



An  
Bord  
Pleanála

## Inspector's Report ABP-315552-23

<b>Development</b>	Construction of 13 houses and all ancillary site works
<b>Location</b>	Glen (Richards), Ardamine, Gorey, Co Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20221385
<b>Applicant(s)</b>	Knockardagh Development Limited.
<b>Type of Application</b>	Permission.
<b>Planning Authority Decision</b>	Refuse
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Knockardagh Development Limited.
<b>Observer(s)</b>	Claudia & David Peakin Margaret Cullen Michael DeBrun Mairead Browne & Michael Buggle Melaine Drea.

**Date of Site Inspection**

6<sup>th</sup> October 2023.

**Inspector**

Peter Nelson

## **1.0 Site Location and Description**

- 1.1. The site is in Pouleshone, south of Courtown, Wexford. The site is accessed off the existing Glen Richards Woods residential development. This development is accessed by a local road, which has a junction with the R742 regional road. The Pouleshone area consists of permanent residential homes, holiday homes and mobile home holiday parks.
- 1.2. Glen Richard Woods consists of one and two-storey dwellings. There is an existing entrance to the site off the Glen Richard Wood development. There appears to be concrete bases of dwellings on the site. On its northern, western and southern boundary, the site backs onto the rear of the dwellings of Glen Richards Woods.
- 1.3. The site is relatively flat and backs onto an area of heavy woodland. It appears that the site was cleared of vegetation, which is now growing back. The site is approximately 110m from the sea.
- 1.4. The site size is a stated 0.7078 hectares.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of the construction of 12no. 4-bedroom detached dwellings and one no. 3-bedroom single-storey dwelling. The development includes the construction of an internal access road, landscaping works and connections to the adjoining services and ancillary works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Wexford County Council refused permission on the 9<sup>th</sup> of December 2022 for the following reasons:

1. The proposed development by reason of design and layout is considered substandard due to inadequate provision of public open space being less than the required minimum 10% public open space requirements, coupled

with the inadequately designed turning bay, inadequately sized footpaths, lack of visitor parking spaces and electrical charging facilities for visitors. It is considered that the development as proposed results in a substandard design and layout that fails to provide high quality functional amenity spaces and residential layout. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

2. The proposed development by reason of design and layout and specifically unit no.1, is considered prejudicial to the protection of existing adjoining residential amenities and presents serious overlooking concerns from the upper floor windows which directly overlooks the adjoining private residence. The development is therefore considered contrary to the proper planning and development of the area.
3. Inadequate information has been provided with regard to the surface water disposal system, which would require details to provide a silt trap of an approved design on the surface water drainage network within the curtilage of the site prior to its connection to the attenuation tank and the location of the final outfall. In the absence of this information the planning authority are unable to make a full assessment of the impacts and the proposed development is therefore considered prejudicial to public health and contrary to the proper planning and sustainable development of the area.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

The main points of the planning report dated the 8<sup>th</sup> December 2022 can be summarised as follows:

- The density of the development, although lower than recommended densities, reflects the existing estate.
- The public open space is less than the required 10% of the site area.

- The private garden sizes are above the minimum required.
- The applicant has proposed to transfer adjoining land to existing residents.
- This space cannot be considered as part of the public open space requirement as it is outside the site and control of the permission.
- The layout will create serious overlooking.
- No visitor parking or EV charging provision has been provided.
- The turning cul-de-sac is insufficient to cater for service vehicles.
- The proposed development is considered to be prejudicial to public health.
- No silt trap has been identified, which poses a threat to water quality.
- The development as proposed would result in a poor design layout with insufficient open space and overlooking of adjoining property.

### 3.2.2. Other Technical Reports

#### Environment

The report dated 28 November 2022 requests the applicant to submit further information relating to the proposed silt trap and a revised site layout showing the watercourse and the point of discharge into which it is proposed to discharge stormwater.

#### Roads

The report dated the 6<sup>th</sup> December 2022 recommended refusal as the proposed development would cause a traffic hazard due to substandard design.

### 3.3. Prescribed Bodies

A letter from Uisce Eireann dated 30<sup>th</sup> September 2022 stating that water and wastewater connections are feasible without infrastructure upgrades has been included in the application.

### 3.4. Third Party Observations

- Eight Third Party Observations were received. The main points raised can be summarised as follows:
- Potential Impacts on the adjoining Ardamine Woods proposed Natural Heritage Area.
- The development will result in greenfield sprawl and further pressure on struggling infrastructure.
- There are no essential services, public transport, or amenities nearby.
- Possible negative ecological impacts with no environmental assessment.
- Proximity of coastline, which is experiencing coastal erosion.
- Noise pollution and nuisance during construction.
- The proposed development is to the coastal zone management policies in the Wexford County Development Plan.
- Any development would cause significant damage to all the trees, birds, flora and fauna in the area.
- The proposed giving over of land to the existing residents has not been discussed with all the residents, and there are issues with the potential access to this land.
- Potential for contamination of surface water.
- The scheme is too dense for the surrounding environment.
- Negative impact on the residential and visual amenity of adjoining dwellings.
- The proposed development would cause overlooking.
- No landscape mitigation measures are proposed.
- Infrastructure concerns include existing problems with surface water and water supply, localised problems with sewer pipes and over-intensification of the existing road.
- Construction impacts need to be carefully reviewed.
- An Environmental Impact Assessment needs to be carried out on the whole area.
- Concerns over the impact on the existing road infrastructure in the area.

## 4.0 Planning History

### **P.A. Ref: 20220392**

Permission was refused on the 11<sup>th</sup> May 2022 to develop an infill site comprising 13 no. 4-bedroom detached dwellings, the construction of an internal access road and landscaping work and the connection to adjoining services and ancillary works.

The site is the same as the appeal site. The permission was refused for four reasons, relating to the substandard nature of the design and layout due to inadequate open space provisions, the impact on the amenity of adjoining properties, overlooking, inadequate information supplied in relation to the provision of a construction and environmental management plan and surface water drainage.

**P.A. Ref: 2202005**

Permission was granted on the 24<sup>th</sup> June 2005 for the retention of existing works to date and permission to complete the reception of 21no. dwellings (phase 2 of 86 no. dwellings previously granted under planning register no.981947). A section of the appeal site is included in this history application.

**P.A. Ref: 98/1947**

Permission granted on the 23<sup>rd</sup> April 1999 for 86 holiday houses and associate site works.

**P.A. Ref: 97/1717**

Permission was granted on the 15<sup>th</sup> of May 1998 for 58 dwellings to be used as holiday homes, and permission was given for the installation of a sewage treatment plant and connection to existing public water mains.

*Recent Residential Permission in Courtown, Riverchapel and Ardamine*

**ABP. Ref: 313910-22**

Permission was granted on the 2nd January 2024 for 7 houses, access over the existing scheme roadway, landscaping and ancillary site works at Ballintray Upper, Ardamine.

## **5.0 Policy Context**

### **5.1. Development Plan**

The Wexford County Development Plan (2022-2028) is the operational plan for the county. This plan came into effect on the 25<sup>th</sup> July 2022.

Figure 3-1 - Core Strategy Map and Table 3-2 - County Wexford Settlement Hierarchy includes Courtown & Riverchapel as Level 3a 'Service Settlements'.



Section 3.6.3 provides details of the Role, Function, and Development Approach for these level 3a service settlements. This includes the following: The lifetime of the Courtown and Riverchapel Local Area Plan has been extended by five years to 2026 and provides the spatial planning framework for this settlement.

Table no.3-4 'Core Strategy Population Allocations, Housing Units and Housing Land 2021-2027. This includes regard to 3a Service Settlements, noting that the average density unit/ha for Courtown & Riverchapel is 25 units/ha.

Core Strategy and Settlement Strategy Objectives include:

Objective CS02: To ensure that new residential development in all settlements complies with the population and housing allocation targets and the principles set out in the Core Strategy and Settlement Development Strategy, in so far as practicable.

Objective CS04 seeks to promote compact growth on infill sites.

Core Strategy Population Allocations, Housing Units and Housing Land 2021-2027

	Core Strategy Population Allocation	Housing Units	Units to be delivered within built up area	Average Density Units/HA	Zoned Land Required	Existing Zoning (Ha)	Shortfall/ Excess (Ha)
Courtown and Riverchapel	98	67	20	25	2.68	1.8	-0.88

The site is designated in the Development Plan as being in a 'Coastal Zone'.

In the local area plan the site is located in an area zoned 'Existing Residential (R)' The objective of this zoning is 'To protect and enhance the residential amenity of existing residential areas'.

#### Local Area Plan Policies

**RS04** To ensure that all residents have reasonable access to a range of different types of open space and that new open spaces are integrated with good

access for pedestrians, cyclists and persons with specific design needs.

**RS05** To require the provision of good quality, accessible, well located and functional open spaces in new residential developments in accordance with the standards recommended in Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities and its companion document Urban Design Manual (DEHLG, 2008) and any subsequent review, update or circulars issued in relation to the guidelines.

**AM01** To ensure that all future developments are designed in accordance with the Design Manual for Urban Streets and Roads (Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government, 2013).

**H01** To ensure that all new residential developments in the plan area provide a high quality accessible living environment with attractive and efficient dwellings located in a high quality public realm and serviced by well-designed and located open spaces and area designed. The density of the residential development shall be appropriate to the location. All new housing developments shall have regard to the Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities and its companion document Urban Design Manual (DEHLG, 2008) and any subsequent review, update or circulars issued in relation to the guidelines.

**H02** To require new residential developments in the plan area to provide, where possible, safe pedestrian linkages to adjoining developments and the village centre.

**H05** To encourage infill and backland housing development on appropriate sites where such development respects and enhances the existing character of the

area and does not negatively impact on the amenities of adjoining properties.

**NH02** To ensure the management of features of the landscape which are of major importance for wild fauna and flora. Such features are those, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species. These features are outlined as Ecological Corridors/Ecological Stepping Stones on Map 8. Where such features exist on land which is to be developed, the applicant will be required to demonstrate that the design of the development has resulted in the retention of these features insofar as is possible and that the impact on the biodiversity of the site has been minimised and where possible enhanced.

**WW02** To ensure that development permitted would not have an unacceptable impact on water quality and quantity including surface waters, ground water, designated source protection areas, river corridors, estuarine waters, bathing waters, coastal and transitional waters.

**WW03** To require that all wastewater generated is collected, treated and discharged after treatment in a safe and sustainable manner, having regard to the standards and requirements set out in EU and national legislation and guidance.

### **CZM30**

To carefully consider development proposals in areas identified at risk of coastal erosion, which include but are not limited to Kilpatrick, Ardamine, Glascarrig, Killincooly to Ballinesker, Rosslare, Tacumshin to Kilmore Quay, Ballyteige Burrow to Cullenstown and Fethard, and areas where coastal defence works are in place but confidence rate are low including but not limited to Courtown, Pollshone, Cahore, Blackwater and Rosslare.

## 5.2. **Section 28 Ministerial Guidelines**

Sustainable Residential Development and Compact Settlement Guidelines for Planning Authority (2024)

Metropolitan Towns (>1,500 population) – Suburban / Urban Extension

Suburban areas are the low-density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of these Guidelines that residential densities in the range 35 dph to 50 dph (net) shall generally be applied at suburban and edge locations of Metropolitan Towns, and that densities of up to 100 dph (net) shall be open for consideration at 'accessible' suburban/urban extension locations.

Quality Housing Sustainable Communities- Design Guidelines, (2007)

Design Manual for Roads and Streets (DMURS) (2013)

## 5.3. **Natural Heritage Designations**

Cahore Polders and Dunes Special Area of Conservation (000700): 7km south of the site.

Cahore Marshes Special Protection Areas: 7km south of the site.

Ardamine Wood: Proposed Natural Heritage Area. 0017133, adjacent to the site.

## 5.4. **EIA Screening**

Having regard to the nature and modest scale of the proposed development, its location in an existing built-up urban area and the likely emissions therefrom, it is possible to conclude that the proposed development is not likely to give rise to significant environmental impacts and the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

See forms 1 and 2 in the Appendix.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The main points of appeal can be summarised as follows:

#### Design and Layout

- It is considered the proposed development comes under the scope of infill and brownfield development, as noted under Section 5.10.1 of Volume One, Chapter Five of the current County Development Plan.
- Previous planning permission was granted for the subject site under planning reference number 981947, with a further related permission in relation to retention of changes granted under 20051322.
- Construction commenced on a number of residential units on the site. With works in relation to the foundations, rising walls and floor slabs present on site, five dwellings would effectively render the site of a brownfield site.
- There is adequate usable open space within the overall development, most notably 75 m east and 150 m south of the subject site.
- The dimensions of the turning bay provided at the north of the development are in excess of the dimensions indicated in the 'Recommendations for Site Development Works for Housing Areas' as published by the Department of the Environment and Local Government, 1998.
- The current development plan allows for the application of DMURs on all residential housing developments.
- DMURs allow for a footpath width of 1.8m, which has been provided.
- The statement that visitor car parking spaces and the provision of EV charging is required is completely incorrect as it is not a requirement of the development plan.

#### Design and Layout of House No.1

- House No.1 is a single story with no upper or first-floor area proposed; therefore, there are no overlooking issues, and the reason for refusal is incorrect.

### Surface Water Drainage

- The proposed development allows for a silt trap/oil-petrol interceptor, which was clearly shown on the submitted drawings.
- The location of the final stormwater outfall, which currently serves the surrounding development, is clearly shown on the submitted drawings.
- It appears that no service drawings were submitted to the Environment Section.
- The planner's conclusion and subsequent reason for refusal regarding surface water is entirely incorrect.
- The applicant is willing to accept conditions relating to removing units for open space, the width of footpaths and turning bays.
- The applicant is willing to transfer ownership of the adjoining unused site under his ownership to the Glen Richards Wood Residents Association.

## **6.2. Planning Authority Response**

- None received.

## **6.3. Observations**

Five observations have been received on file. Below is a summary of the issue raised in each observation:

### Melanie Drea

- The site should be zoned 'Natural Amenity' in the updated Local Area Plan.
- No consultation took place with the National Parks and Wildlife Service.
- No EIA was carried out.

- The proposed access points for the lands to be given over to the residents are not suitable.
- The proposal is located only 156 yards from one of the most vulnerable parts of the Wexford coastline, as identified by the County Council.

Mairead Browne & Micheal Buggle

- Concerns relating to the environmental impact of the proposed development on coastal erosion and greater protection of the NHA.

Michael DeBrun

- Concerns relating to the environmental impact, coastal erosion, the urgent need for greater protection of the NHA, technical concerns around water quality/flooding, sewage, road and traffic issues, etc.

Margaret Cullen

- Concerns relating to the environmental impact, technical concerns around water quality/flooding, sewage, road and traffic issues and potential access points of the development.

Claudia & David Peakin

- The reasons for refusal arising from P.A. Ref: 20220392 have not been addressed.
- The subject site is not a brownfield site and has been correctly assessed by the P.A. under the policies relating to 'Corner/Side Garden Site', 'Backland Residential Development' and 'Multi-Unit Residential Schemes in Towns and Villages'.
- Usable open space has not been provided.
- The design and layout of the scheme is substandard.
- As no visitor car parking spaces have been provided, excessive on-street parking will occur.
- WCC must have been incorrect in stating 'unit No.1' in the 2<sup>nd</sup> reason for refusal.
- The development in its entirety will cause overlooking.

- No revised drawings have been submitted with the appeal which attempt to address WCC's concerns regarding negative overlooking impacts arising.
- The applicant's suggestion to remove a house by condition would not represent good planning.
- There are no substantive or material grounds set out in the applicant's "Surface Water Disposal" section of their appeal, which would offer any basis for ABP to amend the decision of WCC to refuse planning permission.
- The issues of potentially handing over the "existing wooded area" to residential should not form part of the assessment of this planning application as the area is outside the red line boundary, and the public notices make no mention of a public park or otherwise.

#### **6.4. Further Responses**

None

### **7.0 Assessment**

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

- Principle of Development
- Layout, Open Space and Parking.
- Residential Amenity
- Surface Water Drainage
- Environmental Impact
- Appropriate Assessment

#### **7.1. Principle of Development**



The Wexford County Development Plan 2022-2028 seeks to promote sustainable infill and compact development in towns and villages at the appropriate locations and at the appropriate density.

In the Courtown and Riverchapel Local Area Plan the site is in an area zoned 'Existing Residential (R)' The objective of this zoning is 'To protect and enhance the residential amenity of existing residential areas'.

Section 16 refers to Land Use Zoning and states, ' The purpose of the zoning is to preserve existing residential areas and *provide for infill development at a density that is considered suitable to the area. While infill or redevelopment proposals would be acceptable in principle, careful consideration will be given to protecting residential amenity. In general development will not be permitted on lands zoned for residential development unless a better amenity provision is developed in lieu.*

The proposed site is an extension of an existing residential development, which was originally granted permission under P.A. Ref: 98/1947.

The proposed density of the development is 18.2 units per hectare. The Sustainable and Compact Settlements: Guidelines for Planning Authorities 2024 state that for Metropolitan Towns (> 1,500 population) Suburban / Urban Extension, it is policy that densities in the range of 35 dph to 50 dph shall generally be applied. The Wexford County Development Plan 2022-2028 recommends a density of 25 dph for sites within the Courtown and Riverchapel Local Area Plan 2015-2021 (as extended) boundary area.

The site is located within a peripheral area removed from the main Courtown, Riverchapel area. Given that the 'Existing Residential Zoning' provides for infill development at a density that is considered suitable for the area. Therefore, the proposed layout and density are the same as those of the established residential development. Having regard to the pattern of development and the site's peripheral area location, I consider that the density is acceptable in this instance.

While I consider that the principle of an infill residential development is acceptable on this site, the issue in this case is whether the Council's reasons for refusal can be overcome so that the proposal can be considered.

## **7.2. Layout, Open Space and Parking**

- 7.2.1. The first reason for refusal related to the substandard design and layout of the development is due to the inadequate provision of public open space, the design of the turning circle, inadequately sized footpaths, lack of visitor parking spaces, and electrical charging for visitors.

### Open Space

- 7.2.2. The applicant states that the site that previous planning permission was granted for the subject site under reference no. 981947. There are five-floor slabs for 5 no dwellings existing on site.
- 7.2.3. In the planning application, the applicant states that the adjoining wooded area to the southwest of the site, which the applicant owns, will be transferred to the residents' association subject to a formal agreement. This wooded area is zoned Natural Amenity (NA) in the Courtown and Riverchapel Local Area Plan. I do not consider that this can be classed as public open space.
- 7.2.4. Small areas of open space have been provided, which I consider of limited usable value. The combined area of these spaces equates to 7% of the total site area. In Table 14-1 of the Wexford County Development Plan 2022-2028, it is stated that, in general, 15% of the total area of a residential development will be allocated to public open space and a minimum of 10% must be in one large useful space.
- 7.2.5. The applicant states that there is adequate open space within the overall development, 75m east and 150m south of the site. I acknowledge these open space areas; however, I consider that this proposed cul-de-sac should be provided with adequate open space to serve its occupants. I consider that the omission of house no.1 could combine with the proposed open space to the north of the site entrance and the existing open space in front of the entrance to create an area of usable open space that would meet the development plan requirement.
- 7.2.6. If the Board is minded to grant permission, I recommend a condition be attached, omitting House No.1 and requiring a revised landscaping plan.

### Layout.

- 7.2.7. The first reason for refusals also states that the proposed turning circle and footpaths are inadequate. The applicant states that the turning circle is 14.3m in length and over 8m in width, which exceeds the dimensions indicated in Fig 2.2 of the publication 'Recommendations for Site Development Works for Housing Areas'. (DoELG) 1998.
- 7.2.8. While I do not consider that the current turning circle is adequate as proposed, I consider that there is adequate space at the end of the development for a turning circle that would comply with the 'Recommendations for Site Development Works for Housing Areas'. (DoELG) 1998. If the Board is minded to grant permission, I recommend a condition be attached requiring details of a revised turning circle to be submitted and agreed with the Planning Authority.
- 7.2.9. The Council's Roads Inspection Report states that a 2m footpath is required on both sides of the access road. Section 4.3.1 and Figure 4.34 of the Design Manual for Urban Roads and Streets (DMURs) 2013 details requirements for footpath widths. The minimum width for a footpath in areas of low pedestrian is 1.8m. Policy AM01 of the Courtown and Riverchapel Local Area Plan requires that all developments be designed in accordance with the DMURs. I consider that the proposed development will be an area of low pedestrian activity, so a 1.8m footpath width would be applicable. The proposed development has footpath widths of 1.5m and a carriage width of 6m. Section 4.4.1 of DMURs states that the standard width on Local Street should be between 5-5.5m. I, therefore, consider that there is space for the proposed footpaths to be increased to 1.8m and the carriage width to be reduced. If the Board is minded to grant permission, I recommend a condition be attached increasing the width of the footpaths to 1.8 m on either side of a reduced-width carriageway.

#### Parking for Visitors.

- 7.2.10. Table 6.3.1 of the Wexford County Development Plan 2022-2028 details the Car Parking Standards for residential developments. The maximum parking standard in this location is 2 per house. This is the same maximum rate of parking provision for residential development in this location as required in SPPR 3 – Car Parking as contained in the Sustainable Residential Development and Compact Settlements

Guidelines for Planning Authorities. Two spaces per dwelling have been provided in the proposed development.

- 7.2.11. There is no requirement in the Development Plan for additional visitor parking and SPPR 3 states that the maximum car parking standards do include provision for visitor parking. The Development Plan requires all residential off-street parking spaces to be equipped with one fully functional EV charging point. If the Board is minded to grant permission, I recommend a condition be attached requiring that each dwelling be provided with one fully functional EV charging point. I consider that there will be adequate parking for visitors and charging for visiting electric vehicles.

### **7.3. Residential Amenity**

- 7.3.1. The second reason for refusal states that the proposed development, specifically unit no.1, is considered prejudicial to the protection of existing adjoining residential amenities. It highlights serious concerns due to the upper floor windows directly overlooking adjoining private residences.
- 7.3.2. There appears to be some confusion as to which unit is referred to in the reason for refusal. Unit no.1 has been specifically referred to. The applicant states that Unit No. 1, located southwest of the site, is a proposed single-storey dwelling. On the submitted drawings, this has been annotated as Unit no. 13. Proposed Unit no.1 is a part two-storey dwelling. This issue has been raised in one of the observations. Notwithstanding this, I will assess the impact of all of the units on the surrounding residential amenity.
- 7.3.3. SPPR 1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 states that a separation distance of at least 16 metres between opposing windows serving habitable rooms above ground floor level shall be provided for new residential developments.
- 7.3.4. Proposed House Nos. 1 and 2 face onto single-storey dwellings with no opposing windows and are of sufficient distance to prevent any significant overlooking of the neighbouring dwelling's private amenity area. Proposed houses Nos 3 to 6 all have more than 16m from the opposing first-floor window on the neighbouring dwellings.

Proposed houses Nos 7 to 12 all back onto lands zoned Natural Amenity, and there will be no overlooking of adjoining dwellings. House no 13 is single storey, so there will be no opposing windows above ground floor level. Having regard to the above, I do not consider that the proposed development will be prejudicial to the protection of existing residential amenities.

#### **7.4. Surface Water Drainage**

- 7.4.1. The third reason for refusal related to there being inadequate information with regard to the surface water disposal which would require silt trap details and the location of the final outfall. The applicant states in the appeal that drawing no. 21.026.P.03.B submitted with the application details the provision of a Class 1 stated silt trap/oil-petrol interceptor, as required under the EN858-1 Regulations/Code of Practice when surface water discharges to a watercourse.
- 7.4.2. Drawing no. 21.026.P.03.B details where the proposed surface water will connect with the existing into the existing surface water drain and, in turn, details where this existing drain enters the adjoining watercourse.
- 7.4.3. I am satisfied that adequate information and provisions have been made in the proposal to assess the surface water drainage of the development adequately.

#### **7.5. Environmental Impact**

- 7.5.1. A number of the observations on the appeal raise the issue of the proximity of the proposed development to Ardamine, a proposed Natural Heritage Area.
- 7.5.2. Ardamine Wood is directly north of the site and does not include any part of the site or the adjoining land in the applicant's ownership. The Ardamine Wood is zoned for 'Natural Amenity, ' and the objective of the Courtown and Riverchapel Local Area Plan is to retain and protect these areas of high amenity value.
- 7.5.3. I recognise that Ardamine Wood has an ecological value; however, subject to the agreed Construction and Environmental Management Plan, I do not consider that the proposed development of 13 dwellings on land zoned residential will have a severe negative impact on the ecology of Ardamine Wood.

- 7.5.4. The observations raise the issue of potential coastal erosion. The site is located over 100m from the coast. The stated policy in the Local Area Plan (Policy CP05) is only to consider developments that will not result in an increase in coastal erosion, either at the subject site or at another location in the vicinity.
- 7.5.5. The proposed development is on a site which is zoned residential and is an extension of a residential development. The proposed development is inland from the existing development and is at a substantially higher level than the existing coast and its defences.
- 7.5.6. The Irish Coastal Protection Strategy Study (ICPSS) shows that the proposed site is outside an area of potential coastal flood and erosion hazard.
- 7.5.7. Ardamine is identified as one of ten primary areas of potential significant coastal erosion hazard. This area is identified as having high confidence (i.e. between 70% and 85% confidence in the erosion extent shown). I note that the Local Area Plan identifies areas with significant concerns about future development. These areas where development is restricted have been zoned 'Chalet Area 2'. The subject site is inland from these lands and is zoned 'Existing Residential'.
- 7.5.8. Given the site's zoning and location and that it is an extension of an established residential development, I do not consider that the proposed development will result in serious coastal erosion and will, therefore, comply with Policy CP05.

## **7.6. Appropriate Assessment**

I have considered the proposed residential development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located close to the coast in Ardamine and 7km north of the Cahore Polders and Dunes Special Area of Conservation (000700) and the Cahore Marshes Special Protection Areas.

The proposed development comprises the construction of 13no. houses and all ancillary site works.

Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The scale and nature of the residential development
- The location of the site and its distance from the nearest European sites and lack of connections

I conclude that on the basis of objective information, the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded, and therefore, Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

## **8.0 Recommendation**

8.1. I recommend that permission be granted, subject to the conditions below.

## **9.0 Reasons and Considerations**

Having regard to the planning history of the site and to the 'Existing Residential' zoning that applies to the site under the Courtown and Riverchapel Local Area Plan 2016-2021 (as extended), under which residential development is acceptable, together with the nature and scale of the proposed development and the pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development, would not seriously injure the visual and residential amenities of the area, would not be prejudicial to public health or the ecology of the area and would be generally acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further

plans and particulars received by the planning authority on the 18<sup>th</sup> day of October 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
  - (a) Proposed Unit No.1 (house type J1) shall be omitted, and the plot devoted to public open space.
  - (b) The footpaths of the proposed development shall be a minimum width of 1.8m and the road reduced to a maximum width of 5.5m.
  - (c) The turning circle of the proposed development shall be revised in order to comply with the standards for residential turning bays contained in the 'Recommendations for Site Development Works for Housing Areas'. (DoELG) 1998

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential amenity.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roof colour shall be blue-black or slate grey, including ridge tiles.

Reason: In the interest of the visual amenities of the area.

4. The site shall be landscaped in accordance with a revised comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in



writing with, the planning authority prior to commencement of development. This scheme shall include the area of open space required to comply with condition No.1(a) and shall include the following:

- (a) A plan to scale of not less than [1:500] showing –
- (b) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- (c) Details of screen planting which shall not include cupressocyparis x leylandii.
- (d) Details of roadside/street planting which shall not include prunus species.
- (e) Hard landscaping works, specifying surfacing materials, furniture [play equipment] and finished levels.
- (f) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (g) A timescale for implementation

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development [or until the development is taken in charge by the local authority, whichever is the sooner], shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

5. Each dwelling shall be provided with one fully functional electric vehicle charging point.

Reason: In the interest of residential amenity and sustainable development.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health.

7. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Eireann.

Reason: In the interest of public health

8. The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including traffic management and noise and dust reduction measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or

other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

11. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area'

12.

- a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers, i.e. those

not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost-rental housing.

- b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open spaces and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer

or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Peter Nelson  
Planning Inspector

26 April 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>	315552-23		
<b>Proposed Development Summary</b>	Permission for the development of an infill site which will comprise the construction of 13 no. dwellings and associate site works		
<b>Development Address</b>	Glen Richards, Ardamine, Gorey, Co. Wexford		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>X</b>
		<b>No</b>	
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>			EIA Mandatory EIAR required
<b>No</b>		<b>X</b>	Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>		Class 10(b)(1), Part 2 Schedule 5.	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required



## Form 2

### EIA Preliminary Examination

An Bord Pleanála Case Reference	315552-23	
Proposed Development Summary	13 Dwellings and Associate Site Works	
Development Address	Glen Richards, Ardamine, Co. Wexford	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	<p>The proposed development is an extension of an existing residential development and is therefore not exceptional in the context of the existing environment.</p>	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The development of 13 dwellings will not result in the production of any significant waste, emissions or pollutants.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>The proposed development of 13 dwellings in an area of existing residential development is not exceptional in the context of the existing environment.</p>	No
<p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	<p>Having regard to other existing and/or permitted developments, there are no significant cumulative considerations</p>	No
Location of the Development		

Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?	The site is adjacent to the Ardamine Woods pNHA. However, the development of 13 dwellings does not have the potential to significantly impact this or any other ecologically sensitive site or location.	N
Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	Given the nature of the proposed development, it does not have the potential to significantly affect other significant environmental sensitivities in the area.	N
Conclusion		
There is no real likelihood of significant effects on the environment.  EIA not required.		

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

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

**DP/ADP:** \_\_\_\_\_

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

(only where Schedule 7A information or EIAR required)