



An
Bord
Pleanála

Inspector's Report

ABP-314563-22

Development	Development of Nursing Home and all ancillary works. A Natura Impact Statement (NIS) accompanies this application.
Location	Crosstown, Ardavan, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20211678
Applicant(s)	LHM Properties Holdings Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Michael Foley & Michael Tierney
Observer(s)	None
Date of Site Inspection	2 nd of October 2023
Inspector	Angela Brereton

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1.0 Site Location and Description

- 1.1. The site (stated area: 1.26ha) is located in the townland of Crosstown, Ardcavan, to the northeast of Wexford Town. It is to the west of the R741 Wexford to Castlebridge Road approx. 1.4km north of Wexford Bridge, within the 60kmph speed limit zone. The site is bound to the north by a private laneway which as provided on file is to form part of the future T8 Orbital Route. The proposed northern access is to be from this road. There is a second access proposed to the site via a right of way from the L-7010 to the south. Therefore, the site abuts 2no. roads the R741 to the east and the private road to the north and the agricultural laneway to the west. The access route from Riverside Road via Crosstown Manor is further to the south.
- 1.2. The site is currently undeveloped, is relatively flat in nature and the land falls away gradually to the north and south. It is uneven in parts as there has been some land disturbance and piles of rubble, so it is not greenfield in nature. There is a dense hedgerow along the northern site boundary with the narrow private road to the north. There is also a hedgerow along the eastern site boundary with the R741, and along the boundary with the gated agricultural access lane to the west. It is open along the southern site boundary and is to be taken off the larger field area.
- 1.3. The site is opposite 'Wexford Car Centre'. There are a number of car dealerships and commercial businesses fronting the R741. There is some housing to the east along Orchard Lane on the opposite side of the R741. There are agricultural buildings on the opposite side of the laneway to the west of the site and relatively new housing to the south. There is agricultural land to the north of the private laneway and undeveloped land to the south of the site (a new car showroom has been permitted but not yet constructed Ref. ABP-300908-18 refers). There is an access road that serves the housing development to the south and adjoins the south of the site.
- 1.4. Access to the R741 from the narrow private lane to the north, and from the road to the south of the site, particularly when turning, is currently hazardous, in view of the speed and volume of traffic along the wider R741. There are no footpaths along the site boundaries. There are cycle lanes along either side of the R741 to the east.

2.0 Proposed Development

- 2.1. Permission is sought for the development of a fully serviced part four storey and part two storey Nursing Home building comprising 150 no. bedrooms and ancillary accommodation. Together with building signage, vehicular access, on site car parking, bin storage and connection to existing mains services and all associated site works at Crosstown, Co. Wexford.
- 2.2. The following Reports were submitted with the application as originally submitted:
 - Outdoor Lighting Report
 - Infrastructure Design Report
 - Natura Impact Statement (August 2021).

3.0 Planning Authority Decision

3.1. Decision

On the 10th of August 2022, Wexford County Council granted permission for the proposed development subject to conditions. Conditions include relative to infrastructure: access/internal roads/footpaths layout and parking, drainage including surface water drainage, water and wastewater connection agreements, lighting, Other issues: NIS, landscaping, development contributions including a special development contribution, construction environmental management, noise etc.

Condition nos.1 and 2 include compliance with the mitigation measures outlined in NIS. Condition no.2 is as follows:

The applicant shall submit a detailed plan which identifies the consultants that will be responsible for ensuring full compliance with the mitigation measures as outlined in the Natura Impact Statement prior to the works commencing on site. The development shall be carried out in full compliance with the identified mitigation measures.

Reason: To ensure the proposed development accords with the permission and the effective control is maintained.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner had regard to the locational context of the site, planning history and policy and to the submissions made. Their Assessment included the following:

- It was noted that the site has land use zoning of 'Neighbourhood Centre/Mixed Use' under the Wexford Town & Environs DP 2009-2015 (as extended). A retirement home is open for consideration on this site. They consider the principal of the proposal to be acceptable.
- Note Master Plan Zone 2 – Crosstown – includes an Orbital Inner route T8 along the northern boundary of the site leading to a future bridge over the estuary.
- The site forms part of the route for Orbital Inner Route T8. This should be the main access to the site and the junction should be designed in accordance with DMURS 2019.
- The building should be sited close to the junction to form part of a street on both the T8 route and the R741 regional road.
- They considered the design and layout of the proposed building to be acceptable. That it would create a landmark building on the main entrance to Wexford Town.
- That adequate parking has been provided within the site.
- It is proposed to connect to the public watermains and to the foul sewer.
- The provision of adequate surface water attenuation management on the site will ensure that flooding will not be exacerbated.
- The Screening Report submitted is incorrect and refers to an earlier mixed use (with Phase 3 commercial development on this site). They advised that a Stage 2 AA is required.
- They recommend that an ecologist should be engaged to carry out an AA.

Further Information request

The Council's F.I request in summary, included the following:

- They requested that revised plans be sought relative to surface water attenuation options. That changes to the AA Screening report and the NIS be reviewed and have regard to any proposed changes.
- The Screening Report submitted (Appendix 2 of NIS) is incorrect in that it refers to an earlier application for a car showrooms and 9no. houses on the adjacent site for which a Stage 2 AA was screened out. They also noted a number of inaccuracies in the NIS. They request a review of the content of the reports to address these and reassess the proposed development.
- To submit revised layout plans to show the future provision of a footpath and cycleway on the regional road.
- To submit a Construction Management Plan.
- To submit a revised site layout plan and full engineering plans relative to the roads layout and widening of the access road to the north of the site.

Further Information response

Arcadia Architects response on behalf of the applicants includes the following:

Drainage

- They have included a revised site layout drawing in accordance with guidelines in relation to the proposed drainage to be carried out to serve the proposed development site. They provide details of revised surface water drainage having regard to nature-based solutions.

Roads

- They include a revised site layout plan with allowance now made for the future orbital route to run adjacent the northern site boundary and they provide details of this, including footpaths.
- That subject to Wexford County Council acquiring the adjoining lands to the north, a future 20m wide orbital route can now be accommodated adjacent to the proposed site.
- They submit existing and proposed road sections, together with a proposed section through the future orbital road to be constructed by the Council.

- The proposed site layout adjacent to the northern boundary now addresses the requirement of the Roads Department, in regard to allowance for future orbital road and the location of the proposed footpath, providing demarcation of the route.
- The link road is to be constructed to within 10m of the northern boundary.

Construction

- They include a Construction Environmental Management Plan (May 2022) prepared by Verde Environmental Consultants for the proposed development.

Appropriate Assessment

- A Natura Impact Assessment (May 2022) prepared by Verde Environmental Consultants relevant to the proposed development, which includes revisions in response to the F.I request.

Public Notices

- Revised Public Notices have been submitted.

Planner's response

The Planner had regard to the revisions made and to the F.I submitted including the NIS and their conclusion included the following:

- The proposed development would create a landmark building on the main entrance into Wexford Town. Land will be set aside should a major link road be required to the north of the site and the main access will now be taken from the south. They are satisfied with the applicant's response to the F.I as requested and that the development would make a positive visual impact.
- They consider it reasonable to conclude on the basis of the information on file, which they consider adequate in order to carry out a Stage 2 AA, that the proposed development, individually or in combination with other plans and projects would not adversely affect the integrity of the Slaney River Valley SAC (site code:000781) or the Wexford Harbour and Slob SPA (site code: 004076), in view of these sites' Conservation Objectives.

3.3. Other Technical Reports

Roads Department

They have regard to road widening of the private lane to the north of the site and note that the applicant has shown provision for future widening of the proposed access road for future objective link road T8. Sightlines are achievable and to be maintained. They also refer to provision for footpaths, walkways etc.

They have regard to the F.I submitted and recommend a grant subject to conditions.

Wexford Borough District Engineer

Their recommendation included the submission of a revised layout relative to roads issues, including the widening of the private lane to the north of the site. Details regarding sightlines at entrance and specific development contribution. The latter being towards the installation of traffic lights at the junction of the R741/Orchard Lane.

Environment Section

They do not object to the proposal and recommend permission subject to conditions. This includes relative to drainage including surface water drainage and that a Construction Environmental Management Plan be submitted.

Disability Access Officer

They provide that a Disability Access Certificate (DAC) is required for the proposed works.

Chief Fire Officer

The applicant should be advised that a Fire Safety Certificate is required.

3.4. Prescribed Bodies

The Department of Housing, Local Government and Heritage

They have regard to the NIS submitted and to concerns about inadequately treated surface water drainage during construction and operational phases. They refer to drainage infrastructure in the vicinity and recommended that the Council seek F.I from the applicant on nature-based surface water management measures and as to

why such measures were discounted. That an above ground alternative to the underground storm water attenuation tank must be considered.

Irish Water

They have no objections and recommend conditions.

3.5. **Third Party Observations**

Submissions received from local residents include the Crosstown Lane Residents and from the subsequent third-party appellants. Their concerns have been considered in the Planning Reports and in the context of the grounds of appeal below. In summary concerns raised include regard to the following issues:

- Access and Roads and traffic safety related issues.
- Construction related issues.
- Need for a Traffic Management Plan to be put in place.
- Parking shortfall concerns.
- Design and Layout – 4 storey height proposed.
- Speculative development, inappropriate for the area and incompatible with the government's strategy for compact growth.

4.0 **Planning History**

The Planner's Report notes that there is no planning history relative to the subject site. They have regard to the extensive planning history of adjoining lands in the vicinity of the site. This includes regard to planning permissions and refusals for residential and commercial development in the area. The following permissions are within closer proximity to the site:

To the south of the site

- **Ref. ABP-300908-18 - Reg.Ref.20171277** - Permission granted by the Council and subsequently subject to revised conditions by the Board to Trinity JLR Limited (care of Trinity Motors) for the Construction of a new car showroom facility including mezzanine level, workshop, stores, staff facilities

and separate detached single storey valeting building, external car customer display parking spaces, site lighting, building signage and one number Totem sign. Boundary fencing to secure car compound area, connections to existing public mains sewer and water services and all associated site works at Crosstown, County Wexford.

To date this has not been constructed. The plans show that this is to use the access route to the south of the site.

Further to the Southwest of the site;

- **Ref.PL26-304595 - Reg.Ref.20190381** - Permission was granted by the Council and subsequently subject to conditions by the Board for in summary; retention and alterations to existing houses and site works at Crosstown, Ardavan, Co. Wexford.
- **Reg.Ref. 20171338** – Permission granted for a residential development of 9no. fully serviced dwelling houses comprising of 5no. single storey 4 bed detached units and 4no. two storey 4 bed detached units together with all ancillary works. This was not subsequently appealed to the Board.

These separate sites are located close to the entrance to the estate, served by the same access road from the local road to the south.

Opposite side of the R471 to the site:

- **Ref. PL26.248847 – Reg.Ref. 20170518** – Permission granted by the Council and subsequently subject to conditions by the Board for a light industrial building and extension of internal access road, and associated site works and services.

This site is described as being in a commercial area to the rear of the existing vehicle testing centre.

5.0 Policy Context

5.1. Relevant Government Policy / Guidelines

- National Planning Framework – Project Ireland 2040

- Southern Region Spatial and Economic Strategy (RSES)
- Housing for All - A New Housing Plan for Ireland
- Development Management, Guidelines for Planning Authorities (2007)
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering
- Homes Sustaining Communities (2007).
- Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) and accompanying Urban Design Manual: A Best Practice Guide (2009).
- Urban Design Manual - A Best Practice Guide (2009)
- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE2011).
- Urban Development and Building Height Guidelines for Planning Authorities (2020).
- Design Manual for Urban Roads and Streets (2019).
- Traffic and Transport Assessment Guidelines (2014)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).
- Development Management Guidelines for Planning Authorities (2007).

5.2. **Wexford County Development Plan 2022-2028**

Volume 1 – Written Statement

The Wexford County Development Plan 2022-2028 sets out the overall strategy for the proper planning and sustainable development of County Wexford for the plan period and beyond. The Plan relates to the whole functional area of Wexford County Council including the areas previously under the jurisdiction of Wexford Borough Council, New Ross Town and Enniscorthy Town.

Table 1-1 – Spatial Planning Framework for Settlements > 1,500 persons. This notes that the population of Wexford Town 2016 (20,188) and that an LAP is to be prepared.

Chapter 3 sets out the Core Strategy

Figure 3-1 provides the Core Strategy Map and as noted in and Table 3-2, Wexford and Gorey are ‘Key Towns’ in the Settlement Hierarchy.

Section 3.6.1 refers to Wexford Town and includes that it is a significant regional centre for education, health, public services and retail. The Development Approach refers to being in line with RPO 11 and RPO 16 of the RSES. Strategic objectives for town are set out at the end of the chapter (WT01-WT10).

Chapter 15 refers to Sustainable Communities and Social Infrastructure Strategy

Section 15.3 provides the Policy Content and includes:

The RSES supports the development of age-friendly communities including independent living and community facilities. RPO 182 supports our ageing population, in particular, Smart Ageing and ensuring that local planning, housing, transport/accessibility and leisure policies meet the needs and opportunities of an ageing population...

Section 15.5.2 provides the Strategy and this includes:

To ensure that the principles of accessibility, age friendly, inclusive and sustainable community development are central to spatial planning and the design of developments in the county.

To facilitate the delivery of social and community infrastructure to meet the needs of the existing and future population of the county.

Strategic Objectives include:

Objective SC01: *To facilitate the development of healthy sustainable communities where people can live, work and enjoy access to a wide range of community, health and educational facilities suitable for all ages, needs and abilities.*

Objective SC05: *To ensure the balanced and equitable provision of social and community facilities including education and health services throughout the county*

and ensure that these facilities are located in areas that are easy to get to by either public or private transport, and are universally accessible.

Section 15.6.1 refers to Groups with Specific Design/Planning Needs. This includes reference to older people and that their needs must be considered in the planning and design of the built environment and in the location of social and community facilities.

The quality of life of older people can be improved through planning and design of the built environment, particularly, housing, community and care facilities, accessible transportation including public transport and footpaths.

The first County Wexford Age Friendly Strategy 2017-2021 aims to ensure that the county is a great place in which to grow old. The Strategy is based around nine themes: outdoor spaces and buildings, transportation, housing, social participation, respect and socialisation, civic participation and employment, communication and information, community support and health services and safety and security.

The strategy and objectives in this chapter provide the spatial planning framework to support the implementation of the Age Friendly Strategy.

Section 15.6.2 refers to Universal Access and Design.

This notes that all components of a development must be considered in the design process including:

Access for people with disabilities, older people and others who may be temporarily impaired, must be incorporated into the design of buildings, public spaces, car parking, footpaths and general facilities and services.

Social Inclusion Objectives relate including the following:

SC11: To facilitate the provision of care facilities for groups with specific planning and design needs, including older people, people with disabilities both physical and intellectual. These care facilities include independent living options, sheltered housing, day-care facilities, nursing homes and specialised care units. The preferred location for this type of development is within, or in close proximity to, towns and villages and is subject to compliance with normal planning and environmental criteria.

Section 15.7.3 refers to Healthcare Facilities.

Objectives include:

SC32: To facilitate the development of new or extended hospitals, nursing homes, day care facilities for older people or people with disabilities, hospices, respite care facilities or facilities for those with long term illness at appropriate locations in the county subject to compliance with normal planning and environmental criteria. These facilities should generally be located within towns and villages and areas of significant residential development.

Chapter 8 provides the Transportation Strategy

Section 8.4.4 refers to Modal Shift.

Section 8.4.5 to Design of Urban Roads and Streets.

Strategic Objectives include:

Objective TS01: To implement the principles and objectives of the Design Manual for Urban Roads and Street (Department of Transport, Tourism and Sport, Department of the Environment Community and Local Government, 2013 and 2019) and the Spatial Planning and National Roads, Guidelines for Planning Authorities (Department of Environment, Community and Local Government, 2012) and the National Sustainable Mobility Policy 2022 and the other guidance listed in Section 8.3 Policy Context and any updated version of these documents.

Objective TS12: To promote sustainable transport in rural areas of the county through promoting compact growth in villages, working with public transport providers to facilitate better services and necessary supporting infrastructure, providing for safe and convenient walking and cycling through the provision of footpaths, street lights, crossing points and in traffic management including the setting of speed limits and promotion of considerate driving.

Section 8.5 refers to and encourages Walking and Cycling.

Section 8.6 refers to Public Transport, which includes regard to Bus and the Rail Network.

Objective TS36: To ensure the provision of public transport stops and routes are co-ordinated with developments through liaising with public transport providers and co-

ordinators including Iarnród Éireann, Bus Éireann, Wexford Link and private operators.

Section 8.7 refers to Roads. Section 8.7.2 to Regional Roads. Table 8 -11 Regional Roads identifies the R741 Wexford -Gorey Road as a Class 1 Regional Road.

Objectives TS72 - TS76 refer to Regional Roads.

Objective TS43: To ensure that the public safety of all road users, including pedestrians and cyclists, has the highest priority in the design of development and vehicular access points and in the exercise of traffic management functions. Road Safety Impact Assessments, Road Safety Audits and other road safety reports shall be sought where appropriate to inform planning decisions.

It is of note that Objective TS76 which refers to the criteria for new accesses or the intensified use of an existing access to the regional road network within towns and villages where a speed limit of less than 60kmh applies. This also applies where access to the regional road is proposed via an existing private lane.

Chapter 9 Infrastructure

Table 9 -1 Irish Water Public Water Supplies and Capacities (Irish Water March 2022), notes that there is capacity in the Wexford Town network to cater for the 2027 population target.

Section 9.6 refers to Wastewater. Table 9-3 provides an Overview of Public Infrastructure in Level 1-Level 4 Settlements (Irish Water Wastewater Capacity Register April 2020). This provides that there is capacity in Wexford Town.

Section 9.7 refers to Waste Management Infrastructure.

Section 9.11 refers to Flood Risk and to Surface Water Management. This includes:

Objectives FRM01- FRM19 refer to Flood Risk Management.

Objectives SWM01 to SWM08 refer to Surface Water.

Objective SWM01 seeks: To require the application of SuDS in accordance with the CIRIA SuDS Manual 2015 and any future update of this guidance, or other best practice guidance as may be specified or required by the Council. The application of SuDS should prioritise the use of appropriate nature-based solutions where possible. All proposals should include a commensurate drainage assessment used

to design the surface water management system for the site, and this assessment should outline the drainage design considerations/strategy in line with the flood risk, surface water management and climate change requirements and objectives of the County Development Plan and the County Strategic Flood Risk Assessment in Volume 11.

Chapter 13 Heritage and Conservation

Section 13.2.2 refers to Natura 2000 Sites. Table 13.1 provides a list of such sites in County Wexford and within 15km of the Wexford CDP boundary.

Natural Heritage Objectives NH01 – NH028 refer to Biodiversity, Invasive Species and to Natura 2000 sites. Objective NH08 is of particular relevance to the latter:

To ensure that any plan/project and any associated works, individually or in combination with other plans or projects, are subject to Screening for Appropriate Assessment to ensure there are no likely significant effects on any Natura 2000 site(s) and that the requirements of Article 6(3) and 6(4) of the EU Habitats Directive are fully satisfied. Where a plan/project is likely to have a significant effect on a Natura 2000 site or there is uncertainty with regard to effects, it shall be subject to Appropriate Assessment. The plan/project will proceed only after it has been ascertained that it will not adversely affect the integrity of the site or where, in the absence of alternative solutions, the plan/project is deemed by the competent authority imperative for reasons of overriding public interest.

Volume 13 of the Plan provides the Natura Impact Report for County Wexford.

Volume 2 Development Management Manual

Section 3 refers to Residential Developments and Section 3.9 to Nursing Homes/Residential Care Homes. This provides the criteria relative to the standard of accommodation and surrounds and includes: *The development should comply with the relevant standards set out in the National Standards for Residential Care Settings for Older People in Ireland (Health Information and Quality Authority, 2016) or any updated version of these guidelines or new guidelines.*

Section 4 relates to Community Infrastructure, Facilities and Services.

Section 4.3 refers to Healthcare Facilities.

Section 4.7 to Changing Places Facilities

Section 6 refers to Transport and Mobility and includes:

The Design Manual for Urban Roads and Streets recognises the different 'movement functions' or roles which particular routes play and sets out a hierarchy of route types and characteristics. It identifies three route types: Arterial, Link and Local Routes.

Section 6.2 refers to Assessment of Road Traffic Safety. Section 6.2.1 to Traffic and Transport Assessment. Table 6-1 to Mandatory Thresholds for Traffic and Transport Assessments and Table 6-2 to Advisory Thresholds.

Section 6.2.2 refers to Road Safety Audits and Section 6.2.3 to Road Safety Impact Assessment. Section 6.2.4 to Workplace Travel Plans.

Section 6.2.5 to Design Speed and Section 6.2.6 to Siting and Design of Access/Egress Points. Details are given as to measuring sightlines, relative to access and road type.

Table 6-6 notes that the R741 from Wexford to Gorey (which is adjacent to the site) is designated as a Class 1 Regional Road.

Regard is had to Section 6.3.1 to the Car Parking Standards, Table 6-7 refers.

Table 6-8 provides the Accessible Car Parking Standards.

Table 6-10 provides the Bicycle Parking Standards.

5.3. Wexford Town and Environs Development Plan 2009-2015 (as extended)

Current Status

The Council has provided that the Wexford Town and Environs Development Plan 2009-2015 has expired and until such time as they make a new plan for the town, all policies, and objectives (as relevant) of the Wexford County Development Plan (WCDP) 2022-2028 will be used to assess any proposals/planning application in the town. It is noted that there is no zoning for Wexford town in the WCDP.

However, as it is referred to in the context of this application, regard is had to the zoning relative to the subject site of this now expired Plan below.

Land Use Zoning

The site is located within the northern boundaries of Wexford Town and is shown in Masterplan 2 area.

The Site is within Zone 2 – Crosstown. Requirements for Phased Future Development included:

- The development of newly zoned lands is dependant on the provision of a suitably sized graveyard extension, which is to serve Wexford Town.
- Proposed connection to Wexford Treatment Plan
- Roads – reservations required on R741.

The land is shown within the 'Neighbourhood Centre/Mixed Use' land use zoning map.

Map 21: Master Plan Zones – this shows that a Retirement Home/Villages are 'Open to Consideration' in this zoning.

The road to the north (now a private lane) is indicated as part of the 'Orbital Inner Relief Road'. This is to connect to the R741 (Radial Policy).

The land to the west and north of the site is shown within the 'Commercial/Mixed Use Zoning'. The land to the east is zoned as 'Residential Medium'.

The Zone 2 Crosstown Map shows the area to the south as being within the 'Coastal Walk' route.

Neighbourhood Centres

Section 3.6 of the Plan provides: *It is intended that the Neighbourhood Centres are not merely to facilitate the standard suburban expansion, but rather be at the heart of stimulating economic and commercial growth whilst working in synergy with the Town Centre on the one hand facilitating the amenity of the existing environment on the other. The Neighbourhood Centres identified will serve a local shopping function providing retail and service outlets within walking distance of the surrounding catchment area. They should also contain a range of community services such as childcare etc.*

Policy NC1 – *To provide for an adequate and appropriate scale of retail and other services within the existing and proposed residential areas.*

Section 3.7 – Land Use Zoning includes: *Uses other than the primary use for which an area is zoned may be permitted provided they are not in conflict with the primary land use zoning objective (see all Chapter 11 Development Management Standards).*

Section 4.9 (b) refers to Developing Patterns relative to Neighbourhood Centres. This includes: *It is envisaged that as the population of Wexford grows, the town may experience an increasing demand for a designated District Centre and additional Neighbourhood Centre facilities.*

This zoning provides for the development of a new Neighbourhood Centre to serve the needs of residential areas. A mix of retail, community and recreational development is sought in this zoned. Only limited residential development sufficient to ensure the viable and satisfactory works of the Neighbourhood Centre will be considered in this zone. This Centre is intended to serve the immediate needs of the local working and residential population and complement, rather than compete with the established Town Centre. Medical clinics and professional offices, workshops, a creche, small convenience stores, or café are all envisaged in this zone. However, priority will be given to anchor stores of 1000 – 1500sq.m. This threshold shall be monitored over the period of the Development Plan.

5.4. Natural Heritage Designations

The following Natura 2000 sites are located in the immediate vicinity of the proposed development site:

- The Slaney River Valley Special Area of Conservation (Site Code: 000781), approximately 800m south of the site.
- The Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), approximately 240m east of the site.

5.5. EIA Screening

The proposed development falls within the category of 'Infrastructural Projects', under Schedule 5, Part 2 of the Planning and Development Regulations 2001-2020, where mandatory EIA is required in the following circumstances:

10(b) (i) *Construction of more than 500 dwelling units.*

(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a builtup area and 20 hectares elsewhere.

The proposal is for the construction of a 150 no. bed-space nursing home, on a stated site area of 1.26 ha. The proposed development falls below the above-outlined development thresholds, and mandatory EIA is therefore not required.

In the case of sub-threshold development, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

No EIA Screening Report was provided as part of the application. In this instance, where the subject site comprises former zoned 'Neighbourhood Centre Mixed Use lands' (currently not zoned) in the environs of Wexford Town and where the site is not located in or immediately adjacent to any environmentally designated sites, I consider the development would not be likely to have significant effects on the environment. An environmental impact assessment report for the proposed development is, therefore, not required.

6.0 The Appeal

6.1. Grounds of Appeal

A Third Party Appeal has been received from local residents Michael Foley and Michael Tierney. Their Grounds of Appeal are considered under the following headings:

- Inadequate parking based upon staffing needs for a nursing home with 150 beds;
- Failure to adequately meet objectives and guidelines of Section 247 of the Planning and Development Act, 2000-2020;

- Traffic and road infrastructure.

These are summarised under the following headings:

Inadequate Parking

- They consider that the proposed 73no. car parking spaces, is inadequate for a nursing home of 150 beds, taking account of the staffing needs etc.
- They have regard to Modal Shift and note the predominant car usage in the general population of Co. Wexford.
- In this respect they submit that the vast amount of the car parking spaces would be in use to facilitate staffing numbers.
- They note only a very limited bus service in the area, with none on Sunday. They are concerned that the lack of parking spaces at this facility will result in staff and visitors needing to park on local roads, of which few have capability to accommodate on-street parking.
- Based upon the independent data and figures, they have given, planning permission should not be granted based upon inadequate parking spaces for a development of this size.

Failure to meet objectives and guidelines of Section 247

- They refer to Pre-planning Guidance for Residential Care Homes Report published by Age Friendly in June 2021 which supports sustainability, good transport links, pedestrian and cycle facilities close to local services and facilities.
- They refer to the limited bus service along the R741 into Wexford Town, to inadequate cycle lanes and pedestrian crossings in the area to serve this busy road.
- Clearly this proposed nursing home does not have adequate off-street parking for care staff, ancillary staff and visitors.
- Based upon the above, this development clearly fails to meet the objectives and guidelines of Section 247 of the Planning and Development Act, 2000-2020 and thus planning permission should not be granted.

Traffic and Road Infrastructure

- Riverside Road between the North and South access Route to the R741 is a narrow busy road.
- They provide details of traffic volumes in the area, both from residential and also relevant to Crosstown Cemetery both for funerals and visitors.
- The Nursing Home related traffic will lead to an exceptionally busy road and cannot support additional traffic.
- On sections of the Riverside Road water drainage is very inadequate with dangerous accumulations of rainwater (they include photographs). The road surface is poor.
- The posted speed limit is 60kph and they are concerned that traffic volume and flow in the area will be significantly increased as a result of the Nursing Home traffic. They are concerned about road safety.
- The Third Party are concerned that the existing road infrastructure cannot support this proposed development in terms of traffic flow, parking needs and most importantly safety.
- Based upon traffic and road issues planning permission should not be granted.
- They provide that there are multiple reasons why this nursing home development should be refused planning permission.

Sources Quoted

- Appendix 1 - Nursing Homes Ireland Submission from Nursing Homes Ireland to the Expert Group on Future Skills Needs (EGFSN), September 2016.
- Appendix 2 - Dáil Éireann Constituency Profile – Wexford. January published by Oireachtas Library & Research Service.
- Appendix 3 - Age Friendly Ireland, Pre-planning Guidance for Residential Care Homes, published June 2021.

6.2. Applicant Response

There is no response from the applicant to the grounds of appeal noted on file.

6.3. Planning Authority Response

There is no response from the Planning Authority to the grounds of appeal noted on file.

6.4. Observations

There are no Observations noted on file.

7.0 Assessment

7.1. Having had regard to the documentation submitted, including the Third Party Grounds of Appeal, and having visited the site, I would consider that the key planning issues relating to the assessment of the proposed development and this appeal case can be addressed under the following headings:

- Planning Policy Considerations
- Layout, Design and Visual Impact
- Access and Traffic
- Parking Considerations
- Special Development Contribution
- Impact on the Character and Amenities of the Area
- Drainage
- Construction Management
- Appropriate Assessment

7.2. Planning Policy Considerations

7.2.1. Reference is had to the Wexford Town & Environs Development Plan 2009-2015 (as extended) and the site's former 'Neighbourhood Centre Mixed Use' zoning, where

'retirement homes/villages' were all open for consideration. However, the current County Development Plan 2022-2028, has superseded the former Town Plan. The site is not zoned within the current Plan and the Wexford Town Local Area Plan is pending. There is therefore no specific zoning objective for the site, and the principle of the development shall be considered on its own merits, and in accordance with the current County Development Plan.

7.2.2. It is of note that the Wexford County Development Plan 2022-2028 includes reference to policies for sustainable development including compact growth, sustainable transport and access to quality health services. Table 3 -1 refers to the 'Integration of the NPF and RSES into the Wexford CDP 2022-2028'. Wexford is a key town as per the Settlement Strategy. It is noted that the development approach as set out in Section 3.6.1 which refers to Level 1 Key Towns, includes that the spatial planning framework for the town will be set out in the new Wexford Town and Environs LAP.

7.2.3. Of note, The National Planning Framework includes Section 6.4 which relates to and is supportive of appropriately designed Age Friendly Communities. National Policy Objective 30 provides: *Local planning, housing, transport/ accessibility and leisure policies will be developed with a focus on meeting the needs and opportunities of an ageing population along with the inclusion of specific projections, supported by clear proposals in respect of ageing communities as part of the core strategy of city and county development plans.*

7.2.4. Section 15.6.2 of the WCDP 2022-2028 refers to Universal Access and Design and Social Inclusion Objectives relate (as noted in the Policy Section above). This includes Objective SC11 which refers to different types of care options to facilitate the needs of older people and includes: *The preferred location for this type of development is within, or in close proximity to, towns and villages and is subject to compliance with normal planning and environmental criteria.*

Objectives also include (SC32 as quoted in the Policy Section above) notes that: *These facilities should generally be located within towns and villages and areas of significant residential development.*

7.2.5. However, reference is had in the Planner's Report to the zoning in the former plan as it is referred to in the context of the planning application. As shown on the now

expired Wexford Town & Environs DP this site was within the 'Neighbourhood Centre Mixed Use Zone'. This notes that a number of additional neighbourhood centres were to be provided in the masterplan zones.

7.2.6. Neighbourhood Centres are defined in the Retail Planning Guidelines as:

Small group of shops typically comprising a newsagent, small general store, post office and other small shops serving a small localised catchment population.

7.2.7. Regard is had to Map 21: Master Plan Zones (The site is within Zone 2 Crosshaven) – this shows that a Retirement Home/Villages were 'Open to Consideration' in this zoning. However, no element relating to the neighbourhood centre zoning including shops or services have currently been provided in this location.

7.2.8. Planning considerations as have been noted in the NPF and RSES and Wexford CDP 2022-2028 relate to facilities for older people including nursing homes and to the need to support compact sustainable development, close to town centres, amenities and residential development. Note has been had of the former 'Neighbourhood Centre' zoning (Wexford & Environs DP 2009-2015) and the current lack of zoning for the subject site, pending the adoption of the new Wexford Town & Environs LAP. The proposal could be considered premature in this location on the periphery of Wexford Town relative to the lack of appropriate zoning objective, services and pending the adoption of this LAP.

7.2.9. Regard is had to the issues raised by the Third Parties, taking into account the locational context for the proposed nursing home site, which appears distant from the town centre services and amenities, and having limited parking, public transport options or pedestrian/cycleway linkages. In addition, to the environmental impact including that relevant to drainage and to the designated sites as documented in the NIS. These issues are discussed further in this Assessment below.

7.3. **Layout, Design and Visual Impact**

7.3.1. The proposed development site (1.26ha) is located on the western side of the R741, there is a private lane to the north and an access road further to the south of the site. In summary the proposal, is to consist of the construction of a part four storey/part two storey nursing home with 150no. bedrooms and stated floor area of c.7,821sq.m.

7.3.2. Regard is had to the floor plans and elevations submitted. The ground and first floors are to contain the majority of the bedrooms, with reduced floor space at second and third floor levels. In summary the proposed total floor area is to be as follows:

- Ground Floor – 2511 sq.m
- First Floor – 2322 sq.m
- Second Floor – 1494 sq.m
- Third Floor – 1494 sq.m

The floor plans show that the bedrooms (primarily single occupation, but with some double occupancy rooms) are to be interspersed with common areas, dining areas (on each floor) and to include a chapel and library at ground floor level. It is noted that a Design Statement relevant to the design concept for the proposal has not been submitted.

7.3.3. The building is to be sited so that it is close to the junction to form part of a street on both the future T8 orbital route and the R741 regional road. Having regard to the plans the building design will be seen in block formation, with the northern elevation being c.91.4m in length, which in the context of the surrounding area, is considerable. I would consider that in view of the proposed 4 storey height that to reduce the overall scale and bulk that it would be preferable if the width of the northern elevation of the block were to be broken up into separate blocks.

7.3.4. The eastern elevation facing the R741 is shown as c.47.4m. The four-storey element is shown with a flat roof as c.14.4m in height, with the two storey element as c.7.5m. The FFL (12.35m) is 2.35m over the adjoining R741 with steps leading up from the public footpath. The building will be higher than other commercial buildings in the area. The southern elevation will be mainly two storey, which is advisable relative to the context of views from the residential element to the south west.

7.3.5. While there are some concerns in the submissions made relative to the four-storey height being out of character with the lower profile commercial and residential buildings in the area, it is submitted that this scale will form a more compact building relative to the needs of the nursing home. While it is acknowledged that it will be visible in the wider area, that it will form landmark building on the northern approach to Wexford Town. In this respect I note that while there are some 3D images a Visual

Impact Assessment having regard to the context/visual impact of the building in the wider area, has not been submitted. I would consider that the proposed building will appear functional in design and will appear significant in the landscape.

7.3.6. The blocks are shown set back from the roads and divided by two separate centrally located landscaped courtyard areas, which will provide amenity for the residents. It is also proposed to provide a landscaped roof terrace at second floor level. Details of external finishes as shown on the elevations are to include glazed areas and selected stone panels. In view of the bulk and expanse of the proposed nursing home building, it is important that a palate of quality external finishes is used. If the Board decides to permit, I would recommend, that conditions regarding external finishes and landscaping be included.

7.3.7. Ancillary development is to include vehicular access (from north to south), associated signage, on-site car parking (shown to the north and west of the site) and internal routes, bin storage area (c.18sq.m) and connection to existing mains service and associated site works. The application to the planning authority is accompanied by reports including an Infrastructure Design Report (*dunbar lunn*) and a Natura Impact Statement (*Verde*).

7.4. Access and Roads

7.4.1. The site is adjacent to the R741 which is a class 1 Regional Road, a minor private laneway to the north and public roads to the south. It is proposed to construct two access points to the development – an access from the laneway to the north and a separate access via the right of way from the L7010 to the south. While the speed limit on this section of the R741 is 60kph, it is a fast busy road.

7.4.2. It is noted in the documentation submitted that the Council are currently reviewing the roads needs in the Wexford Town area. That they have now identified the interim road proposed on the corridor of the future orbital route on the north site of the subject site. They provide that this is no longer required to be constructed as part of the applicant's development, at this point in time. The Council's Area Road Section proposes a number of alterations relevant to the proposed development i.e:

- The primary access to the development is via road link road adjacent Crosstown Manor.

- The Crosstown Manor link road with associated footpath etc is to be constructed to within 10m of the north boundary of the site to allow for future connection to the proposed orbital route.
- A special contribution is proposed to be applied toward the cost of installation of signalised controlled vehicle activated traffic lights with 3 way pedestrian crossing at the junction of the R741 and the Crosstown road L7010 – Cost TBC at the time of grant. This is in the interests of pedestrian safety i.e to allow vulnerable road users to cross the R741 to existing footpath on Eastern side given the absence of footpath linkage on the Western side of the R741.
- They provide that a 10m wide corridor within the site edged red is to be set aside for construction of a future orbital route. That this land be maintained by the development until such time as Wexford County Council are in the position to proceed with the road construction. That the land shall be transferred to the Council at this point.
- That a footpath be constructed on the north side of the site demarking the boundary of the lands set aside for the proposed orbital route.

7.4.3. The Council's F.I request referred to this issue and recommended that a revised site layout plan be submitted showing a 6m wide road constructed with the site edged red on the north side of the site. They noted that a 10m wide corridor has been provided for the construction of a future orbital route. That it was appropriate at this stage to construct a new 6m wide road with a 2m footpath. The balance of the corridor associated to be secure from land to the north of the site at the time of development and an orbital route with cycle lanes to be constructed at a future date. They noted that drawing: PP 05 shows this, however full engineering drawings were required to be submitted.

7.4.4. In response the applicant submitted revised plans with allowances made for the future orbital route to run adjacent to the northern site boundary. They note that the proposed site layout now allows for a minimum of 10m in distance from the centre of the existing local road adjoining the northern boundary, effectively keeping the local road in place, an extra wide grass verge c. 5m in width, and a 2m wide footpath placed adjacent to the proposed development.

- 7.4.5. They provide that subject to Wexford County Council acquiring the adjoining lands to the north, a future 20m wide orbital route can now be accommodated adjacent to the proposed site. They note that they have attached existing and proposed road sections on revised drawings, together with a proposed section through the future orbital road, to be constructed by the Council. That this now addresses the requirements of the Council's Road Department.
- 7.4.6. They also note on their drawings the extent to which the link road, located between the Nursing Home building and the adjoining car-parking area, will be constructed by the developer as part of the proposed development. They provide that the link road will be constructed to within 10m of the northern boundary, as shown on the drawing submitted with the F.I.
- 7.4.7. Therefore, the proposal includes provision for the future widening of the laneway to the north of the site to form part of the T8 Orbital route. The revised plans show that a 10m wide corridor is to be set aside within the site to facilitate the provision of future road access to the north of the site which forms part of this section of the route for the orbital inner link road T8 leading to a future bridge over the Wexford estuary, contained in a master plan for Crosstown. The subject site is to account for this by, providing a road reservation along the northern site boundary. Condition no.11 of the Council's permission relates to this future road access.
- 7.4.8. In my opinion, if the Board decided to permit, prior to the construction of the orbital route to the north of the site, in view of the narrow width of the private lane and the junction to the north of the site, and the lack of traffic lights at junction with the R741, I would consider that it would be preferable to have the entrance from the southern part of the site. The Planner's Report seems to concur with this, concluding that the main access now be taken from the south. However, it is noted that local residents, including the Third Party have concerns about traffic volumes associated with the proposed development and impact on road safety and residential amenities. They consider that the existing road infrastructure to the south is subject to poor surface water drainage and cannot support this proposed development in terms of traffic flow, parking needs and safety.
- 7.4.9. Predictions relative to increase in traffic levels/flow, including along the R741 as a result of the proposed development, Road Safety Impact Assessment or Road

Safety Audits, that take the junction of the local roads with the R741 into account have not been submitted. It is of note that while the current Wexford CDP was not in force when this application was submitted, it is now the pertinent plan.

- 7.4.10. In this respect I would be concerned that the proposal would not comply with Objective TS43 of Volume 1 of the Wexford CDP 2022-2028. In addition, Section 6.2 of Volume 2 of the Wexford CDP refers to Assessment of Road Traffic Safety. Section 6.2.1 to Traffic and Transport Assessment. Table 6-2 provides the Advisory Thresholds for Traffic and Transport Assessments. This includes for a hospital development in excess of 2,500sq.m.g.f.a. This has not been submitted for the proposed nursing home development, which is 7,821sq.m.g.f.a.
- 7.4.11. Regard is had to the Development Management Guidelines 2007 and to Section 7.16.1 which refers to Premature development. This includes reference to existing deficiencies in infrastructure and includes reference to the road network i.e.:
- Premature development in this context also includes development which would be premature pending the determination by the planning authority or the road authority of a road layout for the area.*
- 7.4.12. Having regard to all these issues raised, I would be concerned that the proposed development is premature pending the construction of the orbital inner relief road. As noted, this is a future objective relative to the provision of the orbital link road (included in the former Wexford and Environs DP 2009-2015) and is now a narrow rural private lane (too narrow for 2 cars to pass) bounded by high hedgerows. Also, while not relevant to the subject application, but to the construction of the orbital route, it appears from the documentation submitted, that the ownership of the land on the opposite side of this lane has not been established. In addition, as has been noted in the Policy Section above the Wexford and Environs DP 2009-2015, has now expired, as has the Master Plan for Crosstown, which was part of this Plan. Wexford Town and Environs is pending a new LAP. In this respect I would consider that the proposal is premature.

7.5. **Parking and Modal Shift**

- 7.5.1. As shown on the Site Layout Plan a total number of 82 onsite parking spaces are to be provided to the north and west in the grounds of the proposed nursing home. This

includes 4no. disabled spaces proximate to the front of the nursing home and eight spaces are to include electric car charging points.

- 7.5.2. Section 6.3.1 of Volume 2 of the Wexford CDP 2022-2028 provides the Car Parking Standards. Table 6 -7 refers. Nursing home are under the Commercial Category and 1.5 spaces are required per bed as a maximum standard, with 1 space per 3 beds in town/village centres. Therefore, based on these figures for a 150-bed space nursing home this would imply a maximum of 225 spaces or 50 spaces for a town centre location. As this location is in the Wexford environs, with limited public transport options, the greater figure would apply. Although it is noted that this is a maximum figure, and it may be that it could be reduced if there were other mobility options available and details of staffing were given. In addition, the site description provides that 150no. bedrooms are to be provided and it is noted that the floor plans show that some of the bedrooms are for double occupancy. Therefore, it would appear, that there would be a shortfall in carparking spaces as shown in the Site Layout Plan as submitted.
- 7.5.3. Table 6-8 provides the Accessible Car Parking Standards. For premises used by a high proportion of people with disabilities the parking requirement for such building types should be calculated in relation to the anticipated demand. It is noted that 4no. such spaces are shown which would appear to be limited taking consideration of the proposed usage.
- 7.5.4. It is noted that the Roads Section had concerns that bicycle parking is shown outside of the site and recommends that this be moved to within the site. 30 no. spaces are to be provided for cycle parking. Table 6-10 provides the Bicycle Parking Standards. Other developments: 1 bike space per car space, or 20% of employee numbers in general. Details of employee numbers have not been given so it is not possible to ascertain that adequate cycle parking has been provided. It is also of note that there is a cycle lane along the eastern side of the site with the R741 and on the opposite side of this road, going back towards the town. However, it is pointed out by the Third Party that while this comes from Wexford Town, going northbound on the R741, the cycle lane ends approx. 0.6kms north of the site. In addition, currently cycle lanes do not extend along the local road network from the R741, to provide access to the site.

- 7.5.5. Inadequate onsite parking provision and lack of availability of public transport options and modal split is of concern. The Third Party are concerned about the possibility of overflow parking in nearby residential areas and estate roads to the south of the application site. They are also concerned about the inadequacy of public transport options to serve the site. They note that there is only one bus service to this nursing home, running only in a southerly direction towards Wexford Town, and only hourly service from 8.14am to 6.14pm Monday to Saturday, with no Sunday service.
- 7.5.6. This has not been verified in that details of public transport options in the vicinity of the site have not been given in the documentation, nor has a Mobility Management Plan been submitted. Therefore, it would appear that the proposal would be car dominated, so adequate onsite car parking would need to be provided to facilitate staff, visitors and residents. In this respect I would be concerned that the proposal would not comply with Objective TS36 of Volume 1 of the Wexford CDP 2022-2028.
- 7.5.7. There are currently no footpaths along the site boundaries with the private lane to the north or along the eastern side of the site with the R741. If the proposal were to be granted this would need to be conditioned. However, it would be necessary that they link up with existing footpaths, which on the eastern side of the R741, do not extend to the site. I note that the Roads Section recommends that there be a reservation to provide 2m wide footpath along the northern boundary of the site as part of the future orbital route. It is also of note, that there are currently no pedestrian crossings on the busy R741 in the vicinity of the site. In this respect regard is had to the Special Contribution Section below.

7.6. Special Development Contribution

- 7.6.1. As noted above the Roads Section recommended that a special contribution be paid towards in summary, the expenditure that is proposed to be incurred by the Local Authority in respect of a signalised control vehicle activated traffic lights, with a 3 way pedestrian crossing at the junction of the R741 and the Crosstown Road (L-7010). Condition no. 5 of the Council's permission refers. This includes a stipulation that if the proposed works have not commenced within 7 years of the date of payment to the Planning Authority, the contribution or a proportionate part thereof as the case

maybe, will be paid on the contribution (or any instalment thereof) so long as it remains unexpended by the local authority.

- 7.6.2. Section 7.12 of the Development Management Guidelines 2007 refers to Conditions requiring development contributions and includes regard to 'special' contribution requirements in respect of a particular development may be imposed under section 48(2)(c) of the Planning Act, where specific exceptional costs not covered by a scheme are incurred by a local authority in the provision of public infrastructure and facilities which benefit the proposed development. This includes that a condition requiring a special contribution must be amenable to implementation under the terms of section 48(12) of the Planning Act.
- 7.6.3. While there appears to be no certainty as to when the orbital route, to the north of the site will be constructed, if the Board decides to permit, in the interest of traffic/pedestrian safety, I would recommend, that such a condition be included.

7.7. Impact on the Character and Amenities of the Area

- 7.7.1. The site is within the Wexford Environs located to the west of the R741 Wexford to Castlebridge Road, approx. 1.4km to the north of Wexford Bridge. It is located in an area that is being developed and contains a number of commercial car related and light industrial uses. While the site appears undeveloped (albeit some disturbance of ground levels and storage of topsoil from the construction of the adjacent Crosstown Manor estate), the access road to the south (which adjoins the site) has been constructed. The land to the north and west currently appears undeveloped and more rural, to the east and south (along the R741) there are various commercial mainly car sales type developments, to the southwest there is some residential including that being constructed. In addition, a veterinary surgery (Crosstown House) and associated outbuildings are located on lands to the west/southwest of the proposed nursing home development site.
- 7.7.2. Regard has been had to the Planning History of sites, proximate to the development site. It is noted that this is a mixed commercial (primarily car related) and new residential area. This includes that permission has recently been granted by the Council and subsequently by the Board (Ref. ABP-300908-18 refers) for a new car show rooms on the site immediately adjoining to the south. The car parking area of

this development (not yet constructed) will adjoin the subject site. It is proposed that along with the residential that has been built or is to be constructed in the area that the car showrooms, will be using the southern access route, that also serves the subject site.

- 7.7.3. Having regard to the separation distances provided between the closest residential properties, and the proposed development I am satisfied that it would not unduly impact upon the residential amenities of the neighbouring properties in terms of noise, sunlight/daylight etc, although there may be some implications relative to traffic associated with the proposed development using the southern access route, which also serves nearby residential estates and the car showrooms. Regard is had in the CEMP to construction and operational phases.
- 7.7.4. The site is not within a 'neighbourhood centre' or in close proximity to any shops or services, that would be relevant to the proposed nursing home usage. There is currently limited connectivity i.e footpaths or cycleways on adjoining roads in the area. The R741 is a fast busy road with no pedestrian crossings in proximity to the site. The Council's Road's Sections recommendation for a traffic light-controlled junction/pedestrian crossing has been noted. Condition no.5 of the Council's permission (special development contribution) refers.
- 7.7.5. As noted in the Design and Layout Section above, the scale, bulk and height of the proposed development will provide for a significant building that will be visually dominant in the wider area, on the northern approach to Wexford Town. In view of planning policy for compact sustainable development and the locational context of the site, the poorly developed local road network, relative to the proposed access and narrow width of the junctions to the R741 to the north and south of the site, lack of pedestrian linkages and public transport, I would have concerns that the site is not well serviced and will appear distant and more peripheral to the town centre. As such it would not comply with planning policies SC11 and SC32 of Volume 1 of the current Wexford CDP relative to the preferred location within towns and villages and proximate to residential areas for compact sustainable development to meet the needs of older people, as part of the community. I would therefore conclude that the proposed locational context is not optimum or desirable for the proposed development.

7.8. Drainage issues

- 7.8.1. An Infrastructural Design Report was submitted with the application. This Report provides details of Storm and Foul Drainage. This includes in the Introduction, that the proposed nursing home is to be constructed on the site of the residential development which was previously granted permission under Reg.Ref. 20171338 and has been developed by LHM Property Holdings Ltd. While these are the applicants relevant to the current application, there is some lack of clarity in this, in that this reference does not refer to the subject site, rather to the site being developed for residential to the southwest (reference is had to the Planning History Section above). However, the Report provides a general overview of drainage systems in the area.
- 7.8.2. The submission from the Department of Housing, Local Government notes the lack of nature-based surface water management as part of the development. That such measures can be very effective in surface water attenuation while also providing opportunities for biodiversity enhancement. The Department recommended that the Council seek further information from the applicant on the nature-based surface management measures considered and why such measures were discounted. They provide that an above ground alternative to the underground storm water attenuation tank must be considered.
- 7.8.3. The Council's F.I request noted their comments and advised that the applicant refer to Nature-based Solutions to the 'Management of Rainwater and Surface Water Runoff in Urban Areas; Water Sensitive Urban Design Best Practice Interim Guidance Document'. They requested that a reason be given as to why such measures were discounted, that revised plans be submitted to provide a detailed review as to why the proposed system, including attenuation, can be justified. They also provided that changes to the AA Screening Report and the NIS to have regard to any proposed changes.
- 7.8.4. The F.I response notes that revised drainage plans have been submitted. They provide that they have now included filter strips adjacent the majority of the proposed roadway and parking areas, in conjunction with a proprietary tree tank system. The nature-based solutions, e.g. filtration strips and tree tanks will be used in conjunction

with the 'hard' storm attenuation measures, e.g. concrete attenuation tanks and flow control device (hydro brake).

- 7.8.5. The Construction Environmental Management Plan submitted as part of the F.I has regard to ancillary works including surface water drainage. It provides that the installation of the surface water management network will be the first item of the works to be installed during construction phase. This includes regard to a separate foul drainage network discharge to connect to the existing network. Also, that it is proposed to connect to the existing water public water supply.
- 7.8.6. The Council's Environment Section noted that the development will connect to the public mains and public sewer. As noted in the Planning Policy Section above, it appears that there is capacity within the drainage network to serve the proposed development site. Reference is had to the revised drainage plans submitted. Surface water from the development will discharge via tree tanks/filter strips connected to a surface water attenuation tank, which will discharge to the existing surface water drainage network via an oil interceptor. That the surface water disposal system has been revised in response to the F.I request. They do not object to the proposed development and recommended conditions.

7.9. **Construction Management**

- 7.9.1. The Council requested that A Construction Environmental Management Plan (CEMP) be submitted as part of their F.I request. To include details of retaining access and construction access to be identified at this stage. Also, to include proposals to reduce disturbance to the nearby residential properties. In addition, that the measures contained in the NIS as mitigation measures be included in the plan and that it be reviewed as part of the revised NIS.
- 7.9.2. A Construction Environmental Management Plan by Verdé on behalf of the applicants has been submitted in response to the F.I request. The objective of the CEMP is to communicate key environmental obligations and waste management procedures that will apply to all those involved in the project. This Plan defines project specific environmental measures that are to be put in place during construction works. This includes that the CEMP is an outline document that includes information on construction traffic route, hours of operation, control of noise,

soil extraction and re-use and environmental impacts and associated mitigation measures that must be implemented by the Contractor. Consideration in the CEMP is to be given to relevant adjacent developments. It notes the Objectives to be implemented by the CEMP and that it is a working document and will include, where required, specific method statements for specific works (e.g working in or near protected areas).

- 7.9.3. An overview is given of proposed working hours for construction works, the site construction compound, stockpiled soil material. A full inventory of plant and equipment is to be supplied by the Contractor upon appointment and the CEMP to be updated accordingly. Note is also had of Monitoring, Auditing and Reporting, including independent environmental audits to be carried out. Details are given of site security measures to be adopted during construction works.
- 7.9.4. Section 4 of the CEMP provides details of Control Measures to be adopted during construction works. This includes monitoring and mitigation measures relative to Noise and Vibration Control and Dust Management. Also, relevant to the impact of construction related traffic and plant & equipment noise and dust control measures on the local road network and nearby residential. Regard is also had to site stripping, where it is provided that the material will be reused in site development works where possible to raise ground levels and to provide topsoil for landscaped courtyards that a feature of the design.
- 7.9.5. Section 4.3 refers to Ecological Impact Control, Drainage Management, Water Supply and Flood Risk Assessment. This also makes reference to the NIS submitted in response to the Council's F.I request. Issues, including mitigation measures (Section 7 NIS) are discussed further in the context of the AA Section below.
- 7.9.6. Section 4.3.2 refers to Surface Water, Groundwater Management and connection to Foul Water drainage network and Water Supply. It is proposed to connect to existing services and details are provided of proposed surface water attenuation. It is provided that all storm water runoff from the site will be limited to stated discharge rates. Details are given of mitigation measures that will apply during construction phase. Protection measures are to be put in place to ensure that all materials used during construction phase are appropriately handled, stored and disposed of in

accordance with recognised standards and manufacturer's standards. Measures are given to prevent contamination of groundwater.

- 7.9.7. Section 4.6 of the CEMP refers to Traffic Management and Safety. This includes that vehicular (HGV) access to the site during construction stage will be via the existing right of way to the south of the site. That a secured pedestrian/cycle access for employees to the compound area will be created. Details are given of the hours of construction. Also, of the removal of stockpiled soil/topsoil. A Traffic Management Plan is to be prepared by the Contractor and submitted to the Council prior to the commencement of the works.
- 7.9.8. Section 5 of the CEMP provides details of an Outline Construction Resource and Waste Management Plan. This includes regard to waste management objectives. The purpose of this Plan is to provide information necessary to ensure that the management of construction and demolition (C&D) waste arising at the site is undertaken in accordance with current standards and Best Practice Guidelines.
- 7.9.9. Section 6 has regard to Environmental Incidences and Occurrences, and this includes regard to Pollution Prevention and Environmental Risk Assessment, during construction. Section 7 has regard to Emergency Preparedness and Response. Section 8 provides for a Communications Plan, relative to Community and Stakeholder Engagement.
- 7.9.10. Section 9 refers to CEMP – Compliance and Review. This includes that Environmental Audits will be carried out during the construction phase of the project at planned intervals to determine whether the CEMP is being properly implemented and maintained. Also, that the Contractor shall maintain Environmental Records. That the effectiveness of the CEMP shall be strictly monitored, assessed and audited. That it should be read in conjunction with the other reports submitted with the planning application including the Engineer's Planning Stage Report, Site Specific Flood Risk Assessment and AA Screening Report and Ecological Impact Assessment.
- 7.9.11. The Council's Environment Section notes that the CEMP includes control and mitigation measures for noise, vibration, dust, surface water control (drainage, flooding), pest control, litter, waste management, pollution prevention, spill response and environmental incidents. They recommend conditions including relative to noise

and dust emission control and management. Also, that the controls and mitigation measures outlined in the CEMP be implemented during the construction phase of the development. If the Board decides to permit, I would recommend that such conditions be included.

Flood Risk Assessment

- 7.9.12. Details submitted note that two isolated drainage ditches occur along the northern and southern boundaries of the project site, but these are not connected to the wider surface drainage network and all surface water generated at the project currently drains to ground. During construction phase surface water generated at the project site will continue to drain to ground. That there aren't any watercourses flowing within the site boundary and there are no watercourses in the study area that present a flood risk to the site. That there are no instances of historic flooding on the site itself or the surrounding area.
- 7.9.13. Section 4.3.3 of the CEMP refers to FRA. They note that de-watering operations (in the unlikely event that this is required) and surface water runoff discharge from the development during construction will be controlled and monitored by the Contractor in accordance with current guidelines. That if required they will secure a discharge licence from Wexford County Council for the temporary pumping of ground water to sewer. Monitoring of such will be the responsibility of the Contractor.
- 7.9.14. The CEMP noted that the main flood risk to the site is identified as pluvial flooding. It is submitted that there is no risk of such on the site and that surface waters onsite will flow along the natural gradient towards the east and will infiltrate to ground.
- 7.9.15. Storm water design for the development is to be undertaken in accordance with the SuDS and local authority requirements and surface waters from the development are to be treated and diverted to two onsite attenuation tanks prior to discharge at controlled rates to existing surface water drainage mains. That as a result of the mitigation measures discussed in the CEMP, it is concluded that the development proposal is in compliance with the core principles of the Planning System and Flood Risk Management Guidelines and the commensurate assessment of risk. Flood risk associated with storm water runoff and potential off site effects during construction is deemed to be low.

7.9.16. The Planner's Report notes that the OPW Flood Map shows the site within Category C. That the provision of adequate surface water management on the site will ensure that flooding will not be exacerbated at the outfall in the SAC and SPA. It appears that from the information submitted that flooding is not an issue on this site.

8.0 Appropriate Assessment

8.1. Stage I - Screening

Background

8.1.1. The Council's Further Information request noted that the Screening Report that was submitted with the original application was incorrect and had a number of inaccuracies. In response to the issues raised, the applicant submitted a revised NIS prepared by Verdé. This is also to take into account revisions made in the F.I submitted. Regard is had to the revised NIS (dated May 2022), including the Screening Report for AA (Appendix 1 of the NIS) in this section below.

8.1.2. As noted in the Policy Section above Objective NH08 of Volume 1 of the Wexford County Development Plan 2022-2028 refers to Screening for AA relative to Natura 2000 sites.

Compliance with Article 6(3) of the Habitats Directive

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

8.1.4. In accordance with the obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a European site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is 'screening'.

8.1.5. The methodology for screening for Appropriate Assessment as set out in EU Guidance and the Department of Environment, Heritage and Local Government is:

- 1) Description of the plan or project and local site or plan area characteristics.
- 2) Identification of relevant European sites and compilation of information on their qualifying interests and conservation objectives.
- 3) Assessment of likely significant effects-direct, indirect, and cumulative, undertaken on the basis of available information.
- 4) Screening Statement with conclusions.

Project Description

- 8.1.6. The proposed development is to construct a 150 – bedroom Nursing Home located on a site of c. 1.3ha on the outskirts of Wexford Town in Ardavan, Crosstown, Co. Wexford. The development site is serviced with connection to mains water and sewer. Ancillary development is to include vehicular access (shown from north and south of the site), signage, on-site car parking and internal routes, bin storage and connection to existing mains service and associated site works. Details are given in the Screening Report of proposed surface water drainage and wastewater management. The application is accompanied by an Infrastructure Design Report and Construction Environmental Management Plan.
- 8.1.7. It is submitted that during initial construction at the site, surface water will continue to drain to ground while a construction phase surface water management network is being installed on site. The installation of the surface water management network is to be among the first item of works to be installed during the construction phase. This is to provide for the management of surface water during construction of the proposed nursing home.
- 8.1.8. That the Appropriate Assessment Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.
- 8.1.9. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:
 - Construction related such as uncontrolled surface water/silt/ construction related pollution

- Habitat degradation resulting from emissions to surface water and/or groundwater
- Habitat loss/ fragmentation
- Habitat disturbance /species disturbance/or displacement of qualifying species within or outside European Sites (construction and or operational).

European Sites

8.1.10. The Planner's Report notes that there are eight European Sites within 15k boundary of the site comprising of two SPAs and six SACs. These are shown on Figures 5.1 and 5.2 of the Screening Report and Table 5.1 provides an identification of European Sites within the Zone of Influence of the Project:

- 1) Slaney River Valley SAC (site code:000781)
- 2) Wexford Harbour and Slobs SPA (site code: 004076)
- 3) Raven Point Nature Reserve SAC (site code: 000710)
- 4) Screen Hills SAC (site code: 000708)
- 5) Long Bank SAC (site code: 002161)
- 6) Blackwater Bank SAC (site code: 002953)
- 7) Carnsore Point SAC (site code:002269)
- 8) The Ravan SPA (site code: 004019)

8.1.11. The majority of these Natura 2000 sites (nos. 3 - 8 listed above) have been screened out in the Screening Report. It was provided that these six European Sites (and their associated qualifying features of interest/special conservation interests) are adjudged to be located outside the zone of influence of the project. No impact pathways link the project to any of these six European Sites occurring in the wider area surround the project site.

8.1.12. During the Screening for AA, (as provided in Appendix 1 of the NIS submitted by Verdé in response to the Council's F.I request), two European Sites were identified as having hydrological pathways and being at risk of likely significant effects from the project. These sites are the Slaney River Valley SAC and the Wexford Harbour and Slobs SPA (collectively referred to as the Wexford Harbour European Sites).

8.1.13. The Qualifying Interests and General Conservation Objectives of these two Designated Natura 2000 sites are as shown on Table 1 below:

European Site (code) and distance from proposed development	List of Qualifying interest/Special Conservation Interest	General Conservation Objectives	Connections (source, pathway receptor)	Considered in further screening Y/N
<p>Slaney River Valley SAC 000781 c.800m south</p>	<p>Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095]</p>	<p>To maintain or restore the favourable conservation condition of the Annex I habitats(s) and/or the Annex II species for which the SAC has been selected.</p>	<p>There is source – pathway-receptor connectivity between the proposed development and the Slaney River Valley SAC This is within c.800m of the site and the SAC is hydrologically connected.</p>	

	<p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>			
<p>Wexford Harbour and Slobs SPA 004076 c.250m to east</p>	<p>Little Grebe (Tachybaptus ruficollis) [A004]</p> <p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p> <p>Grey Heron (Ardea cinerea) [A028]</p> <p>Bewick's Swan (Cygnus columbianus bewickii) [A037]</p> <p>Whooper Swan (Cygnus cygnus) [A038]</p> <p>Light-bellied Brent Goose (Branta bernicla hrota) [A046]</p> <p>Shelduck (Tadorna tadorna) [A048]</p> <p>Wigeon (Anas penelope) [A050]</p> <p>Teal (Anas crecca) [A052]</p> <p>Mallard (Anas platyrhynchos) [A053]</p> <p>Pintail (Anas acuta) [A054]</p>	<p>To maintain or restore the favourable conservation condition of the bird species for which the SPA has been selected.</p>	<p>There is source – pathway – connectivity between the proposed development site and the Wexford Harbour and Slobs SPA. This is adjacent to the site and is hydrologically connected. The provision of night time lighting during the operation phase of the project also</p>	

	<p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p>		<p>needs to be examined.</p>	
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	Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Wetland and Waterbirds [A999]			
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Slaney River Valley SAC

8.1.14. This site comprises the freshwater stretches of the River Slaney as far as the Wicklow Mountains. Note is had of the Table above of the qualifying interests and conservation objectives relative to this SAC. The overall Conservation Objective for the qualifying features of interest of the Slaney River Valley SAC is to maintain or restore the favourable conservation status of these features of interest.

8.1.15. The Screening Report provides a note of these features in Tables 3.1 and notes document threats & pressures. Table 5.3 also has regard to the Special Conservation Interests of Slaney River Valley SAC and to each of the qualifying species and their habitats within the zone of influence of the project. This notes that Estuaries and Mudflats could be impacted as the proposed surface water pathway for the project connects the project to this qualifying habitat. The qualifying species in the SAC that are known to rely on habitat within Wexford Harbour are the Sea, Brook and River Lampreys, the Twaite Shad, Salmon, Otter and Harbour Seal.

Wexford Harbour and Slobs SPA

8.1.16. Wexford Harbour is the lowermost part of the estuary of the River Slaney. The site is divided between the natural estuarine habitats of Wexford Harbour, the reclaimed polers known as the North and South ‘Slobs’ and the tidal section of the River Slaney. It is the latter section of the SPA that is located downstream from the project site. The overall Conservation Objective for the special conservation interests of this SPA is to maintain or restore the favourable conservation status of these features of interest. Table 5.2 of the Screening Report also has regard to the Special Conservation Interests of Wexford Harbour and to each of the qualifying species and their habitats.

8.1.17. Section 5.1 of the AA Screening Report has regard to Qualifying Features of Interest of the Wexford Harbour European Sites within the zone of influence of the project. Table 5.2 provides the Special conservation interest of Wexford Harbour. It is provided that these interests are suitable habitat for the qualifying species located within the vicinity of the surface water outfall of the proposed surface water discharge. In summary all the bird species of the SPA, save for the Hen Harrier, are considered to occur within the zone of influence of the project.

Assessment of likely Effects (Direct/Indirect)

- 8.1.18. This has regard to the direct, indirect, and cumulative effects undertaken on the basis of available information (as submitted). It is noted that the development site is not located within or adjacent to a Natura 2000 site. The project is not directly connected with or necessary for the future conservation management of any European Site. Therefore, no Habitat loss/ fragmentation will occur.
- 8.1.19. The AA Screening Report provides that the project will result in the emission of surface water from the project via a proposed surface water pathway which will drain into the Slaney River estuary. This hydrological emission will establish a pathway between the project site and the Slaney River Valley SAC and the Wexford Harbour and Slobbs SPA and as such is identified as a potential impact pathway between the project and surrounding European Sites.
- 8.1.20. The potential impacts that may arise as a result of the project relate to the discharge of contaminated surface water from the project site during the construction phase and from the project site during the construction phase and operation phase to the Slaney River Estuary and Wexford Harbour.
- 8.1.21. Having regard to the issue of light emissions, the Screening Report provides that given the distance between the project site and the nearest part of the SAC and SPA which is over 250m to the east and the presence of existing commercial land uses and the R741 between the project site and this point of the nearest European Sites (i.e. the Wexford Harbour European Sites) there will be no potential for noise generated on site during the construction phase or operation phase to be perceptible at this distance from the project. That light emissions from the project will not represent an impact pathway between the project site and the surrounding European Sites and their qualifying features of interest. That the distance of over 250m will also

provide sufficient distance between the site to ensure that any emissions to atmosphere (which will be principally restricted to the generation of dust) will not have a perceptible influence on the status of European Sites.

- 8.1.22. The Screening of the project as set out provides that, in the absence of appropriate mitigation measures the Project could have the potential to result in likely significant effects to qualifying features of interest of the Slaney River Valley SAC and the Wexford Harbour and Slob SPA.

Cumulative Effects

- 8.1.23. The Lower Slaney Estuary has been classified as a waterbody of poor water quality status. The pressures/risks to water quality within the estuary has been identified from two principal sources which are diffuse pollution from agricultural activity and discharges from point sources such as WWTP's and Section 4 authorised discharges. The discharge of contaminated surface water from the project to the estuary will have the potential to combine with these existing sources of pollution to the estuary to result in cumulative negative impacts to water quality that could in turn result in cumulative adverse impacts to the qualifying species of the Slaney River Valley SAC and the Wexford Harbour and Slob SPA that are supported by the estuary.

Screening Statement Conclusion

- 8.1.24. This concludes that the AA Screening Report has resulted in a Finding of Significant Effects relative to the Wexford Harbour and Slob SPA and the Slaney River Valley SAC and as such a Stage II Appropriate Assessment and preparation of a Natura Impact Statement (NIS) is required. It is noted that no measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Conclusion – Stage I AA

- 8.1.25. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site Nos.000781 and 004076, in view of the sites

Conservation Objectives, and Appropriate Assessment and submission of a NIS is therefore required.

8.2. **Stage II Appropriate Assessment**

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

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

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

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

8.2.3. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

The need for AA

8.2.4. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of the objective

information submitted in the Screening Report for AA and as updated that the proposed development on the subject site, for the following sites:

- Slaney River Valley SAC (site code 000781)
- Wexford Harbour and Slobs SPA (site code 004076)

Measures intended to reduce or avoid significant effects have not been considered in the screening process.

The Natura Impact Statement

8.2.5. This NIS examines and assesses potential adverse effects of the proposed development on the following European Sites.

- Slaney River Valley SAC (site code 000781)
- Wexford Harbour and Slobs SPA (site code 004076)

Aspects of the proposed development

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

- Impacts to water quality and wetland habitats through construction related pollution events and /or operational impacts.
- That the discharge of contaminated surface water from the project during either the construction phase or operation phase could combine with other construction related projects, where appropriate safeguards are lacking, in the estuary catchment area to result in cumulative negative impacts on the habitats and species of the SPA and SAC that rely on the estuary and good water quality of the Lower Slaney Estuary/Inner Wexford Harbour area.

Appropriate Assessment of the implications of the proposed development

8.2.7. Section 6.1 of the NIS includes reference to the NPWS website relative to the qualifying feature conservation objectives and their attributes and targets that define favourable conservation status for the Slaney River Valley SAC and the Wexford Harbour and Slobs SPA. Table 6.1 lists the Conservation Objectives and targets for each of the qualifying features of interest of the Wexford Harbour European Sites

occurring within the zone of influence of the project. Table 6.1 then examines the potential for the project to result in adverse effects on these attributes and targets.

- 8.2.8. For the reasons outlined the project will have the potential to combine with other existing pressures on water quality at the Slaney Estuary/Wexford Harbour to result in a reduction in the status of wetland habitat available for bird species. For reasons outlined in Sections 6.0 and 6.1 the project will have the potential to result in adverse effects on water quality of the Slaney Estuary/Wexford Harbour and risk of pollution from the source will have the potential to cause damage to fish habitats and aquatic systems.
- 8.2.9. Earthworks associated with the construction phase of the project will denude surfaces and have the potential to generate silt-laden surface water runoff from the project site. In the event that water generated in the construction footprint is of a poor water quality standard or becomes contaminated from construction works, its discharge will have the potential to perturb water quality in the vicinity of the surface water outfall at the Slaney River Estuary/Wexford Harbour. In addition, potentially contaminating materials such as oils, fuels, lubricants, other construction related solutions and cement based products will be used on site during the construction phase and the accidental emission of such material via surface water runoff to the estuary and on to the SPA will have the potential to undermine water quality within the estuary.
- 8.2.10. During the operational phase, surface water generated at the project site will discharge via the same proposed surface water pathway to the Slaney River Estuary/Wexford Harbour. The potential will exist for surface water runoff car parking areas and other areas of hardstanding, to be contaminated in the event of fuel leaks or accidental spills. Any untreated discharge of contaminated surface water runoff from the project site to the Slaney River Estuary/Wexford Harbour could have the potential contribute to existing pressures to water quality within the SAC/SPA.
- 8.2.11. The potential for the project to result in adverse effects to the Wexford Harbour European Sites relates to the discharge of contaminated surface water from the project site during the construction phase and/or operation phase to the estuary/harbour. While the uncontrolled release of contaminated surface drainage waters to the Slaney River Estuary/Wexford Harbour is likely to be rapidly diluted

and distributed within this tidal waterbody, any deposition of contaminants such as hydrocarbons or cement material to intertidal habitats in the estuary would combine with existing sources of pollution to result in the contamination of benthic fauna and epifauna which function as a prey resource of the wetland bird species of the SPA.

- 8.2.12. That this also represents a trophic level in the estuarine habitat food-chain, upon which qualifying species of the SAC such as qualifying fish species, otters and harbour seal rely. The toxic effect of such contaminants, particularly hydrocarbons, on feeding, growth, development and reproduction are known to affect the food chain affecting not only the lower trophic levels characterised by benthic fauna but also species occupying higher trophic levels such as fish, birds and mammals.
- 8.2.13. The significance of the impact of the uncontrolled release of contaminants from the project site to the estuary/harbour and the intertidal habitats and associated fauna occurring in the vicinity of the discharge point will depend on the frequency of the release and the concentration of contaminating materials in the surface water discharging from the site. Details are included of worst-case scenarios, and regard is had to issues with accidental spillages.

Construction Phase Mitigation Measures

- 8.2.14. Section 7 of the NIS provides a description and evaluation of mitigation measures. This includes that the proposed works will be carried out in accordance with best practice guidelines including the control of water pollution from construction sites. The objective of the Construction Environmental Management Plan (CEMP) submitted is to communicate key environmental obligations and waste management procedures that will apply to all contractor organisations involved in the project, their subcontractors and employees involved in carrying out any form of construction activity at the site. This Plan defines project-specific environmental measures that are to be put in place during construction works.

Surface Water Management

- 8.2.15. In summary Construction Phase Surface Water Management elements are to be implemented during the construction phase. Additional measures are described in Section 4.3.2 of the CEMP. Section 7.1.2 of the NIS includes:

- The initial phase of the works will include the provision of drainage infrastructure for the site including storm water and wastewater drainage, watermain and hydrants etc.
- All storm water discharge from the proposed development is to be attenuated within the site before discharge. Details are given of this.
- It is anticipated that drainage infrastructure will be constructed at an early stage in the development and will be in operation prior to the commencement of construction of later phases of work.
- During the construction phase surface water generated at the project site will continue to drain to ground. There aren't any watercourses flowing within the site boundary.
- Surface runoff discharge during construction will be controlled and monitored.
- Groundwater ingress shall be managed during construction to ensure any excavations are protected from groundwater flooding. The majority of construction works will take place above the water table so dewatering activity is unlikely apart from the management of rainwater.
- Water from dewatering and various other processes during construction are to be disposed of appropriately.
- Rainwater accumulations will be discharged directly via suitable pollution control and attenuation measures either directly to ground within the site, or with the permission of the Council to the municipal sewer systems via portions of the Wexford County Council sewer network.
- Silt fencing is to be placed down-gradient of the works during construction at all locations and between the active construction footprint and the surface water drains and the construction phase swales that will be implemented at the start of construction phase. No construction activities or side casting of excavated material is to be permitted outside of the project site.
- Silt fencing will be embedded into the local soils to ensure all site water is captured and filtered.

- Check dams/silt fencing arrangements are to be placed in construction phase swales.
- The check dams/silt fencing arrangements are to be placed every 10m.

Excavated Spoil and Excavation Dewatering

8.2.16. Section 7.1.3 notes that this will be managed during construction phase and provides that the Contractor will follow provisions that are listed in the NIS. This includes:

- Sediment laden water from the dewatering of any excavation will not be discharged directly to sites surface water drainage network or any construction phase swales. Instead, it will be discharged overland and first pass through the silt fence and any other silt management measure such as a silt busted that may be required during construction phase.

Cement based pollutants

8.2.17. Section 7.1.4 provides that the Contractor is obliged to implement control measures to avoid the release of cement based pollutants. These measures are listed and include relative to the pouring and mixing of cement:

- Disposal of raw or uncured waste concrete will be controlled to ensure that watercourses or other sensitive areas will not be impacted.

Release of other pollutants

8.2.18. Section 7.1.5 provides measures to avoid the release of other pollutants. This includes that all precautions will be taken to avoid spillages of diesel, oil or other polluting substances during the construction phase. They provide a list of measures that the Contractor is obliged to implement to prevent contamination of watercourses and this includes:

- To reduce the risk of contamination arising as a result of spills or leakages, all fuels, chemicals and liquid will be stored on impermeable surfaces.
- All tanks and drums are to be bunded in accordance with best practice guidelines.
- Regard is also had to best practice measures for refuelling of construction equipment etc.

- It is provided that chemical storage details will be part of routine site audits.

Release of Sewerage

8.2.19. Section 7.1.6 provides that all wastewater generated at the proposed development will ultimately be directed to the municipal sewerage network located on the R741 and will be discharged to the municipal wastewater treatment plant for final treatment. Measures include:

- All wastewater from the welfare facilities within the compound will be stored underground by means of a sealed storage tank cess pit.

Training in Pollution Prevention Measures

8.2.20. Section 7.1.7 provides that as required by the CEMP all staff will require to be trained in the implementation of the Emergency Response Plan and the use of any spill control equipment.

Dust Management Measures

8.2.21. Dust management and mitigation measures are described in Section 7.1.8 of the NIS and reference is also had to measures referred to Section 4.2 of the CEMP document which are to be developed further by the appointed Contractor. The aim is to avoid dust becoming airborne at the source through best practice and if required by adopting effective control strategies. Where potential exists for general dust emissions, the provide details of the mitigation measures to be prevented. Measures include relative to construction works, vehicles and site/public roads.

- Dust mitigation measures are to be reviewed at regular intervals during the construction phase, to ensure the effectiveness of the procedures in place. In the event of dust nuisance occurring outside the site boundary, site activities are to be reviewed and satisfactory procedures implemented to rectify the problem.
- Regard is also had to groundworks and to site stripping. Noting that regular watering will take place (via the use of a bowser) to ensure moisture content is high enough to increase the stability of the soil and thus suppress dust.
- Details are given of dust control measures to be implemented on site roads and public roads, and these are to be regularly inspected for cleanliness.

- Wheel washing may be employed at the exit of the site so that traffic leaving the site compound will not generate dust or cause the build-up of aggregate and fine material in the public domain.

Incident and Emergency Management

8.2.22. Reference is had in Section 7.1.9 relative to this issue and regard to procedures.

This includes:

- Construction activity will be located as far as possible from nearby residents and the site entrance. In the event of spillages or other incidents, steps are to be taken to prevent environmental pollution, and they cite protection of drains.

Operation Phase Mitigation Measures

8.2.23. Section 7.2 of the NIS refers. In summary these include the following:

- Measures have been incorporated into the design of the project to ensure that surface water discharging from the project site is clean and does not have the potential to result in pollution to the estuary at the surface water outfall location.
- These design measures include the provision of on-site attenuation so that all surface water draining from the project site is restricted to green field runoff rates. This is to be achieved by providing attenuation storage for every phase of the project as well as provided a stormwater overflow attenuation pond to the southwest of the site.
- Hydrobrakes are to be installed at each of the attenuation tanks provide for all phases of the development. In addition, a hydrobrake is to be provided at the site attenuation pond in the southwest corner.
- A full hydrocarbon and silt interceptor is to be provided at the outlet of the attenuation pond, so that all water being directed to the rising main, first passes through the interceptor prior to its release from the site.

Evaluation of Mitigation Measures

8.2.24. Section 8 of the NIS provides an Evaluation of Mitigation Measures that have been outlined. That these are based on best practice guidelines and published peer reviewed papers that have been successfully implemented for a wide range of

development projects. That these measures have undergone extensive and rigorous monitoring for their effectiveness at development sites, where they have previously been applied to ensure negative environmental impacts are avoided. That the results of this monitoring and the recommendation of these measures as standard best practice guidelines is based upon their high degree of success in ensuring negative environmental impacts are avoided. A list of guidance documents is given.

- 8.2.25. That the measures outlined will be implemented by the appointed Contractor along with additional measures that are described in the CEMP. That this Plan is a dynamic document that will be updated and maintained throughout the construction phase of the development.

Conclusion of the NIS

- 8.2.26. Reference is had in Section 9 to the proposed development and the chief risk identified to the Wexford Harbour European Sites is the potential for the project to result in the discharge of pollution surface water to these European Sites via the proposed surface water discharge pathway.
- 8.2.27. In order to ensure that the project does not result in the release of polluted surface water from the site during the construction phase and operation phase to the SAC and SPA downstream, a range of mitigation measures have been outlined for both phases of development. It is provided that these mitigation measures are based on best practice guidelines that are proven to be effective at avoiding and/or minimising negative effects to surface water quality. That the full implementation of all the mitigation measures outlined in the NIS and the accompanying CEMP will ensure that the project does not, along or in combination with other plans or projects, result in adverse effects to the conservation objectives of the Wexford Harbour European Sites.

Appropriate Assessment Conclusion

- 8.2.28. Therefore, based on the information provided in the NIS, it can be concluded that the project to construct the 150 bedroom nursing home, access, parking, drainage infrastructure and ancillary site works, has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

- 8.2.29. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Slaney River Valley SAC and the Wexford Harbour and Slobs SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those European site Nos. 000781 and 004076 sites in light of their conservation objectives.
- 8.2.30. That following the implementation of the mitigation measures outlined, the project will not alone or in combination with other plans or projects, result in significant adverse effects to the integrity and conservation status of these European Sites in view of their Conservation Objectives and on the basis of best scientific evidence and there is no reasonable scientific doubt as to that conclusion.
- 8.2.31. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site Nos. 000781 and 004076, or any other European site, in view of the site's Conservation Objectives.
- 8.2.32. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

9.0 Recommendation

- 9.1. I recommend that permission be refused for the reasons and considerations below.

10.0 Reasons and Considerations

1. Having regard to the location of the subject site, periphery to the services and amenities of Wexford Town, and poorly served by public transport and pedestrian and cycle linkages, it is considered that the scale and nature of the proposed nursing home development would set an undesirable precedent in terms of the appropriate and sustainable use of lands in this area of the Wexford Environs on what is currently unzoned land, and be premature pending the adoption of the new Wexford Town and Environs Local Area Plan, for which it is an objective to set out the spatial planning framework of the town. As such the locational context would be contrary to Social Inclusion Objective SC11 and Health Facilities Objective SC32 of Volume 1 of the

Wexford County Development Plan 2022-2028 and to the proper planning and sustainable development of the area.

2. The Board considers that the documentation submitted is inadequate relative to details submitted on access, road safety, onsite parking shortfall and modal shift, and in the absence of a traffic impact assessment. It has not been ascertained that the proposal would not result in traffic hazard or congestion relative to turning including at the junctions to and from the minor roads with the R741 (Class 1 Regional Road). The proposal would be contrary to General Roads Objective TS43 and Regional Roads Objective TS76 of Volume 1 of the Wexford County Development Plan 2022-2022 and would be contrary to the proper planning and sustainable development of the area.
3. The proposal which as shown on the plans includes a northern access to the nursing home site is premature pending the construction of the 'Orbital Inner Relief Road' for which part of the route was to be located to the north of the site as per an objective of the now expired Wexford Town and Environs Development Plan 2009-2015. As such it would constitute premature development pending the determination by the planning authority or roads authority of the road layout for the area and as provided in Section 7.16.1 of the Development Management Guidelines 2007, which are Ministerial Section 28 Guidelines under the Planning and Development Acts 2000 (as amended).

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.

Angela Brereton
Planning Inspector

14th of November, 2023