The foul drainage network falls by gravity from the southern boundary towards the north and connects to the Kilmuckridge WWTP. The appeal outlines there are issues with upgrading sections of the wastewater infrastructure. However, in this regard I refer to the correspondence on file from Irish Water which confirms that *“no upgrades to the Kilmuckridge WWTP are required to cater for this development”*.
- 7.7.3. The proposal seeks to connect to the existing watermain on site. I refer to the feedback in the Pre-Connection Enquiry from Irish Water which outlines that a flow and load survey of the water network is required in order to confirm if the existing DN80 watermain needs to be upsized to cater for the development. Section 5.3 of the Infrastructural Report confirms that a flow test was carried out by SES Water Management, and this confirms that there is sufficient water flow and pressure to accommodate the proposal. The applicant’s FI response confirms that the upsizing of the existing DN80 watermain is not required to facilitate the proposed development.
- 7.7.4. I refer to the reason for refusal which raised concerns in relation to infiltration issues within the overall housing scheme as referred to in the previous application pertaining to the site PA Ref: 20201590. The Utility Survey Report attached to the Infrastructure Report prepared by Barrett Mahony Consulting Engineers identifies potential misconnections associated with surface water MH17 and MH27 within the

existing estate. Concerns in relation to existing infiltration issues are raised within the submissions on the planning application and were raised by Wexford County Council within the request for further information. The applicant's response to the FI request outlines that the proposed development is entirely downstream of the existing housing estate in terms of both foul and surface flow connections.

7.7.5. I refer to the requirements of condition no. 7 of Wexford County Council's notification of decision to grant permission for the development which outlines that infiltration issues within overall estate are resolved to the satisfaction of the planning authority prior to the commencement of development. I recommend the inclusion of this condition in the instance that the Board is minded to grant permission for the development.

7.7.6. Having regard to the information submitted in conjunction with the application and further information response and the conditions attached to WCC's notification of decision to grant permission for the development I am satisfied that the reasons for refusal attached to the previous refusal pertaining to the site have been satisfactorily addressed. I furthermore note that Wexford County Council and Irish Water have raised no objection to the proposal subject to condition.

7.8. **Other Issues**

Part V

7.8.1. The appellant raises concern in relation to information deficiencies within the application in relation to compliance with Part V and outlines permission should be refused for the development on this basis. I note that Wexford County Council deemed the application valid and I refer to the requirements of Condition no. 2 of WCC's notification of decision to grant permission for the proposed development which relates to agreement of Part V provisions within the development prior to the commencement of development on site. I consider the requirements of this condition are appropriate to address Part V requirements.

Non-Compliance

7.8.2. The appeal refers to the history of non-compliance with the Chapelwood housing estate and outlines that the extent of actions/inactions of the developer/landowner

over the past year has caused distress to the residents of Chapelwood. The Board is requested to refuse permission on the basis of past failures to comply.

- 7.8.3. The applicant's response to the grounds of appeal requests that the appellants reference to "past failure to comply" is dismissed by ABP. The appeal response outlines that any historic non-compliance related to another entity no longer linked to the applicant and the applicant is in a position to deliver the full extent of the originally permitted development under PA Ref: 20054272.
- 7.8.4. While I note the points made within the appeal, I consider that the completion of development within the estate will enhance the amenity of the area. I furthermore refer to the requirements of Condition no. 6 of WCC's notification of decision to grant permission which relates to the lodgement of a cash bond to the local authority to ensure the completion of the development. I consider that this condition should be attached in the instance of a grant of permission.

7.9. **Appropriate Assessment**

Compliance with Article 6(3) of the Habitats Directive

- 7.9.1. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 7.9.2. No Screening report is submitted in support of the application. This assessment is therefore considered de novo.

Screening for Appropriate Assessment - Test of likely significant effects

- 7.9.3. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s).
- 7.9.4. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

Submissions and Observations

- 7.9.5. The planner's report which informs the decision of WCC to grant permission for the development includes an AA Screening Report which concludes the following:

“Having regard to the limited extent of the proposed works and substantial distance to the nearest Natura 2000 site no element of the proposed project alone or in combination is likely to give rise to any impacts on the Natura 2000 sites”.

European Sites

- 7.9.6. The development site is not located in a European site. A summary of European Sites that occur within a possible zone of influence (15km) of the proposed development is presented in the Table 1 below.

<i>European Site</i>	<i>Site Code</i>	<i>Distance</i>
Kilmuckridge-Tinnaberna Sandhills SAC	001741	1.9 km E
Cahore Polders and Dunes SAC	000700	4.5km NE
Cahore Marshes SPA	004143	4.5km NE
Blackwater Bank SAC	002953	6.6km E
The Raven SPA	004019	9.1km S
Wexford Slobes and Harbour SPA	004076	9.1km S
Screen Hills SAC	000708	12.7km S

- 7.9.7. The closest such site is the Kilmuckridge-Tinnaberna Sandhills SAC (site code 001741) which is located c.1.9km to the east of the appeal site at its closest point. I am satisfied that the potential for impacts for all other Natura 2000 sites within the zone of influence can be excluded at the preliminary stage due to the separation distances between the European sites and the proposed development site, the nature and scale of the proposed development and the nature of intervening development.
- 7.9.8. The nearest designated Natura 2000 site to the proposal is the Kilmuckridge-Tinnaberna Sandhills SAC (site code 001741) which is located c.1.9km to the east of the appeal site at its closest point. The SAC incorporates the depositional dune systems between the edge of the natural local geology (mostly till soils) and the coastline and is described as follows within the NPWS Site Synopsis:

“The site is comprised of a fine-grained sandy beach up to 50 m wide, backed by steep clay cliffs at the southern end and sand dunes at the northern end. The cliffs

are up to 15 m high, and are eroding in places. They support a patchy vegetation that includes Wild Carrot (*Daucus carota*), Common Bird's-foot-trefoil (*Lotus corniculatus*) and Yarrow (*Achillea millefolium*). Embryonic dunes are well developed along the length of this stretch of coast, particularly in the area around the townland of Ballyduboy. This represents one of the few actively accreting shorelines along the east coast”.

7.9.9. The qualifying interests for the SAC are identified in Table 2 below.

European Site	Qualifying Interests
Kilmuckridge-Tinnaberna Sandhills SAC (Site Code:001741)	2110 - Embryonic shifting dunes; 2120 - Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes); 2130 - Fixed coastal dunes with herbaceous vegetation (grey dunes)*;

7.9.10. The development is proposed to be connected to the public water supply and drainage system. The correspondence from Irish Water attached to the Infrastructure Report confirms that “no upgrades to the Kilmuckridge WWTP are required to cater for this development”. Having regard to the scale of the development which includes a relatively limited number of residential units (18 no.) and a creche, I consider that the foul discharge from the site would be insignificant in the context of Kilmuckridge WWTP, and thus its impact on the overall discharge would be negligible.

7.9.11. There is a hydrological connection from the site to the SAC via surface water proposals which outfall to the existing watercourse which flows to the SAC. Although a source-pathway-receptor linkage exists between the application site and the designated habitats of the Kilmuckridge-Tinnaberna Sandhills SAC (site code 001741), in this instance, given the nature of the qualifying interests of the SAC and the scale of the proposed development and, I consider that no impacts will arise.

Cumulative Impacts

7.9.12. As there are no impacts to the SAC or SPA arising as a result of this development, there is no potential for cumulative impacts. There are no likely impacts arising from

the proposed development on Natura 2000 sites and therefore cumulative impacts with other projects will not occur.

7.9.13. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans and projects would not be likely to give rise to significant effects on European site Kilmuckridge-Tinnaberna Sandhills SAC (site code 001741) or any other European site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore not required.

8.0 Recommendation

I recommend that permission be granted subject to conditions.

9.0 Reasons and Consideration

Having regard to the provisions of the Wexford County Development Plan 2022-2028, the planning history of the site, the location of the appeal site within and adjacent to an established residential estate, to the nature, scale, design and density of the proposed development, it is considered that, subject to compliance with conditions set out below, the proposed development would be acceptable in terms of pedestrian and traffic safety and would not seriously injure the residential or visual amenities of the area or property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 16 th day of November 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the
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	<p>planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details (including samples) of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interests of visual amenity and streetscape.</p>
3.	<p>A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include the following:</p> <ul style="list-style-type: none"> • Details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes. The plan shall detail interface of the development with the existing laneway to the west. • Details of boundary treatments to the front of and in between the proposed residential units. <p>Reason: In the interest of visual and residential amenity.</p>
4.	<p>Prior to the commencement of development, the developer shall submit the details of opening hours for the creche for written agreement with the planning authority.</p> <p>Reason: In the interest of residential amenity.</p>
5.	<p>The playground as illustrated on the application drawings shall be completed prior to the occupation of the creche or residential units.</p> <p>Reason: In the interest of residential amenity.</p>
6.	<p>a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority pursuant to Section 47 of the</p>

	<p>Planning and Development Act 2000, that restricts any such residential units permitted (the number and location of each housing unit being specified in such agreement), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each residential unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
7.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an</p>

	<p>agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
8.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
9.	<p>A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.</p> <p>Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles</p>

10.	<p>Water supply and drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the planning authority.</p> <p>Reason: In the interests of public health.</p>
11.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the requirements of Wexford County Council and in all respects with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).</p> <p>Reason: In the interests of pedestrian and traffic safety.</p>
12.	<p>Prior to the commencement of development, the developer shall agree in writing with Wexford County Council works to resolve existing infiltration issues within the overall housing scheme and a timeframe for completion of same.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area and to ensure the satisfactory completion of the development.</p>
13.	<p>The applicant shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>
14.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and</p>

	<p>disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p>Reason: In the interest of sustainable waste management.</p>
15.	<p>The construction of development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
16.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
17.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Stephanie Farrington
Senior Planning Inspector

9th of December 2022