



An  
Bord  
Pleanála

**S. 4(1) of Planning and  
Development (Housing)  
and Residential  
Tenancies Act 2016**  
**Inspector's Report**  
**ABP-313262-22**

**Strategic Housing Development**

233 residential units (53 houses and 180 apartments/duplexes), creche, and associated site works.

**Location**

Lands located to the east of Carley's Bridge, Enniscorthy, Co. Wexford. ([www.Enniscorthyshd2.ie](http://www.Enniscorthyshd2.ie))

**Planning Authority**

Wexford County Council

**Applicant**

Torca Developments Ltd.

**Prescribed Bodies**

1. Transport Infrastructure Ireland
2. Irish Water

**Observers**

1. Cllr. Cathal Byrne
2. Alison Bass
3. James Browne
4. James & Joan Askins
5. May Wilson & Others

6. Representative Group of Potters Way
7. John Scally
8. Derek & Joan O'Rourke
9. David & Elizabeth Askins
10. Patrick & Mary-Ruth Tobin
11. Gordon Bass
12. Paul Kehoe, TD
13. Peter & Stephanie Byrne

**Date of Site Inspection**

23<sup>rd</sup> April 2025

**Inspector**

Anthony Kelly

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## **1.0 Introduction**

- 1.1. This is an assessment of a proposed strategic housing development (SHD) submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

## **2.0 Site Location and Description**

- 2.1. The site is a greenfield site located adjacent to the built-up urban area in the south west area of Enniscorthy in central Co. Wexford, approximately 300 metres south of the Enniscorthy Sports Hub and approximately 300 metres east of Enniscorthy Greyhound Stadium.
- 2.2. The site mainly comprises two agricultural fields (a northern field and a southern field) with significant trees and hedgerows around the field boundaries and a stand of two oak trees and a group of willow saplings in the northern field. The Carley's Bridge Road, a local road, runs along the north/north west boundary of the site<sup>1</sup>. There are some derelict agricultural structures along/close to the road that it is proposed to demolish. There are some individual houses between the site and the road in the northern area. Part of this road and an additional area on the opposite side of it also comprise part of the application site. The Urrin River runs along the western and south western boundary. A short length of the River Lyre, a tributary of the Urrin, runs along the north western boundary before its confluence with the Urrin. There are housing developments to the east; Urrin Valley and Millbrook, largely comprising two-storey semi-detached houses. There is agricultural land adjacent to the south. Ground levels on site increase significantly from west to east.
- 2.3. The site has an area of 8.7 hectares with a net site area of 6.64 hectares due primarily to open space zoning.

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<sup>1</sup> This road is also known as Ross Road.

### 3.0 Proposed Strategic Housing Development (SHD)

3.1. The proposed SHD comprises:

- 233 residential units comprising 53 two and three storey houses and 180 apartments and duplexes up to four storeys in height,
- a creche,
- 352 car parking spaces, 497 cycle spaces, open spaces including a riverside public park, bin storage, and pumping station,
- new vehicular and pedestrian accesses via Carley's Bridge Road and a pedestrian access to Millbrook, and,
- ancillary site works.

3.2. The following tables set out some key aspects of the proposed development.

**Table 3.1 – Key Figures**

Site Area (Gross/Net)	8.7 hectares gross / 6.64 hectares net
Number of Units	233 (53 houses and 180 apartments and duplexes)
Building Heights	Two and three storey houses and apartment and duplexes up to four storeys
Net Density / Units per hectare (uph)	Approx. 35uph
Dual Aspect (Apartments)	95%
Open Space / Amenities	2.4 hectares of public open space including a riverside park and play facilities 0.203 hectares of communal open space Creche facility
Part V	47 units (approx. 20.2%)
Pedestrian / Cycle Infrastructure	Footpaths through the site, including a riverside park and other public areas, as well as a dedicated access

	point to Carley's Bridge Road and a pedestrian link to Millbrook
Car and Bicycle Parking	<u>Car</u> – 352 spaces <u>Bicycle</u> – 497 spaces

**Table 3.2 – Unit Breakdown**

	Bedroom Number				
Type	1-Bed	2-Bed	3-Bed	4-Bed	Total
Houses	0	0	45	8	53 (22.7%)
Apartments and Duplexes	72	40	68	0	180 (77.3%)
Total	72 (30.9%)	40 (17.2%)	113 (48.5%)	8 (3.4%)	233 (100%)

- 3.4. Part of the site within the red line site boundary is not under the applicant's ownership. Letters of consent have been submitted from Wexford Co. Co. (WCC) in relation to land on the public road and from Michael Banville in relation to land on the opposite side of the public road. The site boundary incorporating these lands extends along the public road approximately 130 metres in an easterly direction from the roadside edge of the northern agricultural field which forms part of the site. The WCC letter of consent also relates to the proposed pedestrian connection to Millfield.
- 3.5. The internal site layout is the same as that of the most recent previous application on site, ABP Ref. ABP-311699-21. The proposed buildings and vehicular circulation areas are set back from the river along which a riverside park is proposed. There is a line of duplex apartment blocks overlooking the main vehicular access through the site and the riverside park with the houses, other duplex apartment blocks, and creche, to the rear/east.
- 3.6. It is proposed to discharge the foul water to a foul pumping station located in the south west corner of the site which will pump the effluent via a rising main to an existing foul water pipeline located at the south east corner of the site. In relation to surface water,

the proposed drainage network has been divided into two zones, A and B, with separate stormwater drainage networks for each zone. Both zones discharge to the River Urrin.

3.7. In addition to standard plans and particulars the planning application was accompanied by a number of supporting documents. These include, but are not limited to:

- a Planning Report Including Statement of Consistency, Material Contravention Statement, and Response to An Bord Pleanála's Opinion dated April 2022,
- an EIA Screening Report & Statement in Accordance with Article 299 (B)(1)(b)(ii)(II)(C) of the Planning & Development Regulations, 2001 (As Amended) dated April 2022,
- a Natura Impact Statement (NIS) dated October 2021,
- an Architectural Design Statement (undated),
- a Landscape Architecture Design Rationale Report (undated),
- an Ecological Impact Assessment (EclA) dated October 2021,
- a Bat, Badger and Otter Assessment dated October 2021,
- a Cultural Heritage Assessment Report dated March 2022,
- a Report on Water Services dated 24<sup>th</sup> March 2022,
- a Traffic and Transport Assessment (TTA) dated April 2022,
- a Site Specific Flood Risk Assessment (SSFRA) dated March 2022,
- a Construction Environmental Management Plan (CEMP) & Mitigation Measures Report dated 23<sup>rd</sup> March 2022,
- a Construction & Demolition Waste Management Plan dated 23<sup>rd</sup> March 2022,
- an Operational Waste & Recycling Management Plan dated 23<sup>rd</sup> March 2022, and,
- Photomontages and CGI dated September 2021.

## 4.0 Planning History

- 4.1. There has been a substantial planning history on site, the most relevant of which can be summarised as follows.
- 4.2. ABP Ref. ABP-311699-21 – In February 2022 the Board refused permission for an SHD comprising 233 residential units (53 houses and 180 apartments/duplexes), a creche, and ancillary site works<sup>2</sup> because of fundamental road safety concerns as a result of a proposed raised table on Carley's Bridge Road in place of a footpath, limited forward visibility at the raised table location, and provision of a vehicular access/egress close to the location of the 80kph speed limit and the uncertainty in relation to the altering of same. The proposed development would endanger public safety by reason of traffic hazard.
- 4.3. P.A. Ref. 20180818 / ABP Ref. ABP-303797-19 – In 2019, following a third-party appeal of a grant of permission by the planning authority, the Board refused permission for demolition of existing agricultural structures, construction of 97 residential units (57 houses and 40 apartments/duplexes), a creche, and ancillary site works on an approx. 6.1 hectares site because the net density was excessively low, open space areas were discordant and haphazard, and it would constitute a poor quality and inefficient layout. This was referred to as Site A at the time, an application for the remainder of the land to the south east, Site B, was lodged concurrently.
- 4.4. P.A. Ref. 20180819 / ABP Ref. ABP-303839-19 – In 2019, following a third-party appeal of a grant of permission by the planning authority, the Board refused permission for construction of 90 residential units (66 houses and 24 apartments/duplexes) and ancillary site works on an approx. 4.24 hectares site for reasons relatively similar to those set out in the previous decision. This was referred to as Site B at the time, as referenced in the previous application.

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<sup>2</sup> The current application and the refused application are effectively identical in terms of the site description and site layout.



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

### **5.1. Pre-Application Consultation (ABP-307305-20)**

- 5.1.1. A section 5 pre-application consultation took place on 3<sup>rd</sup> December 2020 in respect of a development comprising demolition of existing sheds, construction of 269 residential units (58 houses and 211 apartments), creche, and associated site works. Representatives of the prospective applicant, WCC, and An Bord Pleanála were in attendance. The main matters discussed at the meeting were design strategy, traffic and transport, landscape/public realm strategy including biodiversity, and drainage.
- 5.1.2. In the Notice of Pre-Application Consultation Opinion dated 16<sup>th</sup> December 2020, the Board stated that it was of the opinion that the documents submitted required further consideration and amendment to constitute a reasonable basis for an application for SHD with regard to the following issues (which are summarised).
1. Further consideration of the documents as they relate to the design and layout of the proposed development with regard to certain national and local planning policy documents.
  2. The prospective applicant should satisfy itself that the proposed design and buildings heights provide the optimal urban design and architectural solution 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. Submitted documents should allow for additional variety in the architectural composition of the various building types, create an appropriate urban edge along the internal access road fronting the riverside park, and create a distinctive character for the development.
  3. Further consideration of the documents as they relate to the provision of pedestrian and cycle links from the proposed development through Millbrook towards Enniscorthy town centre. They should be sufficient to show that proper links would be provided through Millbrook upon the initial occupation of the proposed homes and provide details of necessary upgrade works. The submitted documentation should indicate how the proposed links can facilitate movement by pedestrians and cyclists after dark.

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. 150 metres to the existing public footpath. Appropriate connections and permeability are considered a necessary component of the development. The documents should provide details of necessary upgrade works required to facilitate the development in consultation with WCC.

5.1.3. The Opinion also stated that the following specific information should be submitted with any application (summarised):

1. All works to be carried out, and necessary consents to carry out same, within the red line boundary.
2. A landscape and permeability plan.
3. A landscape masterplan for the proposed Riverside Park.
4. A SSFRA Report.
5. Water and wastewater proposals to service the development.
6. A Design Manual for Urban Roads and Streets (DMURS) statement of compliance and a mobility management plan justifying the provision of car and bicycle parking.
7. Submission of a TTA.
8. A housing quality assessment.
9. A comprehensive daylight and sunlight analysis.
10. A building life cycle report.
11. A Social and Community Audit of the schools in the vicinity.
12. A phasing scheme.
13. Proposals for compliance with Part V.
14. A construction management plan.
15. A waste management plan.
16. A NIS.

17. Where the applicant considers that the proposed SHD would materially contravene the relevant development plan or local area plan (LAP), 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 & Development Act 2000.

5.1.4. The authorities that should be notified in the event of making an application that were advised to the applicant were Irish Water, Transport Infrastructure Ireland, and Inland Fisheries Ireland.

## **5.2. Applicant's Response to Pre-Application Consultation Opinion**

5.2.1. Subsequent to the consultation under section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's Pre-Application Consultation Opinion under ABP-307305-20 was that the documentation would require further consideration and amendment to constitute a reasonable basis for a SHD application. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is required.

5.2.2. I note that Chapter 6 (Statement of Response to An Bord Pleanála Opinion) in the applicant's Planning Report dated April 2022 addresses all of the items set out in the Opinion. It responds in some detail to certain issues, and it sets out which documents in the application address particular issues.

5.2.3. The use of this Pre-Application Consultation Opinion for a second application (this current application as well as ABP-311699-21) has been raised in a third party submission. I address this issue in sub-section 11.7 of this report.

## **6.0 Relevant Planning Policy**

### **6.1. Project Ireland 2040 National Planning Framework First Revision (2025) (NPF)**

6.1.1. The NPF is the long-term 20-year strategy for strategic planning and sustainable development of Ireland's urban and rural areas to 2040, with the core objectives of

securing balanced regional development and a sustainable 'compact growth' approach to the form and pattern of future development. It is focused on delivering 10 National Strategic Outcomes.

6.1.2. Relevant National Policy Objectives (NPOs) include:

NPO 12 – 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.

NPO 43 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

6.2. **Housing for All – A New Housing Plan for Ireland to 2030 (2021)**

6.2.1. The government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

6.3. **Climate Action Plan (CAP) 2025**

6.3.1. CAP 2025 is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021. It lays out a roadmap of actions which will ultimately lead Ireland to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022. It should be read in conjunction with CAP 2024.

6.4. **Ireland's 4th National Biodiversity Action Plan 2023-2030**

6.4.1. This aims to deliver the transformative changes required to the ways in which we value and protect nature. It strives for a 'whole of government, whole of society' approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while

also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to ‘act for nature’.

#### **6.5. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)**

6.5.1. The Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. There is a renewed focus in the Guidelines on, inter alia, the interaction between residential density, housing standards, and quality urban design and placemaking to support sustainable and compact growth.

6.5.2. Enniscorthy is a Large Town for the purpose of the Guidelines (it is identified as a Large Town in the Wexford County Development Plan (WCDP) 2022-2028). The site is in an urban extension location of a Large Town i.e. greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. Residential densities in the range 30dph to 50dph (net) shall generally be applied. This is further addressed in subsection 11.2 of this report.

#### **6.6. Sustainable Urban Housing: Design Standards for New Apartments (July 2023)**

6.6.1. The overall purpose of these Guidelines is to strike an effective regulatory balance in setting out planning guidance to achieve both high quality apartment development and a significantly increased overall level of apartment output. They apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease.

#### **6.7. Design Manual for Urban Roads and Streets (DMURS) (2019)**

6.7.1. The manual seeks to address street design within urban areas by setting out an integrated design approach. It is an aim of the Manual to put well designed streets at the heart of sustainable communities. Street design must be influenced by the type of place in which the street is located and balance the needs of all users.

**6.8. Southern Regional Assembly Regional Spatial & Economic Strategy for the Southern Region (RSES)**

- 6.8.1. The RSES is a strategic regional development framework which establishes a broad framework for the way in which society, environment, economy, and the use of land should evolve.

**6.9. Wexford County Development Plan (WCDP) 2022-2028**

- 6.9.1. I would draw the Board's attention to the fact that the WCDP 2022-2028 has been adopted since the planning application was received by the Board on 8<sup>th</sup> April 2022. The Plan was made by the members of WCC on 13<sup>th</sup> June 2022 and it came into effect on 25<sup>th</sup> July 2022.
- 6.9.2. Enniscorthy is designated as a Large Town (Level 2) in the settlement hierarchy. It is described in sub-section 3.6.2 of the Plan.
- 6.9.3. In terms of the core strategy development approach, the Council will allocate moderate population growth to the town (page 73). Table 3-3 (Allocation of Population to the Settlement Hierarchy) projects a population in the town of 13,771 in 2027 and 14,795 in 2040<sup>3</sup>. Table 3-4 (Core Strategy Population Allocations, Housing Units and Housing Land 2021-2027) allocates a population allocation of 1,304 in 888 residential units between 2021 and 2027. The table states that the amount of zoned land required to accommodate this is 25.37 hectares. The table also states that the amount of existing zoned land in Enniscorthy is 321 hectares<sup>4</sup>, therefore giving an excess of zoned land of 295.63 hectares. In relation to housing land requirements, page 93 of the Plan states 'The existing residential zoned land bank will be reviewed during the preparation of new local area plans and aligned as necessary with the population allocations and housing land requirements set out in the County Core Strategy. Furthermore, while these hectare calculations have been included in the Plan, it is considered that they should be reviewed for each local area plan with a view to achieving a correct balance of densities within each town or village'.

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<sup>3</sup> The population of the town recorded in the 2022 census was 12,310; below the 12,467 indicated in table 3-3 for 2021.

<sup>4</sup> In reference to 'existing' zoning I assume this refers to the residential zoned land in the Enniscorthy Town and Environs Development Plan 2008-2014 (as Varied and Extended) (ET&EDP).

- 6.9.4. There are a number of objectives relevant to the town contained within the Plan, including:

Objective CS15 – To prepare new local area plans for Wexford Town, Enniscorthy Town and New Ross Town and to ensure all future local area plans are prepared in accordance with the relevant aspects of the Development Plan Guidelines for Planning Authorities (2007), the Local Area Plan Guidelines for the Planning Authorities (2012) and all other relevant Section 28 Guidelines or any updated version of these guidelines.

- 6.9.5. Enniscorthy town strategic objectives set out in objectives ET01-ET08 relate to strengthening the role of the town, tourism, pursuing Smart Town status, unemployment and deprivation, a Blueway, improving the town centre, and the delivery of infrastructure. It is stated in sub-section 3.6 that the development approach set out for Enniscorthy Town will be incorporated into, and expanded upon, in the new LAP.

- 6.9.6. Another objective for the town in the context of its Large Town status is set out in objective ED62. It is an objective of the Council to, inter alia, maximise economic development opportunities, maximise opportunities offered by the Business and Technology Park, support the designation of Enniscorthy as a Smart Town, maximise tourism potential, and facilitate the expansion of existing industries and support the development of new industries.

- 6.9.7. Volume 2 of the WCDP 2022-2028 is the Development Management Manual. This sets out the development standards that will be applied, as relevant, in the assessment of planning applications for development in the plan area.

**6.10. Enniscorthy Town and Environs Development Plan 2008-2014 (as Varied and Extended<sup>5</sup>) (ET&EDP)**

- 6.10.1. There is no current plan for the town. The ET&EDP was the most recent Plan and it is referred to throughout the planning application documentation.

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<sup>5</sup> I have been unable to ascertain the date on which the Plan was extended or the date that it was extended to. The applicant's Planning Report (page 85) states that it was extended to 2019 and this is also stated in the Inspector's Report for the previous application on site, ABP-311699-21.

- 6.10.2. The majority of the site area was zoned 'New Residential / Low Medium Density (R1)' with a zoning objective 'To provide for new residential development, associated residential services and community facilities'. A small area on the eastern side of the site was zoned 'Existing Residential and Infill / Medium Density (R)' with a zoning objective 'To protect and enhance the residential amenity of existing and developed communities'. The area of the site along the river was zoned 'Open Space and Amenity (OS)' with a zoning objective 'To protect and provide for recreation, open space and amenity provision'. Residential development was permitted in principle on R and R1 zoned land while childcare facilities were open for consideration on the R1 zoned area.
- 6.10.3. There was a Roads Objective indicated on 'Map No. 2 Roads Objectives' of the Plan which the proposed access road through the site parallel to the River Urrin is consistent with. A 'Public Lighting and Footpath' line was also indicated along the public road to the north of the site (labelled 'Ross Road'), connecting the subject site to the town. Specific Local Objective T11 stated that it was an objective to provide and improve public lighting and footpaths at this location (among others).
- 6.10.4. The site was in 'Zone 5' (Cherryorchard / St. John's) as identified on the master planning zones map. Zone 5 was described on pages 81-84.
- 6.10.5. The relevance of this Plan is further considered in subsection 11.1.

## **6.11. Natural Heritage Designations**

- 6.11.1. The nearest designated areas of natural heritage are Slaney River Valley Special Area of Conservation (SAC) (site code 000781), Wexford Harbour and Slobbs Special Protection Area (SPA) (site code 004076), and Slaney River Valley proposed Natural Heritage Area (pNHA) (site code 000781), all approx. 1.1km south east of the subject site as the crow flies.



## **7.0 Applicant's Statement of Consistency and Material Contravention Statement**

### **7.1. Statement of Consistency**

- 7.1.1. The applicant has submitted a Statement of Consistency as per section 8 (1)(a)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016. It comprises Chapter 7 of the Planning Report dated April 2022 and it outlines how the proposed development is consistent with national, regional, and local policy. The WCDP 2013-2019 is cited. This has been replaced by the WCDP 2022-2028. The ET&EDP 2008-2014 is also addressed, though this has also expired.
- 7.1.2. The chapter concludes that 'the proposed development is consistent with the proper planning and sustainable development of the area, and with all relevant national, regional and local planning policies and guidelines'.

### **7.2. Material Contravention Statement**

- 7.2.1. This is contained within Chapter 8 of the applicant's Planning Report dated April 2022. The applicant identifies two potential material contraventions of the ET&EDP 2008-2014 relating to density, as the proposed 35uph is higher than that outlined in the Plan, and in relation to car parking, because the provision is lower than identified in the Plan.
- 7.2.2. Should the Board consider material contraventions arise, the applicant sets out the rationale to justify granting permission by reference to the NPF<sup>6</sup> and section 28 guidelines (Apartment Guidelines (2020), Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and Building Height Guidelines (2018)). The applicant asserts that the Board should grant permission under subsection 9 (6) of the 2016 Act, having regard to subsections 37 (2)(b)(i) and (iii) of the Planning & Development Act, 2000 (as amended).

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<sup>6</sup> Chapter 8 (page 98) of the applicant's Planning Report contains commentary taken from page 67 of the original NPF. However this relates to infill/brownfield development, which is not the type of development proposed, and is therefore not relevant. The chapter also references NPOs 11, 13, 27, 33 and 35 which have been largely replaced by NPOs 20, 22, 37, 43 and 45 in the First Revision to the NPF (2025).

- 7.2.3. These two issues are addressed in sub-section 11.2 (Potential Material Contravention as per the Application– Density and Car Parking) of this report.

## 8.0 Third Party Submissions

- 8.1. Thirteen submissions were received from political representatives and local residents as set out on the cover page of this report<sup>7</sup>. Photographs, newspaper clippings, and other documents were attached to a number of submissions. The main issues raised can be collectively summarised under broad headings as follows:

### Traffic/Transport

- The TTA omits the fact that the proposed one-way amendment at the top of the hill would result in three one-way features over a distance of 200 metres / these will create a choke point.
- The pedestrian exit from the site co-located at the zebra crossing/pedestrian crossing point will exacerbate traffic and its location at the brow of the hill will cause safety issues.
- Increased traffic on an already busy road will pose safety hazards entering properties on the road where there is already a blind spot. Yield signage will result in increased stopped traffic and may affect emergency vehicles.
- The proposed stop/yield signage and pedestrian crossing is at a dangerous location / dangerous on a steep hill in icy/snowy weather.
- The width of the road is reduced from 5 metres to 3 metres causing issues with wide loads.
- There is signage indicating a three ton limit on the road.
- The creation of a new entrance where a speed limit applies would endanger road safety, disrupt the free flow of traffic, and create an undesirable precedent / it is

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<sup>7</sup> Fourteen acknowledgement letters relating to submissions received on the application were issued by the Board. This includes an acknowledgement to Paddy Redmond, c/o 12 Urrin Valley. However, the submission which carries the address of 12 Urrin Valley received by the Board on 11<sup>th</sup> May 2022 does not state the name of the person making the submission as required by article 302 (1)(a) of the Planning & Development Regulations, 2001 (as amended). As such, notwithstanding that an acknowledgement letter was issued, I have not taken the content of that submission into consideration in my report.

erroneous/dangerous to conclude as per the Traffic Survey Data Report that changes to the speed limit in this location are academic.

- The position of the raised pedestrian crossing will cause difficulty accessing/egressing Potters Way.
- Entrance onto the narrow road is unacceptable / there are inadequate sightlines.
- A four day study including a weekend gives a false picture of road usage / dates of traffic surveys are conflicting.
- Agricultural traffic greatly reduces the average speeds recorded / there is an extremely high volume of commercial and agricultural traffic on the road.
- Adding traffic from 233 units onto the road will cause massive issues.
- Concern about pedestrian safety.
- Concern about the impact on local businesses including a pottery business adjacent to the proposed pedestrian crossing which would restrict deliveries and customer parking.
- Concern is expressed that the company conducting the TTA is also providing the solutions to the issues highlighted by the Board in the first planning application.
- Tailbacks/congestion will delay a local resident who is a retained firefighter from arriving at the fire station.
- Snow and ice on the road and proposed footpaths will affect users given the incline.

#### Impact on Residential Amenity

- Block 13 will overlook the adjacent houses to the north and north east resulting in shadowing impact and render possible photovoltaic panels useless / Block 13 should be removed.
- Light and noise pollution.
- Overlooking of houses and properties on the opposite side of the road to the north / Blocks 16 and 17 should be replaced with open space or single-storey houses
- Users of the proposed pedestrian entrance will be able to see into the rear of the house on the opposite side of the road to the north.

- Flashing amber beacons on the pedestrian crossing will adversely affect residential amenity.
- The hedgerow and trees along the northern boundary with existing houses should be retained in its entirety and reinforced. The proposed retention is inadequate.
- The play area in the northern end of the site adjacent to a turning head and close to existing houses could attract anti-social behaviour at night.
- A 3 metres high wall/fence must be installed on the development side of a house adjacent to the north.
- There is an objection to the green area between Block 13 and the properties to the north as it will contribute to anti-social activity/behaviour.

#### Development Scale and Design

- Four storey development is out of character with immediate surroundings and density on the edge of the town.
- The proposed development would be visually prominent on this exposed and elevated site and would not easily be absorbed by the surrounding landscape.
- Significant and detrimental impact on the visual amenities and character of this rural area.
- Insufficient car parking provided.
- Apartments and duplexes far outnumber houses.

#### Proposed Laneway to Millbrook

- Concern about the proposed pedestrian laneway from the site into Millbrook and the potential for anti-social behaviour / a letter from a Garda Superintendent dated January 2019 relating to P.A. Refs. 20180818 and 20180819 outlining the problems experienced with similar laneways are attached to some submissions.
- The proposed laneway would cut through existing open space curtailing the ability of children to play in the space. Users will go across the green space rather than stay on the link.
- Removal of trees and hedging to construct the laneway.

- The proposed laneway is unnecessary as there is an alternative link to the town centre along the main road / no evidence of cycle use in the area.
- The provision of the laneway will create a super estate of almost 500 units.
- The likely different age profiles between the existing mature estates and the proposed development may create tension.
- Cars will park in Millbrook to access the proposed estate/creche and obstruct Millbrook residents.
- Any transfer of land to create this pathway will require approval by elected members.
- Anti-social behaviour in estates comes from those outside or passing through.
- Concerns have been expressed in some submissions relating to the proposed pedestrian access to Carley's Bridge Road at the proposed raised pedestrian crossing in terms of attracting anti-social behaviour.

#### Infrastructure

- Two open surface water sewers on an adjacent property to the north which discharge to the drainage ditch/watercourse along the common boundary must be connected to an existing 600mm surface water pipe.
- A water drain gully will be covered by the raised pedestrian crossing and if not relocated properly it will result in surface water on Potters Way.
- The site floods regularly. Residents/emergency vehicles will have trouble accessing the main entrance and will park uphill along the road.
- The road becomes impassable when flooded.
- Assurance wanted that works will not affect the course of the river / risk of flooding of farmland on the opposite side of the river.
- The raised pedestrian crossing will cause excess surface water to runoff into an adjacent property.
- Vagueness and absence of material facts on Irish Water issues reflects badly on the integrity of the planning application.
- Concern expressed about the capacity of the foul sewer.

- Inadequate capacity in local schools.

#### Other Matters

- A number of submissions note that the observers are not opposed to the principle of the development though have concerns about the development as proposed.
- Minimal changes are proposed to the application recently refused on site.
- A submission disputes the content of the legal advice accompanying the application that the Board's Pre-Application Consultation Opinion can be used for a second application.
- Safety risk to children along the riverbank / no appropriate safety fencing visible.
- Risk of the river being used for dumping.
- Risk of trespass to private farm lands.
- What is the point of County and Local Development Plans if they can be materially contravened.
- Concern that the apartment blocks will be bought by vulture and pension funds.
- Devaluation of property.

## **9.0 Planning Authority Submission**

The Chief Executive's Report<sup>8</sup> in accordance with the requirements of section 8 (5)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016, includes a planning history, a summary of issues raised in third party submissions received by the Board, the policy framework, the views of the members of Enniscorthy District Council, an assessment of the proposed development, and a recommendation that permission be granted subject to 32 conditions. Internal reports were also attached.

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<sup>8</sup> The Chief Executive's Report is dated 25<sup>th</sup> May 2022, therefore it was prepared prior to the adoption and coming into effect of the WCDP 2022-2028.

## **9.1. Summary of the Views of the Elected Members**

9.1.1. The proposed development was presented to the members of Enniscorthy District Council at a special district meeting on 16<sup>th</sup> May 2022. The members:

- welcome the principle of a suitably designed housing development on site,
- consider that the size, scale, and density is excessive having regard to its location and potential for negative impact on adjacent residential areas,
- consider the proposed development would concentrate too much development in a single area,
- consider the pedestrian link to Millbrook to be problematic and may lead to increased anti-social behaviour and loss of open space, and,
- noted flood events in the area and that these have not been adequately addressed in the SSFRA.

## **9.2. Summary of the Internal Reports**

9.2.1. Reports from the Roads Department, Housing Department, and Chief Fire Officer were provided with the Chief Executive's Report and these can be summarised as follows.

9.2.2. Roads Department – A number of observations are set out including:

- There is a concern with the give/take arrangement to facilitate a pedestrian crossing and footpath connection to the north side of the road. While the footpath connection is required, the vertical alignment does not provide a safe crossing point. Clear vertical sightlines are not achievable for vehicles therefore increasing the risk for crossing pedestrians out of proportion. To overcome the connectivity deficit for pedestrians a Special Development Contribution should be applied to construct a footpath on the south side of the L2028 to provide a connection to the town centre.
- The pedestrian desire line to the town is through Millbrook and Urrin Valley. A footpath shall be provided by applying a Special Contribution Levy.
- Footpath detail with the junction of the L2028 is unclear.

- All spine roads must include a 6 metres wide carriageway, 2 metres wide dedicated cycle path, and 2 metres wide footpath to both sides.
- A detailed pre- and post-construction structural survey shall be carried out on all bridges on the L2028. Any immediate structural issues shall be addressed at the developer's cost.
- Consideration shall be given to a dedicated bus stop for future Local Link services.
- Turning circles shall be provided at the end of all culs-de-sac, including the three links for future development.

9.2.3. Housing Department – It is noted that there is a proposal to meet Part V liability by the transfer of 47 units.

9.2.4. Chief Fire Officer – The report advises on a number of fire-related issues.

### 9.3. **Summary of the Chief Executive's Report Planning Assessment**

9.3.1. The assessment of the proposed development as set out in the Chief Executive's Report can be summarised as follows under the headings used in the report (not all headings are summarised).

#### *Principle of development*

9.3.2. The proposed development is considered to be in accordance with the zoning objective.

#### *Core strategy*

9.3.3. The proposed development is considered to be in accordance with the core strategy.

#### *Density*

9.3.4. The proposed density is considered to be consistent with Development Plan policy and appropriate Guidelines. There is sufficient flexibility in the Town Plan to allow for densities above that set out in table 1.

#### *Design and layout*

9.3.5. Separation distances and overall orientation of the proposed dwellings would not significantly impact on adjoining residential amenity. There is a high level of



permeability within the street network and to adjoining lands. Building heights have been varied to ensure a visually engaging and high-quality residential environment.

#### *Access*

- 9.3.6. Carley's Bridge Road is very hazardous at present for vulnerable road users, especially at night. The alternative layout through Millbrook would most likely be shorter and safer for most future residents.

#### *Street hierarchy*

- 9.3.7. The street dimensions and configurations are acceptable, and the proposed street and footpath layout is satisfactory.

#### *Public open spaces*

- 9.3.8. The provision of public open space is considered to be of a high quality.

#### *Landscaping*

- 9.3.9. It is considered that the proposed landscape plan is of a very high standard.

#### *Parking*

- 9.3.10. The level of parking is consistent with Development Plan standards.

#### *Childcare*

- 9.3.11. The proposed childcare facility meets and exceeds the standards of the Childcare Facilities Guidelines 2001.

#### *Residential amenity of adjoining property*

- 9.3.12. It is not considered that there will be any undue overlooking, overshadowing, or overbearing impact on existing, primarily residential, development given separation distances and the overall orientation of the proposed dwellings. The proposed layout successfully responds to the subject site and represents a high standard of urban design.

#### *Pedestrian linkage*

- 9.3.13. It is considered appropriate to omit the pedestrian linkage with Millbrook by condition.

#### *Phasing*

- 9.3.14. The proposed phasing scheme is acceptable.

#### *Flood risk assessment (FRA)*

- 9.3.15. The planning authority is of the opinion that the analysis contained in the SSFRA is appropriately detailed, provides sufficient evidence to pass the development management justification test, and demonstrates that the proposals are in accordance with and satisfy the requirements of the WCDP 2013-2019 (as extended) and the Planning System and Flood Risk Management Guidelines for Planning Authorities. It is not considered that the proposed development would have a significant impact on drainage from adjoining landholdings, would not increase runoff to the river, and would not have downstream flooding implications.

#### *Houses design and layout*

- 9.3.16. The requirements are generally met within the scheme.

#### *Archaeology*

- 9.3.17. A condition will be applied to ensure the recording of the fulacht fiadh discovered on site.

#### *Construction management*

- 9.3.18. The submitted construction management plan is satisfactory. Construction impacts can be appropriately mitigated. It is recommended that a traffic management plan is agreed with the planning authority. Subject to improvements on the road the development will not result in undue adverse traffic impacts and any outstanding issues can be dealt with by condition.

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

- 9.3.19. An EIA Report (EIAR) is not required.

#### *Appropriate Assessment (AA) Screening Report*

- 9.3.20. It is considered that, following mitigation, the proposed development does not have the potential to significantly affect the conservation objectives of the Slaney River Valley SAC and the Wexford Harbour and Slobbs SPA and the integrity of these sites as a whole will not be adversely impacted.

#### *Development contributions*

- 9.3.21. In addition to the standard s48 development contribution, there is a requirement for a special contribution of €180,000 towards a public footpath on Carley's Bridge Road.

### *Conclusion*

9.3.22. Having regard to the site location on appropriately zoned land, to the nature, scale, and design of the proposed development, to the availability in the area of a wide range of social infrastructure, to the pattern of existing and permitted development, and to the provisions of the Sustainable Residential Development Guidelines, Apartment Guidelines, and DMURS, subject to conditions, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area, would be acceptable in terms of traffic and pedestrian safety and convenience, and would be in accordance with the proper planning and sustainable development of the area.

### Recommended Conditions in the Chief Executive's Report

9.3.23. Apart from relatively standard conditions that would be associated with development of the type proposed, the following (summarised) conditions are recommended for inclusion should the Board decide to grant permission.

- Condition 5 – The developer shall pay a contribution of €180,000 in respect of public footpath improvements to link to the footpath network which works are proposed to be commenced within five years of the date of payment of the contribution to the authority, unless such works are carried out by the developer in accordance with the agreed design.
- Condition 6 – The applicant shall submit revised site layout drawings omitting the pedestrian link between the site and Millbrook.
- Condition 9 – The proposed distributor road shall be completed prior to the occupation of any dwelling unit.
- Condition 12 – Agreed improvement works to Carley's Bridge Road as identified in the Access Statement shall be undertaken prior to commencement of development.
- Condition 21 – Detail of a segregated cycle way along the main access and orbital routes shall be agreed with the planning authority.

## 10.0 Prescribed Bodies

10.1. The Board's Pre-Application Consultation Opinion stated that Irish Water, Transport Infrastructure Ireland (TII), and Inland Fisheries Ireland (IFI) should be notified in the event of the making of an application. Documentation indicating that this has been complied with was submitted with the application. Submissions have been received from the following, as summarised below.

10.2. **Transport Infrastructure Ireland (TII)** – TII has no observations to make.

10.3. **Irish Water** – Irish Water has the following observations:

In respect of water – Irish Water confirmed feasibility of water connections to the applicant, subject to upgrades. The exact nature of the upgrades will be agreed at connection application stage with the cost of the upgrades to be borne by the developer. Water treatment upgrade works are due for completion in 2023.

In respect of wastewater – Irish Water confirmed feasibility of wastewater connections to the applicant, subject to upgrades. The exact nature of the upgrades, including the existing 450mm sewer into St. John's Pump Station, will be agreed at connection application stage with the cost of the upgrades to be borne by the developer. A pumped foul sewer solution has been proposed on site though it appears the site may be serviceable by a gravity sewer, the preferred solution for Irish Water.

Design acceptance – The applicant has been issued with a statement of design acceptance. The applicant is entirely responsible for the design and construction of all water and wastewater infrastructure.

Planning recommendation – Four conditions are recommended should permission be granted.

## 11.0 Planning Assessment

Having examined the application details and all other documentation on file, including the third party submissions and the WCC Chief Executive's Report dated 25<sup>th</sup> May 2022, and having inspected the site, and having regard to relevant

local/regional/national policies and guidance, I consider that the substantive issues in this application are as follows:

- Zoning and Principle of Development
- Potential Material Contravention as per the Application – Density and Car Parking
- Traffic Hazard (Reason for Refusal Under ABP-311699-21)
- Housing Mix – Material Contravention of Objective SH21 of the Wexford County Development Plan (WCDP) 2022-2028
- Pedestrian Permeability
- Site Layout, Design, Residential Amenity, and Impact on Third Parties
- A Second Application on Foot of the Board's Pre-Application Consultation Opinion
- Flood Risk

#### **11.1. Zoning and Principle of Development**

11.1.1. There is no current plan for the town. The most recent plan for Enniscorthy was the Enniscorthy Town and Environs Development Plan 2008-2014 (as Varied and Extended) (ET&EDP). As per footnote 5 I have been unable to ascertain the date on which the Plan was extended or the date that it was extended to. However, both the applicant's Planning Report and the Inspector's Report for ABP-311699-21 state that it was extended to 2019. I note that the ET&EDP was to be found in the 'Expired Plans' section of the planning authority website on 16<sup>th</sup> June 2025.<sup>9</sup> Under the ET&EDP, as per sub-section 6.10, the majority of the site area was zoned 'New Residential / Low Medium Density (R1)' with a zoning objective 'To provide for new residential development, associated residential services and community facilities'. A small area on the eastern side of the site was zoned 'Existing Residential and Infill / Medium Density (R)' with a zoning objective 'To protect and enhance the residential amenity of existing and developed communities'. The area of the site along the river was zoned 'Open Space and Amenity (OS)' with a zoning objective 'To protect and provide for recreation, open space and amenity provision'. Residential development was permitted in principle on R and R1 zoned land while childcare facilities were open for

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<sup>9</sup> [www.wexfordcoco.ie/planning/development-plans-and-local-area-plans/expired-plans](http://www.wexfordcoco.ie/planning/development-plans-and-local-area-plans/expired-plans)

consideration on the relevant R1 zoned area. There was also a Roads Objective which the proposed access road through the site parallel to the River Urrin is consistent with.

- 11.1.2. The ET&EDP 2008-2014 (as Varied and Extended) was adopted by the Joint Councils i.e. Enniscorthy Town Council (ETC) and WCC, in February and April 2008 respectively. ETC was abolished in 2014. None of the ET&EDP 2008-2014, WCDP 2007-2013, or WCDP 2013-2019 contained a map identifying the respective ETC and WCC areas. Notwithstanding, 'Map No. 1 – Zoning' of the Enniscorthy Development Plan 1992 showed the subject site in an unzoned area outside of both the urban boundary and the development boundary. 'Map No. 1 – Land Use Zoning Objectives' of the ET&EDP 2001 showed the subject site zoned 'R1 – To provide for new residential communities'. The site was within the development boundary but approximately 450 metres outside the urban boundary. Map No. 3 of the Plan was titled 'Development Objectives Within U.D.C. Boundary' and the boundary identified was the same as the urban boundary in Map 1. Urban District Councils became Town Councils in 2002. Having regard to the foregoing, I consider it more than likely that the subject site was located in the environs of the town and was within the jurisdiction of WCC, as opposed to having been located within the town boundary and therefore within the jurisdiction of ETC.
- 11.1.3. Section 1.1 of the WCDP 2022-2028 states that the Plan relates to the whole functional area of WCC, including the area previously under the jurisdiction of ETC. Table 1-1 and objective CS15 state that a LAP is to be prepared for Enniscorthy Town. Page 76 of the Plan refers to it as the Enniscorthy Town and Environs LAP where it is stated that it will set out the spatial planning strategy for the town. It is acknowledged on page 88 of the Plan that 'this Plan does not include zoning for the towns ...' (in relation to the core strategy) and on page 89 that 'land use zoning plans for the towns are not included in this Plan ...' It is noted that the Core Strategy indicates that there is substantial surplus of zoned land in Enniscorthy of 295.63 hectares.
- 11.1.4. Sub-section 3.8.4 of the Plan (Residential Zoned Land Housing Land Requirements) states that 'the existing residential zoned land bank will be reviewed during the preparation of new local area plans and aligned as necessary with the population allocations and housing land requirements set out in the County Core Strategy'. Apart from this comment, the Plan does not state, or make reference to, an intent that the zoning from the ET&EDP would carry over to the WCDP 2022-2028. I note that neither

of the Office of the Planning Regulator submissions to the Plan process, dated 9<sup>th</sup> December 2020 and 6<sup>th</sup> May 2022, make reference to this issue.

- 11.1.5. Having regard to the wording of the WCDP 2022-2028 it seems as though the zonings of the previous/non-current Town Plans and LAPs may remain applicable until such time as they are replaced by new LAPs. However, as per the previous paragraph, there is no wording in the Plan that actually states this or that could be easily interpreted as meaning this.
- 11.1.6. It is my opinion that this site, which was last zoned under the ET&EDP in 2008 (extended to 2019), and which is located outside the former ETC boundary, does not have a current zoning under the WCDP 2022-2028. I would draw the Board's attention to section 3 of the Planning and Development (Housing) and Residential Tenancies Act, 2016, which defines 'strategic housing development', in part, as 'the development of 100 or more houses *on land zoned for residential use* or for a mixture of residential and other uses' (italics added). In my view there is a significant procedural issue in this regard and the Board may also take the view that the site is not 'zoned for residential use'. Having regard to the ambiguity regarding the zoning matter and the absence of provision to seek further information under SHD legislation, should the Board be minded to grant permission for the proposed development, it may consider addressing this issue by means of a limited agenda oral hearing under section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016. However, the Board should note that I have substantive concerns regarding the development and in this context I do not recommend this course of action.
- 11.1.7. Notwithstanding this core procedural issue, I now turn my attention to the acceptability of the development having regard to the Core Strategy and principles of compact growth and sequential approach, particularly having regard to the extensive over supply of zoned land in the town as set out in Table 3-4 (Core Strategy Population Allocations, Housing Units and Housing Land 2021-2027) of the WCDP 2022-2028. I consider that the proposed site is suitably located for residential development in the context of the built-up area of the town and the nature of development adjacent to it, having particular regard to the extent of existing housing, both individual houses and larger housing developments, immediately to the east and north of the site. It is a natural extension to the existing urban area, only an approximate 850 metres walk to Enniscorthy Sports Hub and approximately a 1.1km walk to St. Aiden's Cathedral from

the site boundary on Carley's Bridge Road. I do not consider that it would be premature to develop the site in the context of its location relative to the built-up urban area and proximity to the town centre. The site is served by a public water main and foul sewer and Uisce Éireann's submission confirmed feasibility of connections (albeit dated 2<sup>nd</sup> December 2022). The WCDP 2022-2028 also indicates capacity in the town's water supply and foul treatment<sup>10</sup>. The local road infrastructure is, however, an area of concern as per the previously refused application, ABP-311699-21, and I address this specifically in the sub-section 11.3.

11.1.8. In relation to the core strategy, Table 3-3 (Allocation of Population to the Settlement Hierarchy) of the WCDP 2022-2028 identifies the population of Enniscorthy as 12,467 in 2021 and 13,771 in 2027<sup>11</sup>, equating to 888 housing units over the Plan period. I note the provisions of the WCDP 2022-2028 Core Strategy Monitoring Report for Year 2 (November 2024). Table 2 of this document states that 220 housing units (24.8% of the core strategy allocation) have been completed in Years 1 and 2. Table 5 states that 192 residential units (21.6% of the core strategy allocation) have been granted permission in Years 1 and 2. The proposed development of 233 units would comprise 26.2% of the core strategy allocation and, having regard to the most recent figures in the November 2024 document, the proposed development would comfortably comply with the core strategy. The Year 1 and 2 housing completion figures plus the proposed development would be 453 housing units, 51% of the core strategy allocation for the town. Including the 192 residential units permitted (assuming none of them are included in the housing completion figures) would be 645 residential units, 72.6% of the allocation.

11.1.9. Having regard to the foregoing, I do not consider that the site is appropriately zoned for residential development, as required by SHD legislation, given the absence of a current Town and Environs Plan or LAP. As noted above, should the Board be minded to grant permission, I recommend that this matter is further ventilated through the mechanism of a limited agenda oral hearing as provided for under section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016.

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<sup>10</sup> In relation to water, Table 9-1 states 'Capital upgrades are progressing to increase capacity for the town ... There is capacity available in the main networks to cater for the 2027 population target'. In relation to foul treatment, Table 9-3 states that the wastewater system has a capacity of 26,200 with headroom of 12,451.

<sup>11</sup> The 2022 census population for Enniscorthy was 12,310.



Notwithstanding, I consider that, in principle, the site is appropriately located for the type of development proposed. It is immediately adjacent to existing residential development and the built-up urban area, and it is in relatively close proximity to amenities. It is served by a public water main and foul sewer and there is capacity in both. The proposed development would contribute to the core strategy and the number of residential units proposed would still result in ample headroom being left for future development proposals in the town. However, the Board should note that I have fundamental road safety concerns in relation to the proposed development, and these are addressed further in sub-section 11.3.

## **11.2. Potential Material Contravention as per the Application – Density and Car Parking**

- 11.2.1. Section 9(6)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that the Board may decide to grant a permission for a proposed SHD in respect of an application under section 4, even where the proposed development, or a part of it, contravenes materially the development plan or LAP relating to the area concerned. The exception to this is in relation to the zoning of land. Sub-section (c) 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 I have set out in sub-section 11.1 (Zoning and Principle of Development), there is a significant doubt as to whether the site can be considered to be zoned. Notwithstanding, I consider that should the Board be minded to grant permission, this is a matter that would need further clarity that should be sought from the planning authority and the applicant through a limited agenda oral hearing. However, I shall assess the two potential material contravention issues identified by the applicant.
- 11.2.2. 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: (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, (iii) permission for the proposed development should be granted having regard to the RSES 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.

- 11.2.3. The applicant has submitted a Material Contravention Statement which is contained within Chapter 8 of the applicant's Planning Report. The applicant identifies two potential material contraventions of the ET&EDP 2008-2014 and the WCDP 2013-2019 (which has been replaced by the WCDP 2022-2028) relating to density and car parking. I separately address these two issues as follows:

#### Density

- 11.2.4. The proposed development has a net density of 35uph. Notwithstanding the provisions of sub-section 11.1 (Zoning and Principle of Development), Table 1 of sub-section 11.2.1 (Residential Density) of the ET&EDP gave an indicative residential density of 10-17uph for this site though the sub-section 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.' Page 23 of the WCC Chief Executive's Report dated 25<sup>th</sup> May 2022 indicated no concern with the proposed density and did not state that it was a material contravention. The applicant refers to the flexibility in sub-section 11.2.1 and the provisions of the NPF, as well as the Apartment Guidelines 2020 (since updated), the Sustainable Residential Development in Urban Areas Guidelines (2009) (since replaced), and the Building Height Guidelines (2018).
- 11.2.5. The applicant's Material Contravention Statement considers the proposed development can be granted because a 'strategic housing development' is of 'strategic or national importance'. However, I note that a development cannot be deemed to be strategic merely by reference to the title of the legislative provisions under which the

application is made and I do not consider that the proposed development in itself would be of particularly notable strategic or national importance.

11.2.6. The WCDP 2022-2028 does not identify any specific density, stating that densities will be set out in the respective LAPs. It identifies Enniscorthy as a Large Town. The section 28 Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) have replaced the Sustainable Residential Development in Urban Areas Guidelines (2009). I consider the site to be in an 'urban extension' location in the context of the town (notwithstanding the reference to zoning in the following sentence). These areas, in terms of density, are referenced as follows in Table 3.5 (Areas and Density Ranges Key Towns and Large Towns (5,000+ population)) of the 2024 Guidelines; 'urban extension refers to greenfield lands at the edge of the existing built-up footprint area that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at ... urban extension locations of ... Large Towns ...'

11.2.7. I do not consider that the proposed density would have comprised a material contravention of the ET&EDP because of the flexibility in the language used in subsection 11.2.1 and I do not consider it could be deemed to be a material contravention of the WCDP 2022-2028 given the designation of Enniscorthy as a Large Town and the density implications of that in the Compact Settlement Guidelines (2024). Notwithstanding, should the Board deem the density to comprise a material contravention of the ET&EDP I consider that it can do so having regard to the provisions of section 37(2)(b)(iii) given that the proposed net density of 35uph is comfortably within the density range envisaged in the Compact Settlement Guidelines (2024) for this type of location.

#### Car Parking

11.2.8. Both the ET&EDP and the WCDP 2013-2019 have expired and therefore the proposed development would not materially contravene either Plan. In the now applicable WCDP 2022-2028, car parking standards are 'maximum' standards. The change to a 'maximum' standard of provision would ensure that no material contravention issue arises in relation to car parking standards and the WCDP 2022-2028.

### 11.3. Traffic Hazard (Reason for Refusal Under ABP-311699-21)

- 11.3.1. The previous SHD application on site (ABP-311699-21) was refused for the following reason.

*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 and egress point close to the location of the existing rural speed limit zone (80 kilometres per hour), and the uncertainty in relation to the altering of same, the proposed development would endanger public safety by reason of traffic hazard.*

- 11.3.2. Roads-related issues such as the internal road layout, impact on the surrounding road network, and non-resident car parking in adjoining development, were assessed in the previous IR dated 4<sup>th</sup> February 2022 and because of this previous assessment I do not propose to revisit these issues. However, as the previous application was refused for the reason set out above, the road safety/traffic hazard issue on the public road forms a significant element of the application and I address it, and the amendments proposed to address the concern, in this sub-section.

#### Carley's Bridge Road Infrastructure

- 11.3.3. Carley's Bridge Road is a local road connecting Enniscorthy town centre to the R744, approximately 900 metres to the south east. It is a relatively narrow road with bends, and it includes two relatively narrow bridges approximately 150 metres and 200 metres to the west of the site where normal two-way traffic is restricted, particularly involving heavy vehicles.
- 11.3.4. The road along the front of the site is deficient in horizontal and vertical alignment and it rises in ground level from west to east (rural to urban). There is a relatively strong hedgerow/tree line along the site roadside boundary with a limited verge, particularly in the upper area. There is no footpath to either side of the road. The existing agricultural vehicle access is in the western corner of the site. A 50kph/maximum speed limit (80kph) sign is located along the site boundary, approximately 20 metres

on the town side of the entrance i.e. the existing vehicular access is in a location where an 80kph limit applies.

- 11.3.5. The road increases in ground level until it is very close to the northern boundary of the site, and it then plateaus. The nearest existing footpath on the southern side of Carley's Bridge Road is approximately 190 metres to the east. The nearest footpath on the northern/opposite side of the road is approximately 130 metres to the east. There are individual houses/properties on both sides of the road between the site and the nearest footpaths, including a priority junction for Potters Way, a development of nine houses. There is no public lighting in the vicinity.

Previous application (ABP-311699-21)

- 11.3.6. I consider it is important to set out the background to the previous reason for refusal.

*An Bord Pleanála Pre-Application Consultation Opinion (ABP-307305-20)*

- 11.3.7. In the Board's Pre-Application Consultation Opinion issued prior to the submission of the previous SHD application, one of the four issues cited that needed to be addressed in order for the submitted documentation to constitute a reasonable basis for an application was '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'.

*Applicant's SHD application (ABP-311699-21)*

- 11.3.8. A Traffic and Transport Assessment (TTA) dated October 2021 was submitted with the application which provided for enhancements to the public road. Page 33 stated that a 2 metres wide footpath was to be provided along the site frontage. This footpath terminated at a 5.5 metres wide and approximately 39 metres long raised table provided on the public road adjacent to Potters Way. The TTA stated that this would

act to calm traffic and allow for pedestrians cross the public road where a new 100 metres long and 1.8 metres wide footpath on the northern side of the road would connect to the existing footpath to the east, providing a continuous route to the town. The TTA noted that the shortest route to the town centre for the majority of residents would be via the pedestrian link through Millbrook.

- 11.3.9. The TTA also stated (pages 33-34) that the existing vehicular access was to be extinguished and a new vehicular access provided. This would 'necessitate 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 in excess of ca. 50 metres to the west of the proposed new site access junction – the extension of the urban speed limit zone shall be implemented following agreement with WCC'.
- 11.3.10. The TTA included, as Appendix H, letters of consent from WCC and another landowner. The letter from the landowner included a 'Road Design - Raised Crossing' drawing, similar to the proposal currently under consideration. This is referred to in paragraph 11.3.14.

*Wexford County Council (WCC) Chief Executive's Report for ABP-311699-21 dated 13<sup>th</sup> December 2021*

- 11.3.11. In the 'Assessment of Proposed Development', under the 'Access' sub-heading, Carley's Bridge Road was considered 'to be very hazardous at present for any pedestrians or cyclists, especially at night. The proposed development would result in a significant re-engineering of this section of road in addition to the provision of a footpath north to connect with the end of the existing (somewhat substandard) path'. In its conclusion it stated, inter alia, that it 'would be acceptable in terms of traffic and pedestrian safety and convenience'. A grant of permission was recommended subject to 32 conditions. Recommended condition 5 required a section 48 contribution of €180,000 'in respect of specific works, consisting of public footpath improvements to link to the footpath network ...' Recommended condition 12 stated 'Agreed improvement works to Carleys Bridge Road as identified in access statement submitted on the shall be undertaken prior to the commencement of the development' [sic]. The Chief Executive's Report implies that no internal Transportation Report was prepared in relation to the SHD application.

11.3.12. The IR contained a sub-heading titled 'Pedestrian Infrastructure on Carley's Bridge Road' (paragraphs 10.3.7-10.3.10) which considered the proposed raised table infrastructure and works to the public road. Given the nature of the reason for refusal, the condition of the public road, and the amendments proposed in the current application I consider it appropriate to reproduce some of the commentary contained within the IR.

11.3.13. The sub-heading stated, inter alia, 'The 39m long raised table is proposed to be located on the public carriageway, adjacent to the entrance to ... Potters Way ... 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 ... 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 ... 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 ... it is somewhat inevitable that pedestrians will also utilise the pedestrian walkway and the raised table along Carley's Bridge Road ... The Stage 1 Road Safety Audit ... has not considered the safety or otherwise of this element of the proposed development, which is unfortunate'.

- 11.3.14. As referred to in paragraph 11.3.10, the IR, in paragraph 10.3.9, noted the alternative proposal similar to that subject of the current application. The IR stated this alternative proposal 'indicates a far more limited extent of the raised table, with additional footpath provision on the northern side ... 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 ... 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'.
- 11.3.15. The IR also set out, in paragraph 10.3.17, concern about the access point and specifically the speed limit. The TTA indicated that 45 metres sightlines comply with DMURS standards. However, this is dependant on the speed limit sign being moved approximately 50 metres further to the west along Carley's Bridge Road from its current position. WCC did not raise any concern in relation to road safety but its submission made no reference to the speed limit issue and there was uncertainty in relation to the delivery of this. Should the 80kph limit remain in place it would render the access point unsafe, according to the IR.
- 11.3.16. The IR concluded that there were fundamental road safety concerns as a result of the raised table, the variable horizontal and vertical alignment of the public road, and the location of the access point close to where the maximum speed limit applies with uncertainty in relation to the altering of same. It was considered that the proposed development would endanger public safety by reason of traffic hazard. A reason for refusal was recommended which was the same as that contained in the Board Order.



Current application (ABP-313262-22)

*Applicant's SHD application*

- 11.3.17. I set out the applicant's response to the reason for refusal under this sub-heading. An updated TTA dated April 2022 is submitted. Table 1.1 of the TTA, and elsewhere within the TTA, sets out how the reason for refusal has been addressed.
- 11.3.18. The raised table has been removed from the scheme and is replaced by a raised crossing as included in Appendix H of the TTA dated October 2021 and as described in the IR dated 4<sup>th</sup> February 2021 as being a far more preferable solution to the issue of connectivity. The raised crossing has been subject of an approved Road Safety Audit (RSA), included as Appendix J and summarised on pages 61-62 of the TTA submitted with the current application. It is stated that it shall calm traffic and allow pedestrians to cross where it will tie into a new footpath. There will be single-way traffic, with a maximum speed of 20kph across the raised crossing, via a line of sight arrangement with 'STOP' markings/signage for eastbound traffic and 'YIELD' markings/signage for westbound traffic. Only land in the public carriageway is affected. A full vertical and horizontal alignment forward visibility assessment has been undertaken and included as Appendix I.
- 11.3.19. In relation to the speed limit issue, a traffic speed survey was undertaken over four days (Thursday March 10<sup>th</sup> 2022 to Sunday March 13<sup>th</sup> 2022) at the location of the vehicular access point and is attached as Appendix B. Average vehicle speed is 46.41kph and the 85<sup>th</sup> percentile speed is 53.12kph. The design speed in the vicinity of the proposed access is determined to be 60kph and updated 59 metres sightlines in accordance with DMURS standards have been provided. It is stated that changes to the speed limit are academic as the speeds are limited by the road alignment westbound and the 50kph limit and the alignment of the road eastbound and therefore access arrangements are not dependant on the extension of the urban speed limit to the west.

*Third party submissions*

- 11.3.20. Third party submissions received on foot of the application reference a number of transport-related issues. As per paragraph 11.3.2, a number of these issues have already been addressed in the IR dated 4<sup>th</sup> February 2022. Issues raised that are relevant to the proposed works on the public road and the proposed vehicular access

point include: concern that there will be three one-way features over a 200 metres distance, safety issues because of the location at the brow of the hill, safety issues with the proposed arrangement in inclement weather, reduced width of the road affecting wide loads, difficulty accessing/egressing Potters Way, impact on local businesses, concern that the creation of a new entrance where a speed limit applies would endanger road safety, disrupt the free flow of traffic, create an undesirable precedent, it is dangerous to conclude that changes to the speed limit in this location are academic, inadequate survey period, and agricultural traffic reduces average speeds recorded.

*Wexford County Council (WCC) Chief Executive's Report for ABP-313262-22 dated 25<sup>th</sup> May 2022*

- 11.3.21. The same wording is used in the 'Access' sub-heading in the 'Assessment of Proposed Development', as was used in the WCC Chief Executive's Report for ABP-311699-21 dated 13<sup>th</sup> December 2021 (paragraph 11.3.11). The Report itself does not engage with the reason for refusal cited in ABP-311699-21. A grant of permission is recommended with identical conditions attached as were included in the Chief Executive's Report dated 13<sup>th</sup> December 2021, including recommended conditions 5 and 12 as set out under paragraph 11.3.11. The only change is a reduction in the amount of the bond (condition 4).
- 11.3.22. Notwithstanding the absence of any engagement with the reason for refusal within the Chief Executive's Report, a Roads Department Report dated 10<sup>th</sup> May 2022 was submitted as part of the Chief Executive's Report. A number of observations are made within the Roads Report, the most relevant of which is the first observation which states, 'The Roads Section has a concern with the proposal of a give/take arrangement on the L-2028-1 to facilitate a pedestrian crossing and footpath connection on the north side of the road to town centre. Whilst the footpath connection from the development is required, the vertical alignment of the L-2028-1 does not provide a safe crossing point. The clear vertical sightlines are not achievable for vehicles therefore increasing the risk for crossing pedestrians out of proportion. To overcome the connectivity deficit from the development for pedestrians along the L-2028-1, Roads propose the inclusion of a Special Development Contribution to be applied to construct a footpath on the south side of the L-2028-1 to provide a connection to the town centre'.

### Assessment

11.3.23. On foot of the previous reason for refusal the applicant has amended the proposed pedestrian crossing arrangement on Carley's Bridge Road and has otherwise responded to the issues raised. I consider that there are two issues to be addressed in this Assessment: the proposed raised crossing and the location of the proposed vehicular access.

#### *Proposed raised crossing*

11.3.24. I acknowledge that, in the assessment of the previously proposed raised table arrangement, paragraph 10.3.9 of the IR dated 4<sup>th</sup> February 2022 for ABP-311699-21 noted a potential raised table arrangement in Appendix H of the October 2021 TTA and suggested that it may be a solution to the issue of connectivity along Carley's Bridge Road. Although flagged as a possible solution the IR did acknowledge that there may be a fundamental barrier to its delivery. No reference was made in the Board's Direction or Order to this.

11.3.25. The proposed raised table was 5.5 metres wide and 39 metres long and would have been a significant localised alteration to the public road. Although much less significant in terms of the physical alteration of the public road, the proposed raised crossing would also result in a significant localised alteration. The road width would be reduced to 3 metres for a distance of approximately 15 metres. New road markings/signage for a stop and yield arrangement would be required. These two locations are approximately 34 metres apart. Within this 34 metres distance is an access point to a nine-house residential development (Potters Way). There are additional existing vehicular access points to a house, a field, and a non-domestic entrance (it appears to access a domestic garage) within 15 metres of the proposed 'yield' line and vehicular access gates to a house and a commercial operation (Hill View Pottery) within approximately 20 metres of the proposed 'stop' line.

11.3.26. In addition to the foregoing, the horizontal and vertical alignment of the public road in the immediate vicinity is a significant concern. The road is fundamentally deficient in alignment and the proposed raised crossing is an attempt to engineer a solution to connect the proposed development to the town, which the Board considered to be a necessary component of the development in the Pre-Application Consultation Opinion. I agree that continuous connectivity along Carley's Bridge Road must be an integral

part of this development in the interest of residential amenity. The road, in an easterly direction, increases in ground level until it plateaus in the area of the proposed raised crossing. This results in poor forward visibility when approaching this location in both directions. Although I consider that users of the proposed raised crossing would be able to adequately see approaching vehicles, it is the intervisibility of vehicles at the stop/yield points that is a significant concern. In addition, the presence of the Potters Way access/egress point, in a type of no man's land between the stop and yield points, would create traffic confusion and the proposed arrangement would also adversely affect the normal operation of the other access points in close proximity.

- 11.3.27. The focus of the application commentary in terms of the crossing of Carley's Bridge Road has been on future residents of the proposed development accessing the town centre or other areas. However, the proposed development would likely become an attraction in its own right, given the riverside park amenity for example, and therefore it would also attract members of the local population. Therefore, users of the proposed raised crossing would not just be the future residents accessing the town area.
- 11.3.28. The core issues with the proposed arrangement, in my view, are the alignment of the road and the distances required between the stop and yield points. WCC Roads Department is of the view that 'the vertical alignment of the L-2028-1 does not provide a safe crossing point. The clear vertical sightlines are not achievable for vehicles therefore increasing the risk for crossing pedestrians out of proportion'. Appendix J to the TTA dated April 2022 contains a Stage 1 Road Safety Audit (RSA) for the proposed infrastructure. It is referred to as a shuttle system. Problems were identified relating to the vertical gradient, existing vegetation/intervisibility, stopping locations, and carriageway width. The recommended measures were accepted. I note that the RSA does not mention the Potters Bridge access point or the other existing access points in the immediate vicinity.
- 11.3.29. The applicant states that a full vertical and horizontal alignment forward visibility assessment has been undertaken and included as Appendix I to the TTA. A distance of 45 metres has been used as the forward visibility distance as per section 4.4.4 of DMURS which is the standard for a 50kph design speed (page 39 of the TTA). In this regard I note the plan and section drawings submitted in Appendix I. The section drawing (drawing no. 2020 C543.1/3 v1.7) is of particular interest. It shows that while two cars, one at the stop mark and one approaching the yield mark, have a sightline

across the brow of the hill the sightline, by an unquantified measurement, barely clears the brow of the hill. However, the proposed development is for a raised crossing across the sightline and the section drawing does not show any raised crossing area on the section drawing i.e. the section drawing shows the road as existing, not as it would be post-construction of the raised crossing infrastructure. It is likely that the construction of the raised crossing would interfere significantly with the already barely achievable 45 metre sightline and would result in a traffic hazard.

11.3.30. Having regard to the foregoing, I do not consider that the proposed raised crossing is an appropriate solution to the connectivity issue. The 45 metre sightline is barely achievable on the current roadway even without the increased height that the raised crossing would result in. The stop and yield signs/markings, which themselves have a separation distance of approximately 34 metres, would leave Potters Way in an undefined area between both and there are five other vehicular access points within 20 metres of the markings/signage. This pedestrian crossing is likely to be used regularly by both residents and visitors and the Chief Executive's Report dated 25<sup>th</sup> May 2022 states that 'the traffic levels [on the road] are far in excess of what would be usual for a country road' (page 24), without the added traffic that the proposed development would generate. I consider the proposed infrastructure to be an unsatisfactory engineering solution to a problem presented by a road which is deficient and substandard in terms of its vertical and horizontal alignment, and which also has existing restrictions along the same road with the two very narrow bridges to the west. WCC Roads Department also considers that the clear vertical sightlines are not achievable for vehicles and the proposed infrastructure would increase the risk for crossing pedestrians. I consider a refusal of permission is appropriate.

11.3.31. WCC's Roads Department Report recommends inclusion of a special development contribution of €180,000 to be applied to construct a footpath on the south side of the road. This is included as recommended condition 5 in the Chief Executive's Report dated 25<sup>th</sup> May 2022. In my opinion the construction of this footpath would clearly be the most appropriate solution to the connectivity issue i.e. construction of a continuous footpath across the site boundary and continuing along the southern side of the public road in an easterly direction as far as the existing footpath approximately 190 metres to the east. I note that the ET&EDP had an objective (T11) to provide public lighting

and footpaths along this road; whether it was the north side or south side of the road, or both, is not clear.

- 11.3.32. Special contributions can be attached under section 48 (2)(c) of the Planning & Development Act, 2000 (as amended) where 'specific exceptional costs not covered by a scheme<sup>12</sup> are incurred by any local authority in respect of public infrastructure and facilities which benefit the proposed development'. Section 48 (12) outlines that the condition shall specify the particular works carried out, or proposed to be carried out, and identifies the scenarios where the contribution can be refunded or part refunded. Section 7.12 of the Development Management Guidelines for Planning Authorities (2007) states, inter alia in relation to special contributions, that 'it is essential that the basis for the calculation of the contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development'.
- 11.3.33. There is no such calculation contained within the Chief Executive's Report, or in the accompanying internal reports, and the nature and scope of works is not outlined, other than a reference to public footpath 'improvements' (not 'construction'). Given the absence of any costings, any robust timeframe other than a reference in the condition that the works are proposed to be commenced within five years, or any indication as to the scope or extent of this footpath, I do not consider that a special development contribution can be included in any grant of permission having regard to the provisions of the aforementioned Act or Guidelines. I note the second bullet point in the Roads Department Report refers to a footpath being provided through Millbrook and Urrin Valley and a second special development contribution being applied. No figure was provided. I do not consider this can be included in any grant of permission for the reasons set out earlier in this paragraph. A condition could not be applied to the effect that no residential unit could be occupied until such time as a footpath along the southern boundary of Carley's Bridge Road connecting to the existing footpath has been constructed because delivery of that is outside of the applicant's control and there is no firm commitment from the planning authority that same would be provided within any timeframe.

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<sup>12</sup> A Development Contribution Scheme for the area under section 48.

- 11.3.34. Concern has been raised in terms of the reduced width of the road affecting wide loads. The swept path analysis in Appendix C to the TTA illustrates a refuse truck with a 2.25 metres width, therefore this could comfortably traverse the proposed raised crossing. Figure 4.55 of DMURS indicates that a 3 metres width is acceptable and the carriageway width has not been cited as a concern by the WCC Roads Department. For wide loads that may not be capable of traversing the road, because of the proposed indicated bollard or potential higher warning lights indicating the pedestrian crossing (which have not been illustrated and which I do not consider would adversely affect residential amenity in the vicinity given their prevalence in such areas), access to the area can be achieved along Carley's Bridge Road from the opposite direction.
- 11.3.35. Notwithstanding the safety concerns that I have set out, should the Board be of a mind to grant permission, I recommend inclusion of a condition that the detailed design of the proposed raised crossing area, including the locations of stop/yield signage and road markings, be agreed with the planning authority prior to the commencement of development.

*Location of the proposed vehicular access*

- 11.3.36. The second element of the reason for refusal referred to the proposed provision of a vehicle access and egress point close to the location of the 80kph speed limit zone and the uncertainty in relation to the altering of same. Visibility splays of 45 metres, as required by table 4.2 of DMURS for a 50kph design speed, were provided in both directions from the new access point. Pages 33-34 of the TTA dated October 2021 had stated the new junction would necessitate the expansion of the 50kph zone by over 50 metres to the west.
- 11.3.37. The proposed site access point is located within the 50kph speed limit area having regard to the location of the speed limit signs on my site inspection, the proposed site layout plan, and section 2.1.4 of Appendix E (RSA) to the TTA dated April 2022. In response to this element of the reason for refusal the applicant carried out a speed survey at the access point. Given the 85<sup>th</sup> percentile speed (approx. 53kph) and the average speed (approx. 46kph) the applicant considers the design speed of the road to be 60kph. Therefore, visibility splays for a 60kph speed (59 metres) have been provided in Appendix K to the TTA.

11.3.38. Having regard to the presented results of the speed survey which I consider to have been carried out over a reasonable time period (four full days), the fact that the proposed vehicular access point is within a 50kph zone, that sightlines of 59 metres as required for a 60kph design speed have been proposed, and that all relevant land required for maintaining sightlines is under the applicant's control, I consider that this element of the reason for refusal has been adequately addressed. While average speeds may increase as a result of the road improvements e.g. removal of boundary vegetation allowing greater forward sightlines including visibility of the maximum speed limit sign, this would likely be mitigated by the presence of a residential development and an obvious vehicular access location. Should vehicular speed prove to be an issue at this location it is possible that the 50kph/80kph limit could in future be moved further to the west.

#### Conclusion

11.3.39. I consider that the proposed raised crossing does not adequately address the issue of the connectivity of the proposed development to the town. 45 metre sightlines are barely achievable between the stop and yield signs/markings on the current road and the relevant section drawing does not include the proposed raised crossing itself. WCC Roads Department is of the opinion that clear vertical sightlines are not achievable for vehicles, therefore increasing the risk for crossing pedestrians out of proportion. I recommend a refusal of permission.

#### **11.4. Housing Mix – Material Contravention of Objective SH21 of the Wexford County Development Plan (WCDP) 2022-2028**

11.4.1. Objective SH21 of the WCDP 2022-2028 states, 'To require new build house and apartment schemes and building refurbishment schemes to provide a mix of unit types in accordance with Section 4.7.5 House Types to ensure that there is a range of house types available to suit the needs of the various households in the county'.

11.4.2. Section 4.7.5 (House Types) states that 'The HNDA indicates that there is a need to provide a mix of unit sizes to accommodate the future composition of households in the county ... where a residential scheme is proposed with houses, the development should provide for the following house type mix ... • 25% two-bedroom houses • 30% three-bedroom houses • 30% four-bedroom/five-bedroom houses • 15% to be



allocated to any of the above based on evidence of demand. This standard will be applied to schemes of 25 or more units. The Planning Authority will consider a deviation from the above housing type mix where local requirements and/or market evidence suggest that a different housing mix is required’.

11.4.3. 53 houses are proposed as part of this development, comprising 45 three-bed and 8 four-bed units, 85% and 15% respectively. The proposed development is therefore not compliant with the Plan provisions. Although not houses, 112 (48.1%) of the proposed apartment and duplex apartment units are one and two bed units which are particularly needed, according to sub-section 4.7.5, (‘A need for one and two bedroom properties is particularly evident’).

11.4.4. I note that there are four circumstances where the Board can grant permission for development that is considered to be a material contravention of the development plan, under Section 37(2)(b) of the Planning & Development Act, 2000 (as amended) i.e. (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, (iii) permission for the proposed development should be granted having regard to the RSES 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.

11.4.5. Having regard to the foregoing sub-sections:

(i) I do not consider that the proposed development is of particular strategic or national importance. A development is not strategic merely by reference to the title of the legislative provisions under which the application is made.

(ii) Objective SH21 and Section 4.7.5 (House Types) of the Plan are clear in their intent.

(iii) Given that the objective resulted from a HNDA, I do not consider that the proposed development should be granted having regard to the RSES, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority

in the area, or any relevant policy of the Government, the Minister or any Minister of the Government.

(iv) There is no evidence before me that permission should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

11.4.6. On foot of the foregoing I consider that permission should be refused on this basis i.e. that the proposed development would result in a material contravention of the WCDP 2022-2028. However, should the Board be minded to grant permission for the proposed development, it may consider addressing this issue by means of a limited agenda oral hearing under section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016. In this regard the wording of sub-section 4.7.5 allows the planning authority to consider a deviation from the above housing type mix where local requirements and/or market evidence suggest that a different housing mix is required. A limited agenda oral hearing would allow the planning authority to advise the Board as to whether it considers that this is such a circumstance. However, the Board should note that I have substantive road safety concerns regarding the development and in this context I do not recommend this course of action.

#### **11.5. Pedestrian Permeability**

11.5.1. Pedestrian permeability to/from the site is one of the main issues of concern raised by residents, both onto Carley's Bridge Road at the proposed pedestrian crossing location and, in particular, through Millbrook adjacent to the east.

11.5.2. The same pedestrian links were proposed under the previous SHD application on site, ABP-311699-21. The IR for that application specifically addressed the proposed pedestrian link to Millbrook in paragraphs 10.3.11-10.3.15. While noting the planning authority's recommendation to omit the laneway, the Inspector was of the opinion that this link was a positive element of the development and should be retained, should the Board be minded to grant permission. In its reason for refusal of the application, the Board did not include any reference to this link.

11.5.3. Again in the Chief Executive's Report dated 25<sup>th</sup> May 2022 for this SHD application, the planning authority recommends that this link be omitted for reasons including the footpath routes in Millbrook do not facilitate the desire line to the town centre, taking

informal short cuts across grassed areas could add to antisocial behaviour, the absence of facilitating works being agreed with the planning authority and residents, and the submissions received from residents and elected representatives.

11.5.4. The IR for ABP-311699-21 set out a number of reasons why the proposed link should be retained. These reasons included a reference to a previous planning application on site (ABP-303839-19) which was refused because, inter alia, the location of a proposed creche would remove the potential for pedestrian connectivity to Millbrook, it is the desire line from the north and east of the site albeit via a somewhat circuitous route through Millbrook, and the link would be passively overlooked and well-lit reducing the potential for anti-social behaviour. I agree with the reasoning in the Inspector's report for ABP-311699-21 and consider that the reasons remain applicable.

11.5.5. In addition, the concept of permeability in urban areas is widely encouraged and supported in the planning framework. For example:

- Section 5.9.1 (Street networks, user priority and permeability) of the WCDP 2022-2028 states, inter alia, 'New development should provide for optimum levels of connectivity and permeability through careful consideration of layout and design ... Permeable urban environments encourage increased participation in sustainable modes of travel including walking, cycling ...'
- Objective TV26 of the WCDP 2022-2028 states, 'All new development must be laid out in connected streets. While network design does not have to result in complete permeability for all modes of transport, open networks are generally considered as the most permeable but it is also desirable to encourage filtered permeability to provide routes specifically for pedestrians or for pedestrians and cyclists and/or public transport but not the private car. All development must make provision and graphically show pedestrian and vehicular connections to adjoining lands notwithstanding whether that land is already developed but particularly adjoining greenfield and under-utilised land'.
- Regional Policy Objective (RPO) 152 (Local Planning Objectives) of the RSES identifies a number of separate bullet point objectives including:

- Deliver a high level of priority and permeability for walking, cycling and public transport modes ... to create accessible, attractive, vibrant and safe, places to work, live, shop and engage in community life;
- New development areas will be permeable for walking and cycling and the retrospective implementation of walking and cycling facilities shall be undertaken where practicable in existing neighbourhoods, to a give competitive advantage to these modes;
- The statement on the cover page of Chapter 3 (Street Networks) of DMURS states that 'Street networks should be designed to maximise connectivity between destinations to promote higher levels of permeability and legibility for all users ...' Sub-section 3.3 (Permeability and Legibility) states, inter alia, that new street networks should maximise the number of walkable/cycleable routes between destinations.
- Section 4.4 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) outlines the key indicators of quality design and placemaking. One of these is 'sustainable and efficient movement' and one of the key principles to be considered in planning applications is 'New developments should connect to the wider urban street and transport networks and improve connections between communities, to public transport, local services and local amenities such as shops, parks and schools, where possible'.

11.5.6. I note in addition that the expired ET&EDP also contained policies and commentary supporting the principle of permeability e.g. policy CW3, on page 82 in relation to Zone 5 within which the site was located, and in sub-section 11.2 (Residential Development) in Chapter 11 (Development Management Standards).

11.5.7. I consider that the planning framework supports and encourages permeability of the type proposed between proposed and existing developments. The proposed filtered permeability would allow quicker access to the existing wider urban area to residents of the proposed development, and for residents to the east it would provide quicker and easier access to the proposed childcare facility and the proposed riverside amenity space. At its most basic level, the proposed link would allow residents in the

area to interact, fostering a wider community without having to travel longer distances along busier public roads.

11.5.8. I acknowledge the concerns expressed in the third party submissions and by the planning authority. The pedestrian permeability links would create additional movement in areas where no such movement currently exists. I consider that the proposed interconnections would generate sufficient activity to justify the links, they would be appropriately passively overlooked by existing and proposed residential units, and there would not be 'hiding' opportunities or longer passages or alleyways where anti-social activity could be carried out beyond the view of the general public. The proposed development itself would not create or increase anti-social behaviour and I do not consider this is an appropriate reason to remove the proposed permeability.

11.5.9. Minimal tree/hedgerow removal would be required to create the link and the proposed footpath extension, given its location, would not have a significant detrimental impact on the use of the existing open space given the extent of open space. I note that the desire line from the proposed footpath extension within Millbrook to the town centre is not currently facilitated by footpath/cyclepath infrastructure. However this is also the case for Millbrook residents in the immediate vicinity of the footpath extension and it is not a reason to omit the proposed pedestrian link given that it could be provided in the future.

11.5.10. Having regard to the foregoing, I consider the proposed permeability links are acceptable and appropriate and they are encouraged and supported by the planning framework.

## **11.6. Site Layout, Design, Residential Amenity, and Impact on Third Parties**

11.6.1. This is the second SHD application on site, following the refusal of a similar application under ABP-311699-21 for the reason set out in paragraph 11.3.1. The IR dated 4<sup>th</sup> February 2022 for ABP-311699-21 considered the site design and layout, including commentary on height and visual impact, in sub-section 10.4, and considered residential amenities and residential standards such as daylight and sunlight, public, communal and private open space, and apartment floor areas in sub-section 10.5. No concern was set out in relation to these issues. I agree with the previous IR dated 4<sup>th</sup>

February 2022 that issues such as the proposed site layout, building heights, visual impact, and open space provision are acceptable having regard to the site location, the nature of the site, and the existing built fabric in the area.

11.6.2. As the previous reason for refusal related to a roads issue, page 6 of the applicant's Planning Report states that 'the applicant has decided to relodge the otherwise acceptable residential and creche development proposal, whilst also including the revised design/updated analysis along Carley's Bridge Road to overcome the public safety/traffic hazard issue'. An engineering cover letter dated 24<sup>th</sup> March 2022 identifies minor changes to previous drawings i.e. revised traffic calming measures on the public road, correction of two labelling errors relating to a pipeline, and identification of an existing foul pipe across a neighbouring property. From an inspection of the relevant documentation I concur that the proposed site layout, open space provisions, contiguous elevations, houses and other residential accommodation buildings, and landscaping proposals remain the same in the current application as were submitted in the previous SHD. Therefore, I do not propose to reassess issues mentioned above given the detailed assessment of same that was carried out in the IR dated 4<sup>th</sup> February 2022.

11.6.3. Notwithstanding, updated section 28 Guidelines have been published since the decision was made on ABP-311699-21. I consider it appropriate to address relevant issues arising from the change in the planning policy framework that have not been addressed previously in this report e.g. zoning and density, and briefly address some issues raised in third-party submissions received, under the following sub-headings.

Sustainable Residential and Compact Settlement Guidelines for Planning Authorities (2024)

11.6.4. These Guidelines replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) under which the previous application was considered and under which this current application was submitted to the Board. Notwithstanding, in terms of site layout and urban design, I consider that the proposed development is consistent with the principles of the current Guidelines. The issue of density in the context of the current Guidelines has previously been addressed in sub-section 11.2 of this report.

11.6.5. The 2024 Guidelines also contain four SPPRs.

- SPPR 1 reduces the previous generally accepted 22 metres distance between opposing first floor windows to 16 metres. As the development was not considered to have a material overlooking impact in the IR dated 4<sup>th</sup> February 2022, this remains the case.
- SPPR 2 introduces minimum private open space areas for houses. As there was no concern in relation to private open space areas in the previous application, this remains the case given that three-bed houses now require 40sqm and four-bed houses now require 50sqm (60sqm-75sqm had been required in the ET&EDP).
- SPPR 3 states that in intermediate and peripheral locations (such as this site) the maximum rate of car parking provision for residential development, where such provision is justified to the satisfaction of the planning authority, shall be 2 no. spaces per dwelling. Car parking has been addressed in sub-section 11.2 and the maximum car parking rate has not been exceeded.
- SPPR 4 relates to cycle parking and storage. 497 cycle spaces are proposed, both within buildings and externally throughout the site. I am satisfied the proposed development would be consistent with this SPPR, but a compliance condition could be attached to any grant of permission requiring the applicant to demonstrate same.

#### Sustainable Urban Housing: Design Standards for New Apartments (2023)

11.6.6. Notwithstanding the publication of updated Guidelines from those in place at the time the IR dated 4<sup>th</sup> February 2022 was prepared and this SHD was submitted to the Board, the updated Guidelines do not affect the previous consideration of the apartment element in terms of the SPPRs or floor areas.

#### Building Height

11.6.7. A number of third-party submissions outline concern in relation to the proposed building heights in the context of the semi-rural environment. They consider that four-storeys would out of character with the immediate surroundings, would be visually prominent, and would have a significant detrimental impact on the visual amenity and character of the area.

11.6.8. I note that the IR dated 4<sup>th</sup> February 2022 has already considered this issue in detail in paragraphs 10.4.16-10.4.26. I concur with the conclusion of the IR in terms of

building height in that increased heights are supported in principle in the NPF<sup>13</sup> and by the Building Height Guidelines (2018). The Guidelines state ‘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’ (paragraph 1.9) and that ‘planning policies and consideration of development proposals must move away from a 2-storey, cul-de-sac dominated approach’ in suburban, greenfield developments (paragraph 3.7). SPPR 4 states ‘It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure’, inter alia, ‘a greater mix of building heights and typologies in planning for the future development of suburban locations’ and ‘avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more’.

- 11.6.9. The WCDP 2022-2028 is the current CDP. Objective SH17 requires new residential schemes to comply with the Building Height Guidelines (2018) and the SPPRs contained within. Objective TV52 is to facilitate development incorporating higher buildings where it has been adequately demonstrated that the development complies with the assessment criteria set out in Section 3.2 of the Building Height Guidelines. I note that this has already been comprehensively addressed in the IR dated 4<sup>th</sup> February 2022.
- 11.6.10. I consider that the proposed development complies with the provisions of the Building Height Guidelines (2018) and the WCDP 2022-2028 and that the proposed building heights are consistent with the provisions of these. The proposed development would clearly read as an extension of the existing built environment and it would not be visually obtrusive or incongruous.

#### Overlooking/Overbearing

- 11.6.11. A number of submissions also refer to potential overlooking / overbearing / overshadowing impacts. I note that these issues were also considered in detail in the IR dated 4<sup>th</sup> February 2022.

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<sup>13</sup> The IR cites NPOs 13 and 35 in this regard. These are largely retained as NPOs 22 and 45 in the First Revision of the NPF (2025).



- 11.6.12. As this is a greenfield site, the development of same would create activity where there currently is none. There is an onus on the relevant authorities that development be provided at an appropriate density. As set out previously in this report the proposed density is comfortably within the 30-50uph envisaged for this type of area at 35uph, and the proposed building heights of up to four storeys are supported by the Building Height Guidelines (2018). The proposed structures and their footprints are the same as in the previous SHD application. It was considered that no undue adverse impact would arise in relation to the residential amenity of adjacent properties, and I consider this remains the case.
- 11.6.13. The proposed houses adjacent to Millbrook will back onto the rear of the existing houses. The site layout plan indicates separation distances of a minimum 23.5 metres between opposing first floor windows. In this regard I note that SPPR 1 of the Compact Settlement Guidelines (2024) reduces the overlooking distance to 16 metres as set out in paragraph 11.6.5. Proposed Building 7 does not have windows facing Millbrook. There are separation distances of approximately 40 metres between proposed buildings and houses in Urrin Valley. Separation distances are less between the proposed development and the individual houses to the north which are single and 1 ½ storey in scale. Notwithstanding there is a reasonable open space buffer between proposed and existing houses, a minimum of 12 metres to the party boundaries, and existing trees and hedgerows are to be retained as per the Tree Protection Plan (drawing no. 21041\_TPP). A compliance condition could be sought, should permission be granted, for a revised, more detailed, landscape plan along the boundary with the individual houses to the north to ensure that these are not unduly overlooked by the proposed development. Properties to the north of Carley's Bridge Road are separated from the proposed development by the public road. I consider, in the interest of urban design and providing a limited streetscape to the development, that buildings close to the public road are appropriate and no undue overlooking would arise.
- 11.6.14. The IR dated 4<sup>th</sup> February 2022 stated that no material overlooking would result (paragraph 10.6.12), and, having regard to the appropriate proposed density and building heights, and to the provisions of SPPR 1 of the Compact Settlement Guidelines (2024), I concur.

## **11.7. A Second Application on Foot of the Board's Pre-Application Consultation Opinion**

11.7.1. A third-party submission considers that the pre-application consultation associated with this application was 'spent' as it also preceded the first application which was refused. There is merit to this submission. I do not agree with the interpretation of Article 297 of the Planning & Development Regulations, 2001 (as amended), provided by the applicant. It is more likely than not that the references to 'the application' cited in the relevant parts of the SHD legislation are to the specific application rather than any application. I further note that the pre-application opinion in this case was based on the previous County Development Plan. I also note the conclusions of the High Court in *Clane Community Council v An Bord Pleanála* [2023] IEHC 467, albeit the circumstances are not the exact same as arise in this case. For completeness, I recommend that the Board consider the substantive application, notwithstanding my concern as to the pre-application consultation issue.

## **11.8. Flood Risk**

- 11.8.1. Concern about flooding has been referenced in submissions.
- 11.8.2. The applicant submitted a SSFRA as part of the application. Analysis in this determined that the south-western area of the site falls within Flood Zone 'A' and Flood Zone 'B' and the majority of the area of the site where development is proposed is located in Flood Zone 'C'. Floor levels of houses and the levels of roads and footpaths are over 1 metre above the peak 1 in 1000 year flood levels. The SSFRA considers the flood risk to and from the proposed site to be low.
- 11.8.3. The Chief Executive's Report dated 25<sup>th</sup> May 2022 addresses the flood risk issue, as set out in paragraph 9.3.15 of this report. It is stated that the analysis in the SSFRA is appropriately detailed, provides sufficient evidence to pass the development management justification test, and demonstrates that the proposals are in accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities.
- 11.8.4. Flood risk is also referenced in the WFD section (section 14 and Appendix 5). I am satisfied that flood risk is not a significant concern in relation to the proposed development. The previous IR dated 4<sup>th</sup> February 2022 for ABP-311699-21 addressed

flood risk in detail in sub-section 10.8 and concluded that the highly vulnerable elements of the proposed development would not be subject to flooding and the proposed development would not lead to an increased risk of flooding of adjacent sites.

## **12.0 Appropriate Assessment (AA)**

### **12.1. Stage 1 – Screening Determination for Appropriate Assessment (AA)**

12.1.1. AA screening has been carried out in Appendix 1 to this report.

12.1.2. In accordance with section 177U of the Planning & Development Act, 2000 (as amended) and on the basis of objective information provided by the applicant, I concluded that the proposed development could result in significant effects on Slaney River Valley SAC (site code 000781) and Wexford Harbour and Slobbs SPA (site code 004076) in view of the conservation objectives of those sites.

12.1.3. It was therefore determined that AA (stage 2) under section 177V of the 2000 Act (as amended) of the proposed development was required.

### **12.2. Stage 2 – Appropriate Assessment (AA)**

12.2.1. Stage 2 AA has been carried out in Appendix 2 to this report.

12.2.2. In screening the need for AA, it was determined that the proposed development could result in significant effects on Slaney River Valley SAC and Wexford Harbour and Slobbs SPA in view of the conservation objectives of those sites and that AA under the provisions of section 177V of the Planning & Development Act, 2000 (as amended) was required.

12.2.3. Following an examination, analysis, and evaluation of the NIS, all associated material submitted with the application, and information available from the NPWS, I consider that adverse effects on the site integrity of Slaney River Valley SAC and Wexford Harbour and Slobbs SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

12.2.4. My conclusion is based on the following:

- detailed assessment of construction and operational impacts,
- effectiveness of mitigation measures proposed, and,
- the proposed development will not affect the attainment of conservation objectives for Slaney River Valley SAC or Wexford Harbour and Slobbs SPA.

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

13.1. On foot of EIA preliminary screening (see Appendix 3 (Environmental Impact Assessment (EIA) Pre-Screening)), as the proposed development is of a class of development for the purpose of the EIA Directive and as Schedule 7A information was submitted with the application, a screening determination was required.

13.2. The EIA Screening Determination carried out in Appendix 4 (Environmental Impact Assessment (EIA) Screening Determination) concluded that the proposed development would not be likely to have significant effects on the environment, and that an EIAR is not required. This conclusion was reached having regard to:

1. the criteria set out in schedule 7, in particular:

(a) the relatively limited nature and scale of the proposed housing development, in an edge-of-town location adjacent to existing residential development and served by public infrastructure,

(b) the absence of any significant environmental sensitivity in the vicinity, and,

(c) the location of the development outside of any sensitive location specified in article 109 (4)(a) of the Planning & Development Regulations, 2001 (as amended).

2. the results of other relevant assessments of the effects on the environment submitted by the applicant.

3. the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

## **14.0 Water Framework Directive (WFD)**

- 14.1. The impact of the proposed development in terms of the WFD is set out in Appendix 5 to this report. The site is adjacent to two rivers, the Lyre and the Urrin, and the transitional waters of the Slaney are approx. 1.4km downstream. Areas of the subject site are identified as Flood Zones A and B. On-site works include the raising of ground levels to ensure roads and footpaths are above the 1 in 1000 year flood level, redirecting and culverting of a drainage ditch, reshaping and clearing the area of the culverted ditch/watercourse close to its discharge point to the Urrin, and construction of headwalls. The WFD status of the Lyre/Urrin are 'moderate' and they are 'at risk' of not meeting the WFD objective. Identified pressures are agriculture and urban run-off.
- 14.2. Further to the provisions of Appendix 5 I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

## **15.0 Conclusion**

- 15.1. The application is for 233 residential units, a creche, open spaces, and ancillary site works on a greenfield site in Enniscorthy. Thirteen third party submissions were received and two observations were received from prescribed bodies.
- 15.2. The Chief Executive's Report dated 25<sup>th</sup> May 2022 recommended a grant of permission for the proposed development, although the Roads Department report expressed concern with the pedestrian crossing and recommended a Special Development Contribution be applied to construct a footpath on the south side of the road to provide a connection to the town centre.
- 15.3. The ET&EDP expired in 2019 and there is no zoning for the town in the WCDP 2022-2028. I consider that there is a significant procedural issue in this regard and the Board may also take the view that the site is not appropriately zoned as required under SHD legislation. Having regard to the absence of provision to seek further information under

SHD legislation, should the Board be minded to grant permission for the proposed development, it may consider addressing this issue by means of a limited agenda oral hearing under section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016.

- 15.4. Objective SH21 of the WCDP 2022-2028 sets out the housing mix required. The proposed housing mix does not comply with the objective. Similar to the previous paragraph, should the Board be minded to grant permission, it may consider addressing the issue by way of a limited agenda oral hearing given that sub-section 4.7.5 of the Plan, on which Objective SH21 is based, allows for discretion from the planning authority in relation to the house type mix.
- 15.5. Notwithstanding the foregoing, a similar SHD application on site was refused by the Board under ABP-311699-21 because of road safety concerns. While the applicant has made alterations to the public road in this regard, I consider that fundamental road safety concerns remain given the nature of the road at this location. Therefore, in this context I recommend a refusal of permission and I do not recommend the holding of a limited agenda oral hearing to address the two issues referenced above.
- 15.6. Stage 2 AA concluded that adverse effects on the site integrity of Slaney River Valley SAC and Wexford Harbour and Slobs SPA can be excluded. The EIA Screening Determination concluded that the proposed development would not be likely to have significant effects on the environment, and that an EIAR was not required. The WFD assessment concluded that the proposed development would not result in a risk of deterioration on any water body either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives.

## **16.0 Recommendation**

- 16.1. I recommend that permission be refused for the reasons and considerations set out below.

## 17.0 Reasons and Considerations

1. It is considered that, having regard to the fundamental road safety concerns as a result of the proposed provision of a raised crossing and ancillary infrastructure 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 crossing, as a result of the variable horizontal and vertical alignment of the Carley's Bridge Road, the proposed development would endanger public safety by reason of traffic hazard and obstruction or road users and would be contrary to the proper planning and sustainable development of the area.
2. The provision of 45 no. three-bedroom houses and 8 no. four-bedroom houses does not comply with the house type mix required in sub-section 4.7.5 (House Types) and Objective SH21 of the Wexford County Development Plan 2022-2028. The proposed development would therefore materially contravene Objective SH21 of the Wexford County Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Anthony Kelly

Senior Planning Inspector

16<sup>th</sup> June 2025

## Appendix 1 – Screening for Appropriate Assessment (AA)

Screening for Appropriate Assessment	
Test for likely significant effects	
Case File: ABP-313262-22	
Step 1- Description of the project and local site characteristics	
<b>Brief description of project</b>	The application is a strategic housing development (SHD) for 233 residential units (53 houses and 180 apartment/duplex units), a creche, and ancillary development at Enniscorthy, Co. Wexford. See section 3.0 (Proposed Strategic Housing Development (SHD)) of the Report.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The proposed development site is a greenfield site on the edge of the urban area. There is residential development to the north (mainly individual houses) and east (mainly in established housing developments). There is mainly agricultural/undeveloped land to the west and south with scattered development. Ground levels on site rise significantly from west to east. The River Urrin runs along the western boundary.</p> <p>For wastewater it is proposed to connect into the existing public foul network. For surface water the proposed drainage network has been divided into two zones, A and B, with separate stormwater drainage networks for each zone. Both zones discharge to the River Urrin.</p>
<b>Screening report</b>	No stand-alone screening report is submitted.
<b>Natura Impact Statement (NIS)</b>	An NIS dated October 2021 is submitted which includes screening as Chapter 3.
<b>Relevant submissions</b>	None of the submissions received from third parties (thirteen) or prescribed bodies (two) reference any issues or concerns with regard to AA.



## **Step 2 – Identification of relevant European sites using the source-pathway-receptor model**

Two European sites were identified as being within a potential zone of influence (Zol) of the proposed development as set out in Table 1, below. I note that the applicant included an additional European site, Blackstairs Mountains Special Area of Conservation (SAC) (site code 000770), within the initial screening assessment with sites within 15km considered. There is no ecological justification for such a wide consideration of sites, and I have only included those sites with a possible ecological connection or pathway in this screening determination. There is a hydrological connection between the subject site and the two European sites identified in table 1.

I note that the applicant's NIS does not include The Raven Special Protection Area (SPA) (site code 004019) or Raven Point Nature Reserve SAC (site code 000710) in the screening despite there technically being a hydrological connection. Notwithstanding, given the nature and extent of the proposed development, the hydrological distances between the subject site and these European sites, approx. 30km, and the assimilative capacity of the sea, I do not consider the proposed development could have a likely significant effect on these two European sites.

Similarly I note that the same reasons would exclude any possibility of the proposed development having a likely significant effect on the Seas off Wexford SPA (site code 004237). This SPA was only designated in 2024 and therefore was not considered by the applicant at the time the NIS was produced. Notwithstanding, I do not consider that this SPA could be affected by the proposed development.

I agree with the applicant's NIS in identifying Slaney River Valley SAC and Wexford Harbour and Slobbs SPA as the only European sites which could be affected by the proposed development.

Table 1				
European Site (code)	Qualifying interests (QIs)	Distance from proposed development (km)	Ecological connections	Consider further in screening (Y/N)
Slaney River Valley SAC (site code 000781)	Estuaries, Mudflats and sandflats not covered by seawater at low tide, Atlantic salt meadows, Mediterranean salt meadows, Water courses of plain to montane levels, Old sessile oak woods, Alluvial forests, Freshwater pearl mussel, Sea lamprey, Brook lamprey, River lamprey, Twaite shad, Salmon, Otter, and Harbour seal  <a href="https://www.npws.ie/protected-sites/sac/000781">https://www.npws.ie/protected-sites/sac/000781</a>	Approx. 1.1km as the crow flies and approx. 1.4km hydrologically	Indirect hydrological connection	Yes
Wexford Harbour and Slob SPA (site code 004076)	Little grebe, Great crested grebe, Cormorant, Grey heron, Bewick's swan, Whooper swan, Light-bellied brent goose, Shelduck, Wigeon, Teal, Mallard, Pintail, Scaup, Goldeneye, Red-breasted merganser, Hen harrier, Coot, Oystercatcher, Golden plover, Grey plover, Lapwing, Knot, Sanderling, Dunlin, Black-tailed godwit, Bar-tailed godwit, Curlew, Redshank, Black-headed gull, Lesser black-backed gull, Little tern, Greenland white-fronted goose, Wetland and waterbirds  <a href="https://www.npws.ie/protected-sites/spa/004076">https://www.npws.ie/protected-sites/spa/004076</a>	Approx. 1.1km as the crow flies and approx. 1.4km hydrologically	Indirect hydrological connection	Yes

The NIS states that there are a number of drainage ditches along internal site boundaries leading to the River Urrin, a depositing lowland river approx. 8 metres wide, on the western boundary. Salmon is found in the Urrin and the 2014 Water Framework Directive (WFD) fish ecological status was described as good. A Bat, Badger and Otter Assessment and an Ecological Impact Assessment, both dated October 2021, are submitted with the application. Otter assessments took place on 15<sup>th</sup>/16<sup>th</sup> June 2020 and 8<sup>th</sup> January 2021. No otter holts were noted. A partial spraint was discovered on a rock in the river and while it is considered to be an otter spraint, it may be a mink spraint. No otter prints were noted in mud or sand along the riverbank. No otters were seen or heard during night-time survey work in June 2020. A list of birds noted on site in January 2021 is also set out and this includes SPA QI species.

**Step 3 – Describe the likely effects of the project (if any, alone or in combination on European sites**

The proposed development will not result in any direct effects on either the SAC or the SPA. However, due to the size and scale of the proposed development and the hydrological connection to the Slaney River approx. 1.4km downstream, impacts generated by the construction and operation of the proposed development requires consideration.

Sources of impact and likely significant effects are detailed in Table 2.

**Table 2 – Screening Matrix**

Site name	Possibility of significant effects (alone) in view of the conservation objectives of the site	
	Impacts	Effects
Slaney River Valley SAC	1. Deterioration of surface water quality arising from pollution from surface water runoff during site preparation and construction 2. Deterioration in ground or surface water quality arising from pollution during operation 3. Risk to QI species 4. Cumulative impacts with other proposed/existing development	1. Water quality may be negatively impacted affecting QI species 2. Water quality may be negatively impacted affecting QI species 3. Habitat loss or disturbance 4. Cumulative impacts on designated sites
	Likelihood of significant effects from proposed development (alone): <b>Yes</b>	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	Effects
Wexford Harbour and Slob SPA	As above	As above. A deterioration in water quality may affect the habitat generally and the prey availability/biomass for QI species. Site development may affect hen harrier foraging/roosting habitat.

	Likelihood of significant effects from proposed development (alone): <b>Yes</b>
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?

**Step 4 – Conclude if the proposed development could result in likely significant effects on a European site**

It is not possible to exclude the possibility that the proposed development alone would result in significant effects on Slaney River Valley SAC and Wexford Harbour and Slobbs SPA from effects associated with the deterioration of surface water quality arising from pollution from surface water runoff during site preparation, construction, and operation, risk to QI species, and cumulative impacts. An Appropriate Assessment (AA) is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.

**Screening Determination**

In accordance with section 177U of the Planning & Development Act, 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that the proposed development could result in significant effects on Slaney River Valley SAC and Wexford Harbour and Slobbs SPA in view of the conservation objectives of those sites.

It is therefore determined that AA (stage 2) under section 177V of the 2000 Act (as amended) of the proposed development is required.

## Appendix 2 – Appropriate Assessment (AA)

Appropriate Assessment
<p>The requirements of Article 6(3) as related to AA of a project under part XAB, section 177V of the Planning &amp; Development Act, 2000 (as amended) are considered fully in this section.</p>
<p>Taking account of the preceding screening determination, the following is an AA of the implications of the proposed SHD in view of the relevant conservation objectives of Slaney River Valley SAC and Wexford Harbour and Slobbs SPA based on scientific information provided by the applicant.</p> <p>The information relied upon includes the following:</p> <ul style="list-style-type: none"><li>• the Natura Impact Statement (NIS) dated October 2021 submitted by the applicant,</li><li>• the Bat, Badger and Otter Assessment dated October 2021 submitted by the applicant,</li><li>• the Ecological Impact Assessment (EclA) dated October 2021 submitted by the applicant, and,</li><li>• the provisions of the National Parks &amp; Wildlife Service (NPWS) website (<a href="http://www.npws.ie">www.npws.ie</a>) accessed on 16<sup>th</sup> June 2025.</li></ul> <p>I am satisfied that the information provided is adequate to allow for AA. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.</p>
<p><b>Submissions/Observations</b></p> <p>None of the submissions received from third parties (thirteen) or prescribed bodies (two) reference any issues or concerns with regard to AA issues.</p>

European site			
<b>Slaney River Valley SAC (site code 000781)</b>  <b>Summary of key issues that could give rise to adverse effects (from screening stage):</b>  <b>1. Deterioration of surface water quality arising from pollution from surface water runoff during site preparation and construction</b>  <b>2. Deterioration in ground or surface water quality arising from pollution during operation</b>  <b>3. Risk to QI species</b>  <b>4. Cumulative impacts with other proposed/existing development</b>			
Qualifying interest (QI) features likely to be affected [habitat/species code]	Conservation objectives – attributes and targets (as relevant – summary)	Potential adverse effects	Mitigation measures (summary) – See NIS section 5
Estuaries [1130]	Maintain favourable conservation condition.  Community distribution - community types maintained in a natural condition.	Estuary habitat extends to Enniscorthy.  Deterioration of water quality from polluted surface water runoff.	Mitigation measures outlined are incorporated into the Construction Environmental Management Plan (CEMP). It is recommended that works are overseen by an Ecological Clerk of Works (ECoW).
Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation [3260]	Maintain favourable conservation condition.  Water quality: nutrients - The concentration of nutrients in the water column must be sufficiently low to prevent changes in species composition or habitat condition.	Deterioration of water quality from polluted surface water runoff.	Measures are set out under the headings of 'General Good Practice and Protection of Terrestrial Habitats', 'Protection of
Sea lamprey [1095]  Brook lamprey [1096]  River lamprey [1099]	Restore favourable conservation condition.  Extent and distribution of spawning habitat - No decline in extent and distribution of spawning beds.	Lampreys spawn in clean gravels.  Deterioration of water quality from polluted surface water runoff may affect this.	

Twaite shad [1103]	Restore favourable conservation condition.  Water quality: oxygen levels – No lower than 5mg/l.  Spawning habitat quality - Maintain stable gravel substrate with very little fine material.	Deterioration of water quality from polluted surface water runoff.	Water Quality', and 'Biodiversity Enhancement' and include adherence to Inland Fisheries Ireland (IFI) guidelines.
Salmon [1106]	Restore favourable conservation condition.  Water quality - At least Q4 at all sites sampled by EPA.	Deterioration of water quality from polluted surface water runoff.	
Otter [1355]	Restore favourable conservation condition.  Extent of terrestrial habitat, extent of freshwater habitat, couching sites and holts, and fish biomass available – No significant decline.	Risk to species from development of the site along the river e.g. habitat/couching sites/holts and noise and light disturbance.  Deterioration of water quality from polluted surface water runoff affecting fish biomass availability.	
Other QIs			
Mudflats and sandflats not covered by seawater at low tide, Atlantic salt meadows, Mediterranean salt meadows, Old sessile oak woods, Alluvial forests, Freshwater pearl mussel, and Harbour seal.	Not at risk	Rationale for exclusion: <ul style="list-style-type: none"> <li>• Marine habitats occur over 20km downstream.</li> <li>• Neither of the woodland habitats is within the zone of influence (Zol) of the site.</li> <li>• The status of the freshwater pearl mussel is under review. The NIS states that records for this species are upstream.</li> <li>• Breeding, moulting and resting sites for the harbour seal are in Wexford Harbour, over 20km downstream and outside the Zol.</li> </ul>	



## **Assessment of issues that could give rise to adverse effects**

### **1. Deterioration of surface water quality arising from pollution from surface water runoff during site preparation and construction**

There are a number of watercourses within and adjacent to the site and the River Urrin, a tributary of the Slaney which it joins approx. 1.4km downstream where it is an SAC, runs along the western boundary. Site preparation and construction involves, inter alia, soil excavation, concrete pouring, and road construction. Stormwater overflow from attenuation areas will necessitate a pipe network and a headwall to the river. In the absence of appropriate mitigation there is the possibility that water quality in the watercourses may be negatively impacted upon, affecting relevant habitats and protected species, through pollution and siltation. Water quality is included in a number of attributes, measures, and targets for QI habitats and species.

#### Mitigation measures and conditions

The primary method of mitigation should be avoidance of that impact. The NIS recommends that an ECoW oversees the works and the mitigation measures have been incorporated into a CEMP. Some relevant measures include, but are not limited to:

- adherence to IFI guidelines.
- strict controls of erosion, sediment generation, and other pollutants.
- on-site attenuation, silt fencing, works associated with the surface water pipes and headwall, adherence to biosecurity measures.
- pollution control measures relating to re-fuelling and appropriate storage.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protect relevant aquatic species and habitats and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

## **2. Deterioration in ground or surface water quality arising from pollution during operation**

As above, water quality is included in a number of attributes, measures, and targets for QI habitats and species and pollution during the operation phase could adversely affect these. The most likely source of pollution during the operational phase is oil or silt contaminated surface water runoff into the River Urrin.

### Mitigation measures and conditions

Some relevant measures include, but are not limited to, adherence to sustainable urban drainage systems (SuDS) incorporating silt and oil interceptors which are serviced regularly.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protect relevant aquatic species and habitats and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

## **3. Risk to QI species**

Otter, salmon, lamprey species, and twaite shad are all QI species of the SAC approx. 1.4km downstream and all occur within the Zol of the site. The two habitat QIs are present where the Urrin meets the Slaney. Therefore, all are affected by the water quality issues outlined under the previous sub-headings.

Notwithstanding the content of the submitted Bat, Badger and Otter Assessment, otters are likely to be within the Zol and, given its semi-terrestrial nature, it may be affected by habitat loss or disturbance as a result of the development of the site.

### Mitigation measures and conditions

Apart from those already mentioned under (1) and (2), measures include maintenance of a 15 metres buffer along the river, apart from necessary works, to maintain the ecological corridor, ensure no otter holts have been constructed in the vicinity of pipe/headwall prior to commencement of those works, and no lighting to be spilled onto the riparian corridor.

I am satisfied that the measures proposed are adequate and would be effective in ensuring that the attributes required to restore the favourable conservation condition

for otter would not be adversely affected and that the proposed development would not prevent or delay the attainment of the conservation objective to restore the favourable conservation condition.

#### **4. Cumulative impacts with other proposed/existing development**

Cumulative impacts were addressed on pages 61/62 of the applicant's NIS. Planning applications over the previous five years were noted and it was also noted that future developments would be screened for AA, with a full AA necessary when required, including for future plans. Agriculture is the dominant feature of the area with most fields comprising improved agricultural grassland. All agricultural activities are required to be carried out in accordance with relevant legislation. It is considered that cumulative impacts arising from agricultural activities and the proposed development would be negligible. In terms of cumulative impact, the NIS concludes that, with the implementation of the mitigation measures, 'it is unlikely that the proposed application will lead to any cumulative impacts upon the Slaney River Valley SAC ... when considered in combination with other developments'.

Given the length of time since the NIS was prepared, I examined both the Board's and planning authority's websites for planning applications made since the NIS was prepared. I am satisfied that there has been no development in the vicinity that could act in-combination with the proposed development such that there would be an undue adverse impact on the Slaney River Valley SAC. I also do not consider the proposed development could act in-combination with any plan such that there would be an undue adverse impact. I consider that the applicant's NIS conclusion remains valid and I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.

### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone, or in combination with other plans and projects, would not adversely affect the integrity of this European site.

Based on the information provided I am satisfied that adverse effects arising from the proposed development can be excluded for the European site considered in the AA. No direct impacts are predicted. Indirect impacts would be mitigated by measures relating to e.g. the prevention of discharge of contaminated surface water to the River Urrin and maintenance of the riparian corridor. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented and conditioned if permission is granted. In-combination effects are not likely to occur.

### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

### **Site integrity**

The proposed development would not affect the attainment of the conservation objectives of the Slaney River Valley SAC. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

**Wexford Harbour and Slobbs SPA (site code 000781)****Summary of key issues that could give rise to adverse effects (from screening stage):**

**1. Deterioration of surface water quality arising from pollution from surface water runoff during site preparation and construction**

**2. Deterioration in ground or surface water quality arising from pollution during operation**

**3. Risk to QI species**

**4. Cumulative impacts with other proposed/existing development**

<b>Qualifying interest (QI) features likely to be affected [habitat/species code]</b>	<b>Conservation objectives – attributes and targets (as relevant – summary)</b>	<b>Potential adverse effects</b>	<b>Mitigation measures (summary) – See NIS section 5</b>
Little grebe [A004], Great crested grebe [A005], Cormorant [A017], Grey heron [A028], Bewick's swan [A037], Whooper swan [A038], Light-bellied brent goose [A046], Shelduck [A048], Wigeon [A050], Teal [A052], Mallard [A053], Pintail [A054], Scaup [A062], Goldeneye [A067], Red-breasted merganser [A069], Hen harrier [A082], Coot [A125], Oystercatcher [A130], Golden plover [A140], Grey plover [A141], Lapwing [A142], Knot [A143], Sanderling [A144], Dunlin [A149], Black-tailed godwit [A156], Bar-tailed godwit [A157], Curlew [A160], Redshank [A162], Black-headed gull [A179], Lesser black-backed gull [A183], Little tern [A195], Greenland white-fronted goose [A395], Wetland and waterbirds [A999]	<p>The conservation objective for <u>every</u> QI is to maintain the favourable conservation condition.</p> <p><u>For 30 QI species:</u></p> <p>Population trend – stable or increasing.</p> <p>Distribution – No significant decrease in areas used.</p> <p><u>Hen harrier</u></p> <p>Suitable foraging habitat – No significant decline.</p> <p>Disturbance at roost site – Human activities should occur at levels that do not adversely affect winter roost population.</p> <p><u>Little tern</u></p> <p>Prey biomass available – No significant decline (small fish, invertebrates).</p>	<p>Deterioration of water quality from polluted surface water runoff affecting water quality generally and prey biomass availability.</p> <p>Development of the site may reduce foraging habitat for hen harrier and cause disturbance to any roosting population.</p>	<p>Mitigation measures outlined are incorporated into the Construction Environmental Management Plan (CEMP). It is recommended that works are overseen by an Ecological Clerk of Works (ECOW).</p> <p>Measures are set out under the headings of 'General Good Practice and Protection of Terrestrial Habitats', 'Protection of Water Quality', and 'Biodiversity Enhancement' and include adherence to Inland Fisheries Ireland (IFI) guidelines.</p>

## **Assessment of issues that could give rise to adverse effects**

### **1. Deterioration of surface water quality arising from pollution from surface water runoff during site preparation and construction**

As per the Slaney River Valley SAC assessment. A deterioration in water quality would affect the habitat the SPA QI species use and may also affect prey biomass upon which many of the SPA QI bird species rely.

#### Mitigation measures and conditions

As per the Slaney River Valley SAC assessment.

### **2. Deterioration in ground or surface water quality arising from pollution during operation**

As above.

#### Mitigation measures and conditions

As per the Slaney River Valley SAC assessment.

### **3. Risk to QI species**

The SPA boundary is located adjacent to where the Urrin meets the Slaney. Notwithstanding the very limited survey period, the Bat, Badger and Otter Assessment outlines a number of birds identified in the winter 2021 field survey. SPA QI species noted were a cormorant, a black-headed gull, six lapwings flying over the site, and a grey heron. Given this, and the extent of similar agricultural fields in the wider vicinity, I do not consider that the site could be considered to be an ex-situ site of particular importance for SPA species. I also note that no hen harrier was noted on site and there is no information available to indicate that this is a site of importance for this species for either foraging or roosting.

Having regard to the foregoing, I do not consider the site comprises an important ex-situ site for any SPA QI bird species.

### **4. Cumulative impacts with other proposed/existing development**

As per Slaney River Valley SAC assessment. In terms of cumulative impacts, the NIS concludes that, with the implementation of the mitigation measures, 'it is unlikely

that the proposed application will lead to any cumulative impacts upon ... Wexford Harbour and Slobbs SPA when considered in combination with other developments'.

### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone, or in combination with other plans and projects, would not adversely affect the integrity of this European site.

Based on the information provided I am satisfied that adverse effects arising from the proposed development can be excluded for the European site considered in the AA. No direct impacts are predicted. Indirect impacts would be mitigated by measures relating to e.g. the prevention of discharge of contaminated surface water to the River Urrin. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented and conditioned if permission is granted. In-combination effects are not likely to occur.

### **Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

### **Site integrity**

The proposed development would not affect the attainment of the conservation objectives of the Wexford Harbour and Slobbs SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

### **Appropriate Assessment (AA) Conclusion: Integrity Test**

In screening the need for AA, it was determined that the proposed development could result in significant effects on Slaney River Valley SAC and Wexford Harbour and Slobbs SPA in view of the conservation objectives of those sites and that AA under the provisions of s177V of the Planning & Development Act, 2000 (as amended) was required.

Following an examination, analysis, and evaluation of the NIS, all associated material submitted with the application, and information available from the NPWS, I consider that adverse effects on the site integrity of Slaney River Valley SAC and Wexford Harbour and Slobbs SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- detailed assessment of construction and operational impacts,
- effectiveness of mitigation measures proposed,
- the proposed development will not affect the attainment of conservation objectives for Slaney River Valley SAC or Wexford Harbour and Slobbs SPA.



## Appendix 3 – Environmental Impact Assessment (EIA) Pre-Screening

<b>Case Reference</b>	ABP-313262-22
<b>Proposed Development Summary</b>	The proposed development comprises 233 residential units (53 houses and 180 apartments and duplexes), creche, 352 car parking spaces, 497 cycle spaces, open spaces including a riverside public park, bin storage, pumping station, new vehicular and pedestrian accesses via Carley's Bridge Road, pedestrian access to Millbrook, and ancillary site works on an 8.7 hectares site.
<b>Development Address</b>	Lands located to the east of Carley's Bridge, Enniscorthy, Co. Wexford.
<b>In all cases check box or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.	State the class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3.	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning &amp; Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	

<input type="checkbox"/> No, the development is not of a Class specified in Part 2 Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 required)</b>	<p>Schedule 5 Part 2 Class 10 (b) (i) refers to 'Construction of more than 500 dwelling units'.</p> <p>Schedule 5 Part 2 Class 10 (b) (iv) refers to '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 ...'</p>

**4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?**

Yes <input checked="" type="checkbox"/>	Screening Determination required
No <input type="checkbox"/>	

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## **Appendix 4 – Environmental Impact Assessment (EIA) Screening Determination**

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>	ABP-313262-22	
<b>Development Summary</b>	The proposed development comprises 233 residential units (53 houses and 180 apartments and duplexes), creche, 352 car parking spaces, 497 cycle spaces, open spaces including a riverside public park, bin storage, pumping station, new vehicular and pedestrian accesses via Carley's Bridge Road, pedestrian access to Millbrook, and ancillary site works on an 8.7 hectares site.	
<b>Sub-threshold - development class referred to under Schedule 5 of Planning and Development Regulations 2001 (as amended) or Article 8 of Roads Regulations 1994:</b>	<p>Schedule 5 Part 2 Class 10 (b) (i) refers to 'Construction of more than 500 dwelling units'.</p> <p>Schedule 5 Part 2 Class 10 (b) (iv) refers to '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 ...'</p>	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
1. Was a Screening Determination carried out by the planning authority (PA)?		Page 30 of the Wexford County Council's (WCC) Chief Executive's Report dated 25 <sup>th</sup> May 2022 merely states that an EIAR is not required.
2. Has Schedule 7A information been submitted?	Yes	Contained within the EIA Screening Report & Statement in Accordance with Article 299(B)(1)(b)(ii)(II)(C) of the Planning & Development Regulations, 2001 (as Amended) document dated April 2022.
3. Has an AA Screening Report or NIS been submitted?	Yes	A NIS dated October 2021 has been submitted.

4. Is an 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	
5. 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	The applicant identifies in Appendix A to the document referenced under Q.2, a number of assessments carried out as part of the planning application under Directive 92/43/EEC (the Habitats Directive), Directive 2000/60/EU (the Water Framework Directive), Directive 2001/42/EC (the SEA Directive), Directive 2002/49/EC (the Environmental Noise Directive), Directive 2008/50/EC (the Ambient Air Quality and Cleaner Air for Europe Directive <sup>14</sup> ), and Directive 2007/60/EU on the assessment and management of flood risks.
B. EXAMINATION	Yes / No / Uncertain	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>
<b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>		

<sup>14</sup> This Directive has since been revised under Directive 2024/2881.

1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	This is a greenfield site on the edge of the town and there are existing housing developments adjacent to the east of the site. Proposed heights would be higher in places than the general two-storey heights to the east.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	Topographic changes would be limited. Proposed finished floor levels largely reflect existing ground levels. The land use would change from agricultural fields to residential development with minor ancillary commercial use. Proposed demolition works only comprise the removal of some minor derelict agricultural structures adjacent to the road. A drainage ditch/watercourse on site is to be redirected/piped with the area of this ditch/watercourse close to the river to be reshaped/cleared.	No
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?	Yes	The main use of natural resources will be land. Construction materials would be typical for an urban development of this nature and scale. No significant use of natural resources during the operational phase.	No
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?	Yes	Construction activities would require use of potentially harmful materials e.g. hydrocarbons, however these are typical of construction sites. A Construction Environmental Management Plan (CEMP) is submitted with the application. No operational phase impacts in this regard are anticipated.	No

1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	This is a standard housing development. Typical construction phase activities would be carried out resulting in, for example, noise, dust, and waste materials. These would be temporary and localised. Both a CEMP and a Construction & Demolition Waste Management Plan are submitted with the application. During the operational phase foul effluent would be discharged to the public system and an Operational Waste & Recycling Management Plan has been submitted.	No
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?	No	This is a standard housing development and no significant risk is identified. There are watercourses within and adjacent to the site, in particular the Urrin and Lyre rivers. Construction phase works would be carried out in line with the CEMP which contains relevant mitigation measures. In the operational phase, surface water from the site would be discharged to the Urrin after appropriate sustainable urban drainage systems (SuDS) treatment and attenuation. A standard condition that surface water disposal shall comply with the requirements of the PA would be attached to any grant of permission.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	The development is a standard residential development. There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by measures contained in the CEMP. Operational public lighting would be controlled by a Public Lighting Design Report, of which a final design can be agreed with the PA.	No

1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	No significant operational impacts are anticipated for the piped water supplies in the area. Normal construction phase impacts for temporary and localised dust would be mitigated as per the CEMP. No operational phase impacts are anticipated.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	There would be no particular risk having regard to the nature and scale of development. The site has been subject of a Site Specific Flood Risk Assessment (SSFRA).	No
1.10 Will the project affect the social environment (population, employment)	Yes	The proposed development would result in a change of use of the site and an increase in population through the provision of housing though this would be in line with anticipated growth as per the core strategy. There would be an increase in employment during the construction phase with very limited operational phase employment in the creche. Increased population is a positive impact that will provide additional support for existing services in the area.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	The proposed development is a greenfield site located adjacent to an established urban area.	No
<b>2. Location of Proposed Development</b>			



<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- 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</li> </ul>	<p>Yes</p>	<p>The nearest designated areas of natural heritage are Slaney River Valley SAC, Wexford Harbour and Slob SPA, and Slaney River Valley pNHA, all approx. 1.1km south east of the subject site as the crow flies.</p> <p>It has been concluded that there is potential for significant effects on the SAC and SPA and an Appropriate Assessment (AA) has been undertaken having regard to the documentation on file including the NIS. This EIA screening determination addresses the characteristics of the proposed development, its location and the types and characteristics of potential impacts and has also had regard to the mitigation measures proposed in respect of protecting water quality. On this basis I am satisfied that there is no potential for significant effects on the European sites or the pNHA. I have addressed impacts on European sites in Section 12 and appendices 1 and 2 of my report.</p> <p>There are no designated nature reserves, designated refuges for flora or fauna, or places, sites, or features of particular ecological interest in the area.</p>	<p>No</p>
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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?	Yes	<p>Sensitive mobile species associated with the European sites i.e. otter and wintering birds, are addressed in the AA section of this report.</p> <p>A Bat, Badger, and Otter Assessment was submitted with the application. The site is used by bats. While there were no bat roosts identified within the site, the presence of so many trees create some potential for roost sites. Overall, the trees are immature and roost sites, if present, are likely to harbour very small numbers of bats. Proposed vegetation loss may affect commuting bats. Proposed mitigation in the Assessment relates to lighting control, appropriate planting, provision of bat boxes, and checking buildings/trees for bats prior to removal. It is stated that there are no badger setts within the site and no badger signs were evident within the site. However it is probable that badgers enter the site at some point in the year to forage.</p> <p>The submitted Ecological Impact Assessment (EclA) concludes that the proposed development 'will have an overall initial and temporary negative to neutral impact upon local ecological receptors ... Overtime, with the implementation of the landscaping plan, these initial negative impacts will neutralise as new areas of biodiversity are allowed to develop ... With proper management of the site and its green areas, then local areas of biodiversity will be allowed to develop and flourish'.</p>	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	The Cultural Heritage Assessment Report submitted with the application states archaeological excavation was carried out on site and one area of interest was found (fulacht fiadh and possibly associated pits) within an area of proposed construction. They are not of significant archaeological status and the Report recommends they be preserved by record.	No

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?	No	No such features arise in this edge-of-town location.	No
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?	Yes	The Lyre and Urrin rivers are adjacent to the site. There is evidence that part of the site is liable to flooding. A SSFRA has been submitted which states that, after mitigation including minimum finished floor levels and access road and footpath levels, the flood risk to and from the proposed development site is low. Development of the site is not expected to result in an adverse impact to the hydrological regime of the area or increase flood risk elsewhere.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	Notwithstanding the topography of the site there is no evidence of these risks.	No
2.7 Are there any key transport routes (e.g. 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?	No	The site is served by a local road network. Although traffic/transport-related issues form a significant aspect of this report as set out in subsection 11.3, no significant contribution to traffic congestion is anticipated to arise from the proposed development.	No

2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The site is in close proximity to residential areas and some business premises. However, there is no negative impact anticipated as a result of the proposal other than standard construction phase nuisance which would be appropriately mitigated through a CEMP and a Construction Management Plan could also be conditioned, as standard.	No
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	N/A	No
3.3 Are there any other relevant considerations?	No	N/A	No
<b>C. CONCLUSION</b>			
<b>No real likelihood of significant effects on the environment.</b>	<input checked="" type="checkbox"/>	EIAR not required	
<b>Real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	EIAR required	
<b>D. MAIN REASONS AND CONSIDERATIONS</b>			

Having regard to:

1. the criteria set out in schedule 7, in particular:

(a) the relatively limited nature and scale of the proposed housing development, in an edge-of-town location adjacent to existing residential development and served by public infrastructure,

(b) the absence of any significant environmental sensitivity in the vicinity, and,

(c) the location of the development outside of any sensitive location specified in article 109 (4)(a) of the Planning & Development Regulations, 2001 (as amended).

2. the results of other relevant assessments of the effects on the environment submitted by the applicant.

3. the features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report (EIAR) is not required.

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**Inspector**

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**Date**

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**Approved (DP/ADP)**

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**Date**

## Appendix 5 – Water Framework Directive (WFD)

WFD IMPACT ASSESMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site, and Locality			
<b>An Bord Pleanála Ref. No.</b>	ABP-313262-22	<b>Townland/Address</b>	Lands located to the east of Carley's Bridge, Enniscorthy, Co. Wexford
<b>Description of project</b>		The proposed development comprises 233 residential units (53 houses and 180 apartments and duplexes), creche, 352 car parking spaces, 497 cycle spaces, open spaces including a riverside public park, bin storage, pumping station, new vehicular and pedestrian accesses via Carley's Bridge Road, pedestrian access to Millbrook, and ancillary site works on an 8.7 hectares site.	
<b>Brief site description, relevant to WFD screening</b>		The site is located adjacent to the River Urrin and with a short boundary with the River Lyre on the south western edge of Enniscorthy town. There are smaller ditches/watercourses around the site boundaries. Ground levels increase from the riparian boundary to the eastern boundary of the site. The lower areas are at risk of flooding. There are alluvium soils along the riparian corridor in the lower ground level areas. There are poorly drained gley soils present on much of the rest of the site with well drained brown earths in much of the northern of the two fields which comprise the site.	
<b>Proposed surface water details</b>		The proposed surface water drainage network is divided into Zones A and B. Zone A has the larger catchment in the northern and central areas while Zone B has a smaller catchment area in the southern part of the site. Surface water in each network shall discharge to a manhole fitted with two hydrobrakes which shall in turn discharge to the	

	Urrin. When the rate of surface water exceeds the 1 in 30 year and 1 in 100 year events, the surplus surface water shall overflow into an attenuation system adjacent to the manhole. A watercourse along the ditch between the northern and southern fields comprising the site is to be diverted through a proposed 750mm diameter pipeline.					
Proposed water supply course and available capacity	Water supply is from the public main and there is available capacity according to the Uisce Éireann submission on this file and table 9-1 of the WCDP 2022-2028.					
Proposed wastewater treatment system and available capacity and any other issues	Foul treatment is by the public system. There is available capacity according to the Uisce Éireann submission on this file and table 9-3 of the WCDP 2022-2028. The Uisce Éireann Annual Environmental Report for 2023 for Enniscorthy states the wastewater treatment plant (WWTP) which discharges to the River Slaney south of the town was non-compliant with emission limit values for nitrogen. It is stated under subsection 2.1.3 (Ambient Monitoring Summary for the Treatment Plant Discharge ...', 'A deterioration in water quality has been identified, however it is not known if it or is not caused by the WWTP. Other causes of deterioration in water quality in the area are unknown. The discharge from the wastewater treatment plant does not have an observable negative impact on the Water Framework Directive status'.					
Others?	No.					
Step 2: Identification of Relevant Water Bodies and Step 3: Source-Pathway-Receptor (S-P-R) Connection						
Identified water body	Distance (metres)	Water body name (code)	WFD status (2016-2021)	Risk of not achieving WFD status i.e. at risk, review, not at risk	Identified pressure on that water body	Pathway linkage to water feature e.g. surface water run-off,

						drainage, groundwater	
River waterbody (Lyre)	Adjacent to north western boundary	Urrin_050 (IE_SE_12U010500)	Moderate	At risk	Agriculture, Urban run-off	Surface water run-off	
River waterbody (Urrin)	Adjacent to western boundary	Urrin_050 (IE_SE_12U010500)	Moderate	At risk	Agriculture, urban run-off	Surface water run-off	
Transitional waterbody (Slaney)	Approx 1.4km downstream to south east	Upper Slaney Estuary (IE_SE_040_0300)	Moderate	At risk	Agriculture	Hydrological link between Lyre and Urrin Rivers and the transitional waterbody	
Groundwater waterbody	Underlying site	Enniscorthy (IE_SE_G_061)	Good	At risk	Agriculture, unknown	Drainage to groundwater	
Step 4: Detailed Description of any Component of the Development or Activity that may Cause a Risk of Not Achieving the WFD Objectives Having Regard to the S-P-R Linkage							
Construction Phase							
No.	Component	Water body receptor (EPA code)	Pathway (existing and new)	Potential for impact / what is the possible impact	Screening stage mitigation measure(s)	Residual risk? Y/N  Detail	Determination to proceed to Stage 2. Is there a risk to the water environment?



							If 'screened in' or 'uncertain' proceed to Stage 2
1.	Site clearance / construction	Urrin_050	Existing site watercourses and Lyre and Urrin rivers adjacent to the north west/west	Deterioration of surface water quality from pollution of surface water run-off during site preparation and construction	<p>Mitigation measures in the Construction Environmental Management Plan (CEMP) include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• adherence to Inland Fisheries Ireland (IFI) guidelines.</li> <li>• Strict controls of erosion, sediment generation, and other pollutants.</li> <li>• on-site attenuation, silt fencing, works associated with the surface water pipes and headwall, adherence to biosecurity measures.</li> </ul>	<p>No.</p> <p>I am satisfied that the preventative measures which are aimed at interrupting the S-P-R will reduce possible effects to a non-significant level.</p>	Screened out

					<ul style="list-style-type: none"> <li>pollution control measures relating to re-fuelling and appropriate storage.</li> </ul> <p>There are similar measures contained in the Hydrological Impact Assessment.</p>		
2.	Works along the riparian corridor including (i) at the discharge point of the Zone A surface water zone, and, (ii) diverting/culverting the existing drainage ditch along the internal field boundary. These are to both discharge at a lower section of the non-diverted/culverted watercourse/ditch and will involve reshaping	Urrin_050	The site bounds the Lyre and Urrin rivers	Deterioration of surface water quality from pollution of surface water run-off and interference with the morphology of the riverbank in limited and localised areas	Mitigation measures in the CEMP include storage of topsoil away from the river, appropriate disposal of Indian balsam found along the bank, any railing along the river should not impede the free access of mammals, maintenance of a 15 metres buffer zone along the river, and adherence to IFI guidelines. In relation to the pipework and headwall works reference is made to the use of silt barriers and fences, working in dry	No.  I am satisfied that the preventative measures proposed would ensure that there would not be a reduction in the water quality of the Urrin, there would be no significant change to the	Screened out

	and clearing of an area of the existing tributary stream prior to discharge to the Urrin itself.				<p>weather, immediate trench infilling and vegetation restoration, appropriate timing of works, creation of a dry section of river bank, a non-return valve on the pipe to prevent flooding, and appropriate biosecurity measures. These are to be overseen by an Ecological Clerk of Works.</p> <p>Measures contained in the Natura Impact Statement and the Ecological Impact Assessment have been incorporated into the CEMP.</p>	morphology of the riparian corridor, and there would not be a negative impact on the achievement of the WFD objective.	
3.	Flood risk	Urrin_050	The site bounds the Urrin and Lyre rivers and a significant area of the lower part of the site is at risk	Flood risk to development site from fluvial flooding or possible pluvial flooding (urban drainage) or possible blockage	There is no housing proposed in Flood Zones A or B. The relevant access roads and footpaths shall be raised to a ground level above the 1 in 1000 year flood levels including mitigation against climate	No.  I am satisfied that the proposed mitigation measures would not	Screened out

			of flooding (Zones A and B)	of an upstream bridge	change. Flood storage compensation in the open space shall account for displaced flood waters from raising ground levels.	result in significant alteration to the existing flood regime. The conclusion of the submitted Site Specific Flood Risk Assessment states, inter alia, 'Development of the site is not expected to result in an adverse impact to the hydrological regime of the area or increase flood risk elsewhere'.	
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4.	Groundwater	Enniscorthy (IE_SE_G_061)	Drainage to ground	Reduction in groundwater quality from pollution of surface water run-off	Mitigation no. 18 in table 5.1 of the CEMP relates to groundwater and includes reference to e.g. appropriate storage and bundling of potentially hazardous materials.  Similar mitigation measures are also contained in pages 24 and 25 of the Hydrological Impact Report submitted with the application.	No.  I am satisfied that the proposed mitigation measures are adequate to prevent an adverse impact on groundwater quality.	Screened out
<b>Operational Phase</b>							
1.	Surface water run-off	Urrin_050	Run-off to watercourses/river	Deterioration of water quality	Incorporation of silt and oil interceptors to ensure clean discharge and which must be serviced regularly	No residual risk. This is a standard residential development.	Screened out
2.	Discharges to ground	Enniscorthy (IE_SE_G_061)	Drainage	Reduction in groundwater quality	None	No residual risk. This is a standard residential development	Screened out

						with negligible volumes of hydrocarbon leakage etc.	
Decommissioning Phase							
Decommissioning is not anticipated as this is a permanent residential development							