



An
Bord
Pleanála

Inspector's Report ABP-316949-23

Development	84 houses, parking spaces, vehicular access, site development works and associated landscaping/communal public open spaces and associated site works. A Natura Impact Statement (NIS) accompanies this application
Location	Shinguan, Enniscorthy Rural, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20230145
Applicant(s)	Adamar Developments Limited
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appellant	First Party
Observer(s)	None.
Date of Site Inspection	8 th June 2024.
Inspector	Peter Nelson

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1.0 Site Location and Description

- 1.1. The site is located on the northwestern side of Enniscorthy Town and is part of an overall development, Forgelands, with its main entrance on the R702 regional road. The first and second phases of the development are completed and occupied and the third phase is under construction.
- 1.2. An access road connects this development to the Carrigabrusse Road to the south. This is currently only being used for construction traffic.
- 1.3. The Shinguan residential development is to the east of the site and the previous phases of the Forgelands development to the north and west of the site. There is open agricultural land to the south of the site. The level of the site falls from north to south. There are hedgerows and trees along the eastern boundary and part of the southern boundary.

2.0 Proposed Development

- 2.1. Permission is sought for 84 houses, parking spaces, vehicular access, site development works and associated landscaping/communal public open spaces and site works.
- 2.2. The proposed development consists of:
 - 2 no. two-bedroom semi-detached dwellings
 - 30 no. 3-bedroom semi-detached dwellings, and
 - 52 no. two storey four-bedroom semi-detached dwellings.
- 2.3. This proposed development is the fourth phase of a development. Phases 1 and 2 are completed and phase 3 is currently under construction.

3.0 Planning Authority Decision

3.1. Decision

Wexford County Council refused planning permission for the proposed development on the 5th April 2023 for the following four reasons:

1. *The 'Urban Design Manual – a Best Practice Guide' issued by the Department of the Environment, Heritage and Local Government in May 2009 to accompany the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) includes key criteria such as context, connections, inclusivity, variety and distinctiveness of house types. It is considered that the development as proposed would result in a repetitive house design and would fail to establish a distinctive character and thus a defined sense of place. The proposed layout also results in a poor design layout that fails to provide for safe manoeuvring and turning for vehicles and requires greater connectivity & permeability for pedestrians within the development. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.*
2. *Inadequate information has been provided with regards to the development having obtained a valid Irish Water Confirmation of Feasibility for water and wastewater connection. In the absence of this the proposed development is therefore contrary to the proper planning and development of the area.*
3. *Inadequate information and details have been provided in relation to the attenuation area located in the public open space. The proposed development is therefore contrary to the proper planning and development of the area.*
4. *The proposed concrete post and panel garden boundaries is not in accordance with policy relating to boundary treatment as set out in Section 3.12.6 of Volume 2 of the Wexford County Development Plan 2022-2028 which requires the side and rear boundaries of gardens to be 1.8-2 metres in height and formed by concrete block walls. The proposed development is therefore contrary to this policy and the proper planning and development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the planning report dated the 10th April 2023 can be summarised as follows:

- If the proposed mitigation measures are implemented the integrity of the Slaney River Valley SAC or Wexford Harbour Slobs SPA would not be adversely affected.
- The layout is the same as that refused under plan ref: 20220037.
- The changes to elevations design are minor when compared to the previous refusal.
- The new proposal is poor and fails to provide a variety and distinctiveness of house types as recommended in the 'Urban Design Manual – a Best Practice Guide'.
- The density of this phase of the development is 32 uph.
- Adequate open space has been proposed.
- The proposed concrete post and panel boundaries should be omitted by condition and replaced with block walls.
- The proposed layout presents concerns with overlooking with just 12m between upper floor windows.
- The layout is substandard in relation to providing safe manoeuvring and turning for vehicles and requires greater connectivity and permeability for pedestrians within the development.
- Recommends the inclusion of a refusal reason to cover the issues raised in the Roads report and Irish Water seeking a Certificate of Feasibility.

3.2.2. Other Technical Reports

Roads section: Report received 14th March 2023 recommends Further Information

Housing Department: Report dated 24th January 2023 states that Part V Agreement in Principle has been reached between Adamar Developments Ltd., and Wexford County Council.

Environment Section: Report dated the 27th April 2023, no objection subject to conditions.

3.3. Prescribed Bodies

The report of Uisce Eireann dated 28th February 2023 requests the applicant to submit a valid Irish Water Confirmation of Feasibility for water and wastewater connections.

3.4. Third Party Observations

None

4.0 Planning History

P.A. Ref: 20220037

Permission refused on the 9th March 2022 to amend part of the previously approved Phase 2 & Phase 3 Masterplan as permitted under Planning Ref. 20181364 and part of the previously approved landscape park and link road as permitted under Planning Ref. 20180027 as amended under Planning Ref. 20191686 and 20210307. The proposed Phase 4 development will consist of a residential development on a site of approximately 2.7 hectares at Old Forge Road. The development consists of 84 no. fully serviced dwellings. It was refused for the following reason:

- 1. The 'Urban Design Manual – a Best Practice Guide' issued by the Department of the Environment, Heritage and Local Government in May 2009 to accompany the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)' includes key criteria such as, context, connections, inclusivity, variety and distinctiveness of house types. It is considered that the development as proposed would result in a repetitive house design that is unimaginative, would fail to establish a distinctive character and thus a defined sense of*

place. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

P.A. Ref: 20210307

Permission granted on the 4th August 2021 to amend part of the previously approved Phase 1 & Phase 2 Masterplan as permitted under Planning Ref. 20181364 and part of the previously approved landscape park and link road as permitted under Planning Ref. 20180027 as amended under Planning Ref. 20191686. The proposed Phase 3 development will consist of a mixed residential and commercial development on a site of approximately 2.5 hectares at Old Forge Road. The development consists of 86 no. fully serviced dwellings.

P.A. Ref: 2019168

Permission granted on the 20th March 2020 to amend part of the previously approved P.A. Ref: 20181364 and part of the approved landscaping park and link road as permitted under P.A. Ref: 20180027. The proposed development consists of 95 dwellings and associated landscaping.

P.A. Ref: 20191157

Permission refused on the 4th October 2019 to amend the previously approved phase 1 masterplan as permitted under P.A. Ref: 20181364. The proposed development was for a mixed-use development of 59 dwellings. The reason for refusal stated:

The 'Urban Design Manual – a Best Practice Guide' issued by the Department of the Environment, Heritage and Local Government in May 2009 to accompany the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)' issued by the Department of the Environment, Heritage and Local Government in May 2009 includes key criteria such as, context, connections, inclusivity, variety, distinctiveness, privacy and amenity. It is considered that the development, as proposed results in a poor design layout, and

fails to provide high quality usable open space and results insignificant over-dominance of car parking. The proposed development would therefore be contrary to the proper planning and development of the area.'

P.A. Ref: 20181364

Permission granted on the 28th November 2018, for the construction of 94 dwellings including apartments, duplex and two storey dwellings.

P.A. Ref: 20180027

Permission granted on the 31st July 2018 for approximately 1.4km long road connecting the L2030, Cherry Orchard/Still Road at Forelands/Fairfields, to the R720 at Shingaun/The Lyre and a landscape park of approximately 2.1 hectares together with all ancillary site works.

ABP Ref: 26.226921

Permission granted on the 19th September 2008 for a housing estate of 309 houses, a crèche, shop and access from the R702 the demolition of an existing 4-bed care unit and its replacement with a 6-bed unit. The proposal will provide part of the road network as set out in the draft Enniscorthy Development Plan and a roundabout at the junction of the R702 with the new spine road.

5.0 Policy Context

5.1. Development Plan

The Wexford County Development Plan 2022-2028 is the operational plan for the area. The plan came into effect on 25th July 2022.

The site was zoned 'New Residential' in the now expired Enniscorthy Town & Environs Development Plan 2008 – 2014.

Relevant Policies

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 CS15

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

Objective SGH01

To ensure that new residential developments contribute to and represent sustainable neighbourhoods which are inclusive and responsive to the physical or cultural needs of those who use them, are well-located relative to the social, community, commercial and administrative services and are integrated with the community within which they will be located.

Objective SH02

To ensure that all new residential developments provide a high-quality living environment with attractive and efficient buildings which are located in a high-quality public realm and are serviced and linked with pedestrian and cycle lanes to well-designed and located open spaces and nature and to the town or village centre and existing and planned services.

Objective SH15

To ensure the density of residential development is appropriate to the location of the proposed development having regard to the benefits of ensuring that land is efficiently used and in accordance with the Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual-A Best Practice Guide (DEHLG, 2009) and subject to compliance with normal planning and environmental criteria and the development management standards in Volume 2.

5.2. Natural Heritage Designations

Wexford Harbour and Slobs Special Area of Protection. c. 2.8 km from appeal site.

Slaney River Valley Special Area of Conservation. c. 2.5 km from appeal site.

5.3. EIA Screening

Having regard to the nature, size and location of the proposed development, comprising the construction of 84 residential units being phase 4 of an existing development in a serviced urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Refer to Appendix 1 regarding this preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

The main grounds of appeal can be summarised as follows:

- A number of minor changes to the road/street layout to address the comments by the Wexford County Council Roads Section have been included on a revised site layout plan submitted with the appeal.
- It is acknowledged that the proposed house design remains similar to that refused under reg. ref: 20220037.
- The proposed development is the 4th and final phase of the overall permitted masterplan.
- The proposed design should act as a continuation of the adjacent permitted and under construction phases, rather than establish a distinctive character.
- While the proposed layout of the site differs from that permitted the intent to be read as one overall development remains clear.
- The issue of distinctiveness was not raised by the Local Authority when dealing with earlier phases of development and the overall masterplan.

- Two raised tables have been introduced to provide traffic calming measures.
- The junction at house no.295 & 296 has been revised to overcome safety concerns from exiting cars.
- The proposed layout has been revised to provide for an adequate turning bay at units 179 & 180.
- The revised layout also provides a minimum distance of 22 between opposing first floor windows.
- All shared surface zones have been removed from this phase of the development.
- The development as now proposed provides a permeable space for pedestrians and vehicular traffic alike as well as an easily identifiable continuation of the overall masterplan.
- A Confirmation of Feasibility has been sought from Irish Water but not yet received. It is submitted that An Bord Pleanála condition this to be in place prior to the commencement of development.
- The Cover Letter and Attenuation Layout drawing submitted provide details of the attenuation area located under public open space, as requested by the Planning Authority Roads Section.
- The post and panel garden boundaries are consistent with that of the other 3 no. phases.
- It is noted that the Development Plan policy has changed. The applicant is prepared to accept a condition to ensure that the proposed garden boundaries are in accordance with the Planning Authority requirements.
- It is considered in the interest of sustainable and proper planning, as well as assisting with alleviating the current housing crisis, that this development should be permitted.

6.2. Planning Authority Response

- None

6.3. Observations

- None

7.0 Assessment

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

- House Design
- Layout.
- Water and Wastewater Connections.
- Attenuation Area.
- Boundaries.

7.2. House Design

- 7.2.1. The first reason for refusal stated that the proposed development would result in a repetitive house type and would fail to establish a distinctive character and a defined sense of place. The house types proposed are the same as the previous phases of development including that as granted under planning permission P.A. Ref: 20210307 which was for 86 no. residential units. The proposed development includes the continuation of previous granted phases with house nos.277 to 306 being a continuation of the line of dwellings along the eastern boundary of the site. Proposed house nos. 198 to 211 face directly onto House nos. 212 to 221 which are part of the previous phase.
- 7.2.2. The reason for refusal refers to the 'Urban Design Manual – A Best Practice Guide' issued by the Department, Heritage and Local Government, 2009. The Guide includes 12 Criteria with indicators, No.6 relates to Distinctiveness and how the proposals create a sense of place. I note it is proposed to use to different coloured

render on elements of the facades of the different house types. This is a deviation from the finishes of the existing development.

- 7.2.3. I note that the original masterplan scheme, as granted under 20181364, allowed for a greater variety of house types including terraces of three-storey units. The subsequent amendments to the masterplan as granted under P.A. 2019168, 2019285 and 20210307 allowed for a deviation from the masterplan and for the same house types in different phases of development. I consider that the proposed development is not a stand-alone development but the continuation of an existing scheme, the principle of which has been established in previous permissions. I recognise that there will be a large number of similar house types in the overall development, however, the design of these has been established in the previous phases and is now part of the established character of the overall residential development. I therefore do not consider that the proposed house types will fail to establish a sense of place.

7.3. Layout

- 7.3.1. The first reason for refusal also states that the proposed layout results in a poor design that fails to provide safe manoeuvring and turning for vehicles and requires greater connectivity and permeability for pedestrians within the development.
- 7.3.2. The Roads Inspection Report dated the 9th of March 2023, submitted on the planning application recommended further information. This required the provisions of traffic calming measures, specifically raised tables on the road fronting house numbers 255-288. The report also recommends that the applicant be requested to revise the junction layout at Houses no.295 and 296 as there is safety concerns over cars from these units reversing out directly onto the junction.
- 7.3.3. As part of the appeal the applicant has submitted a revised layout to overcome the issues raised in the Roads Inspection Report. The layout contains the same number of dwellings with a revised road and footpath layout.
- 7.3.4. Raised tables are proposed in front of house no's 277 to 275 allowing for the slowing of traffic and a pedestrian access adjacent to house no's 198 and 221. While part of this raised table is outside the red line boundary it is within the applicant's ownership

and control. Raised tables are also proposed in front of house no's 285 and 286, another in front of house no's 174, 175, 186 and 187 and one to the side of house no. 161. These will reduce traffic speeds and also provide safer and more efficient pedestrian connectivity throughout the site and development.

- 7.3.5. The layout in front of house nos. 289-296 has been revised and now the parallel shared surface road has been removed and now these dwellings face directly onto the main access road. I consider this to be a more satisfactory layout than that applied for as it will reduce traffic speed and now cars from houses no.295 and 296 will not be reversing directly onto a junction.
- 7.3.6. I consider that the revised layout overcomes the issues raised in the reason for refusal and that the proposed layout now provides adequate connectivity and permeability for pedestrians and safe manoeuvring within the development.
- 7.3.7. I note that the revised layout provides adequate private open space for all dwellings that comply with SPPR 2 - Minimum Private Open Space Standards for Houses as contained in the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024. I also note that the revised layout provides adequate separation distance between opposing upper floor rear windows that comply with SPPR 1 of the same guidelines.
- 7.3.8. I therefore recommend that if the Board is minded to grant permission for the proposed development, a condition be attached, ensuring that the layout is as proposed in Drawing no. PP.19, submitted as part of the appeal documentation.

7.4. Water and Wastewater Connection

- 7.4.1. The second reason for refusal states that inadequate information has been provided with regard to the development having obtained a valid Irish Water Confirmation of Feasibility for water and wastewater connections.
- 7.4.2. I note that the Uisce Eireann 2023 Capacity Register for water services states that there is Potential Capacity Available in Enniscorthy; however, a Level of service (LoS) improvement is required to meet 2032 population targets and connection applications will be on an individual basis considering their specific load

requirements. The 2023 Capacity Register for Wastewater Treatment states that there is available capacity in the Enniscorthy Wastewater Treatment Plant.

7.4.3. The applicant states that a confirmation of feasibility has been sought from Uisce Eireann in January 2023 and this has not yet been received.

7.4.4. Uisce Eireann, in their report dated the 14th February 2023, recommended that the applicant be requested to submit a valid Irish Water Confirmation of Feasibility for water and wastewater. As Uisce Eireann did not raise any specific issues in their report, I consider that this issue can be dealt with by a compliance condition requiring that prior to the commencement of development, the developer shall enter into a water and wastewater agreement with Uisce Eireann.

7.5. Attenuation Area

7.5.1. The third reason for refusal states that inadequate information and details were provided in relation to the attenuation area located in public open space. The Planning Authority Roads Report recommended that the applicant submit a cross-section of the attenuation tank and a maintenance plan for the attenuation area, including how access is to be adequately provided while the space is also being used as a public open space.

7.5.2. The applicant has submitted with the appeal, a drawing of the attenuation layout, including a cross section. A letter has also been included from AK Consulting Engineers. The letter notes that during the Phase 3 application P.A. Ref: 20210307 the overall design of the sewer network was submitted within the phased residential development. This covered the area in the current appeal site. The attenuation area now proposed is in the same location as that previously submitted in P.A. Ref: 20210307.

7.5.3. I consider that the detail of the attenuation area can be dealt with by a compliance condition requiring approval prior to the commencement of development.

7.6. Boundaries

7.6.1. The fourth reason for refusal is related to the proposed concrete post and panel garden boundaries. Section 3.12.6 of Volume 2 of the Wexford County Development

Plan 2022-2028 requires that the side and rear boundaries of gardens in Multi-Unit Schemes shall be 1.8m-2 meters in height and shall be formed by concrete block walls. The applicant states that the proposed concrete post and panel garden fencing is consistent with the gardens of the previous phases of the development. The applicant recognises that the standards for boundaries has changed with the adoption of the Wexford County Development Plan 2022-2028.

- 7.6.2. The applicant is willing to accept a prior to commencement development condition to ensure that the proposed garden boundaries are in accordance with the Planning Authority requirements. I consider the requirements for concrete block garden boundary walls will ensure a higher quality and more durable boundary treatment. If the Board is minded to grant permission for the proposed development, I recommend that a condition be attached requiring the garden boundary walls to be 1.8m-2 meters in height and shall be formed by concrete block walls.

8.0 Appropriate Assessment

8.1. Screening Determination

- 8.1.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development is likely to have a significant effect on the Salmon, Lamprey, Twaite Shad species, Freshwater Pearl mussel, Otter and Floating River Vegetation, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* of Slaney River Valley SAC (000781) 'alone' in respect of effects associated with deterioration of water quality, spread of invasive species and disturbance due to human activity.
- 8.1.2. I also conclude that the proposed development is likely to have a significant effect on the Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Bewicks Swan, Whooper Swan, Greenland White-fronted Goose, Light-bellied Brent Goose, Shelduck, Wigeon, Teal, Mallard, Pintail, Scaup, Goldeneye, Red-breasted Merganser, Hen Harrier, Coot, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Lesser Black-backed Gull, Little Tern of Slaney River Valley SAC (000781) 'alone' in respect of effects associated with deterioration of water quality and spread of invasive species.

8.1.3. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

8.1.4. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

(See Appendix 2)

8.2. Appropriate Assessment

8.2.1. The development of 84 dwellings has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

8.2.2. 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 Wexford Harbour & Slob SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of its/their conservation objectives.

8.2.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No 000781 & 004076, or any other European site, in view of the site's Conservation Objectives.

8.2.4. 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.

8.2.5. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the Slaney River Valley SAC and Wexford Harbour & Slob SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- The development of 84 dwellings will, through the design and application of mitigation measures, ensure the preservation of the favourable conservation

status of habitats characterised as being in favourable status and ensure that habitat characterised as being in unfavourable status will not be further harmed or rendered difficult to restore to favourable status.

- The development of 84 dwellings will, through the design and application of mitigation measures as detailed and conditioned ensure the lasting preservation of the essential components and characteristics of the European Sites.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Slaney River Valley SAC.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Wexford Harbour & Slob SPA.

(See Appendix 3)

9.0 Recommendation

I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations:

10.0 Reasons and Considerations

- 10.1. Having regard to the provisions of the Wexford County Development Plan 2022-2028, and having regard to the pattern of existing approved phases of development, and the design, scale and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, that the proposed development would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety and would constitute an acceptable form of residential development at this serviced location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to An Bord Pleanála on the 3rd day of May 2023, 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 the 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 layout shall be as shown in drawing no. PP.19, submitted to An Bord Pleanála on the 3rd day of May 2023.

Reason: In the interest of orderly development.

3. All rear garden boundary walls shall be 1.8m-2 meters in height and shall be formed by concrete block walls.

Reason: In the interest of residential amenities.

4. All the mitigation measures indicated in the Natura Impact Statement shall be implemented in full.

Reason: To ensure the protection of the integrity of European Sites.

5. Prior to the commencement of any house in 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 house), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses 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.

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.

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

Reason: In the interest of public health.

7. 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 interest of public health.

8. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. All existing ground cables shall be relocated underground as

part of the site development works.

Reason: In the interest of visual and residential amenity.

10. The internal road network serving the proposed development shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

11. Site development and building works shall be carried out only between the hours of 0700 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.

12. The construction of the development shall be managed in accordance with a site-specific detailed Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all mitigation measures indicated in the Natura Impact Statement and shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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

13. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of

facilities for the storage, separation and collection of the waste and, in particular, recyclable materials within each house plot shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard the development shall:

- a) Notify the planning authority in writing at least four weeks prior to the commencement of development of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.
- b) Employ a suitably-qualified archaeologist who shall monitor all site investigation and other excavation works, and
- c) Provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

15. 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.

16. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of streets, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of security shall be as agreed between the planning authority and the developer, or in default of an agreement shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

17. 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.

Peter Nelson
Planning Inspector

20th June 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	316949-23			
Proposed Development Summary	84 houses, parking spaces, vehicular access, site development works and associated landscaping/communal public open spaces and associated site works.			
Development Address	Shinguan, Enniscorthy, Co. Wexford			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No	No further action required	
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?				
Yes		Class.....	EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
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]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	Class 10(b)(i) construction of more than 500 dwellings.		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	316949 -23	
Proposed Development Summary	84 houses, parking spaces, vehicular access, site development works and associated landscaping/communal public open spaces and associated site works.	
Development Address	Shinguan, Enniscorthy, Co. Wexford	
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.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment?	The proposed development is the fourth phase of an existing residential development and, therefore, is not exceptional in the context of the existing environment.	
Will the development result in the production of any significant waste, emissions or pollutants?	The proposed development of 84 dwellings will not result in the production of any significant waste, emissions or pollutants.	
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?	The size of the development, consisting of 84 dwellings, is not exceptional in the context of the surrounding residential developments.	
Are there significant cumulative considerations having regard to other existing and/or permitted projects?	Given the established residential nature of the area, there are no significant cumulative considerations having regard to other existing and/or permitted projects.	
Location of the Development		

<p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>The proposed development is not located on or adjoins any ecologically sensitive sites and does not have the potential to significantly impact any ecologically sensitive sites or locations. See AA screening.</p> <p>The proposed development of 84 dwellings does not have the potential to significantly affect other significant environmental sensitivities in the area</p>	
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p>		

Inspector: _____

Date: _____

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 2: AA Screening Determination

Screening for Appropriate Assessment Screening Determination

Description of the project

I have considered the proposed residential project of eighty-four dwellings in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located in the northeast of Enniscorthy, c. 2.8 km from Wexford Harbour and Slobbs Special Area of Protection, c. 2.5 km from the Slaney River Valley Special Area of Conservation, c.11.5 km from the Blackstairs Mountain Special Area of Conservation and c.14.1km from the River Barrow and River Nore Special Area of Conservation.

Drainage ditches located along and within the southwestern boundary of the proposed development are likely to drain into the URRIN _050 and URRIN_040 which feed into the Slaney River. The habitats on site have been surveyed and include Improved agriculture grasslands (GA1), Hedgerow/Treeline (WL1/WL2) Mosaic, Spoil and Bare Ground (ED2) (construction site) and Drainage Ditches (FW4)

It is stated that 2 no. invasive species are present on site: Japanese Knotweed and Three-Cornered Garlic.

The proposed development comprises eighty-four houses, parking spaces, vehicular access, site development works, and associated landscaping/communal public open spaces and associated site works. It is the fourth phase of a larger residential development. The majority of the existing development is built and occupied, and parts of phase three are currently being constructed.

Potential impact mechanisms from the project.

The proposed development will not result in any direct effects such as habitat loss on any European Site.

Sources of impact include:

- Release of silt, fuel oils and other hydrocarbons as well as concrete to which feed into the Waterford Harbour and Slaney River effecting groundwater-dependent habitats.
- Spread of invasive plant species, including Japanese Knotweed, which has been recorded on the development site, resulting in alteration of habitats.
- Increased human activity at this site, particularly during the construction may cause disturbance to Otter.

Where an ecological pathway exists, these direct impacts could negatively alter the quality of the existing environment, negatively affecting qualifying interest species and habitats that are dependent on high water quality, that require maintenance of natural vegetation composition and, for mobile species, unimpeded access.

European Sites at Risk

Table 1 European Sites at risk from impacts of the proposed project

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
a) Deterioration of water quality: siltation via surface water, construction related pollutants.	Drainage channel/stream 1.6km to SAC.	Slaney River Valley SAC (000781)	All freshwater species dependent on high water quality: Salmon, Lamprey, Twaite Shad species, Freshwater Pearl mussel, Otter
b) Spread of invasive species	Drainage channel		Riparian habitats: Floating River Vegetation. Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> .
c) Disturbance due to Human Activity			Otter
a) Deterioration of water quality: siltation via surface water, construction related pollutants.	Drainage channel/stream 3.6km to SAC.	Wexford Harbour & Slob SPA (004076)	Little Grebe Great Crested Grebe Cormorant Grey Heron Bewicks Swan Whooper Swan Greenland White-fronted Goose Light-bellied Brent Goose Shelduck Wigeon Teal Mallard Pintail Scaup Goldeneye Red-breasted Merganser Hen Harrier Coot Oystercatcher Golden Plover Grey Plover Lapwing
b) Spread of invasive species	Drainage channel		

			Knot Sanderling Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank Black-headed Gull Lesser Black-backed Gull Little Tern Wetlands habitat
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I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 15km of the development site (Blackstairs Mountain SAC (000770), River Barrow and River Nore SAC (002162)). There is no ecological justification for this and I have only included those sites with any possible ecological connection or impact pathway in this screening determination.

Likely significant effects on the European sites 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'					
European Site and qualifying feature	Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)?			
		Deterioration of water quality	Spread of invasive species	Disturbance due to Human Activity	
Slaney River Valley SAC (000781)	https://www.npws.ie/protected-sites/sac/000781				
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i>	To restore the favourable conservation condition: Target: Area Stable or increasing	Y	Y	N	
Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation	To maintain the favourable conservation condition. Target: Typical species of the relevant habitat sub-type reach favourable status	Y	Y	N	
Otter	To restore the favourable conservation condition	Y	N	Y	
Freshwater Pearl Mussel	Under Review	Y	N	N	
Sea Lamprey	To restore the favourable conservation condition.	Y	N	N	

	Target: Greater than 75% of main stem length of rivers accessible from estuary				
Brook Lamprey	To restore the favourable conservation. Target: Access to all water courses down to first-order streams	Y	N	N	
River Lamprey	To restore the favourable conservation. Target: Greater than 75% of main stem and major tributaries down to second order accessible from estuary	Y	N	N	
Twaite Shad	To restore the favourable conservation condition Target: Greater than 75% of main stem length of rivers accessible from estuary	Y	N	N	
Salmon	To restore the favourable conservation condition. Target: 100% of river channels down to second order accessible from estuary	Y	N	N	
Wexford Harbour & Slob SPA (004076)	https://www.npws.ie/protected-sites/spa/004076				
Little Grebe	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Great Crested Grebe	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Cormorant	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Grey Heron	To maintain the favourable conservation condition Long term population trend stable or increasing	N	Y	N	
Bewicks Swan	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Whooper Swan	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Light Bellied Brent Goose	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Shelduck	To maintain the favourable conservation condition Long term population trend stable or increasing	Y			

Teal	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Wigeon	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Mallard	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Pintail	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Scaup	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Goldeneye	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Red-breasted Merganser	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Coot	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Oystercatcher	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Golden Plover	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Grey Plover	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Lapwing	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Knot	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Sanderling	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Dunlin	To maintain the favourable conservation condition	Y	Y	N	

	Long term population trend stable or increasing				
Black-tailed Godwit	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Bar-tailed Godwit	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Curlew	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Redshank	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Black-headed Gull	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Lesser Black-backed Gull	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	Y	N	
Little Tern	To maintain the favourable conservation condition Long term population trend stable or increasing	Y	N	N	
Wetlands habitat	To maintain the favourable conservation condition The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 4,241ha, other than that due to natural patterns of variation	Y	Y	N	

I conclude that the proposed development would have a likely significant effect 'alone' on Salmon, Lamprey, Twaite Shad species, Freshwater Pearl mussel, Otter, Floating River Vegetation, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* of Slaney River Valley SAC from effects associated with deterioration of water quality, spread of invasive species and disturbance due to human activity. An appropriate assessment is required on the basis of the effects of the project 'alone'.

I also conclude that the proposed development is likely to have a significant effect on the Little Grebe
Great Crested Grebe
Cormorant
Bewicks Swan
Whooper Swan
Greenland White-fronted Goose

Light-bellied Brent Goose

Shelduck

Wigeon

Teal

Mallard

Pintail

Scaup

Goldeneye

Red-breasted Merganser

Hen Harrier

Coot

Oystercatcher

Golden Plover

Grey Plover

Lapwing

Knot

Sanderling

Dunlin

Black-tailed Godwit

Bar-tailed Godwit

Curlew

Redshank

Black-headed Gull

Lesser Black-backed Gull

Little Tern of Wexford Harbour & Slob SPA (004076) 'alone' in respect of effects associated with deterioration of water quality and spread of invasive species.

Further assessment in-combination with other plans and projects is not required at this time.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information

I conclude that the proposed development is likely to have a significant effect on the Salmon, Lamprey, Twaite Shad species, Freshwater Pearl mussel, Otter and Floating River Vegetation, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* of Slaney River Valley SAC (000781) 'alone' in respect of effects associated with deterioration of water quality, spread of invasive species and disturbance due to human activity.

I also conclude that the proposed development is likely to have a significant effect on the Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Bewicks Swan, Whooper Swan, Greenland White-fronted Goose, Light-bellied Brent Goose, Shelduck, Wigeon, Teal, Mallard, Pintail, Scaup, Goldeneye, Red-breasted Merganser, Hen Harrier, Coot, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew,

Redshank, Black-headed Gull, Lesser Black-backed Gull, Little Tern of Slaney River Valley SAC (000781) 'alone' in respect of effects associated with deterioration of water quality and spread of invasive species.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Appendix 3 Appropriate Assessment

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 of each European site

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

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

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

Screening Determination

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

information that the proposed development of 84 dwellings individually or in-combination with other plans or projects will have a significant effect on the following European sites (i.e., there is the possibility of significant effect):

- Slaney River Valley SAC (000781)
- Wexford Harbour & Slob (004076)

The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment.

- Blackstairs Mountains SAC (000770)
- River Barrow and River Nore SAC (002162)

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

The Natura Impact Statement

The application included a Natura Impact Statement by Fehily Timoney dated the 2nd February 2023, which examines and assesses potential adverse effects of the proposed development on the following European Sites.

- Slaney River Valley SAC (000781)
- Wexford Harbour & Slob (004076)

The applicant's NIS was prepared in line with current best practice guidance. The applicant's NIS concluded that:

- *all aspects of the proposed development project have been identified which, in the light of the best scientific knowledge in the field, can by themselves or in combination with other plans or projects, affect the European sites in the light of its conservation objectives;*
- *there are complete, precise and definitive findings and conclusions regarding the identified potential effects on any European site;*

- *on the basis of those findings and conclusions, the competent authorities are able to determine that no scientific doubt remains as to the absence of the identified potential effects; and*
- *thus, the competent authorities may determine that the proposed development will not adversely affect the integrity of any European Site.*

Having reviewed the documents, submissions and consultations with the NPWS etc, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

- Slaney River Valley SAC (000781)
- Wexford Harbour & Slob (004076)

Appropriate Assessment of implications of the proposed development

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

The following Guidance was adhered to in my assessment:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC

- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC]

European Sites

The following sites are subject to Appropriate Assessment:

- Slaney River Valley SAC (000781)
- Wexford Harbour & Slob (004076)

A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS and summarised in Tables 2 & 3 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie)

Mitigation Measures

The applicant has proposed a series of mitigation measures. A summary assessment of these measures is provided in Table 1 below.

Mitigation Measures	Assessment	Implementation	Monitoring
Finalise CEMP and implementation.	Reduce potential of adverse effects to water quality of River Slaney if implemented	Applicant/Contractor	Appointment of qualified person to implement CEMP during period of construction
No washout of concrete trucks only concrete chutes to be tinkered off site	Reduce risk of sediment run off.	Contractor, Competent supervisory staff.	Qualified person will monitor. Collection of wastewater by licensed contractor only
Overland flows intercepted and attenuated during earthworks	Reduce risk of sediment run off or pollutants to River Slaney and in turn	Contractor, Competent supervisory staff.	Erosion control to be regularly maintained during construction.

	Wexford Harbour & Slobs		Clint to ensure maintenance of drainage during construction.
Excess excavated subsoil to be removed from site.	Reduce risk of sediment run off or pollutants to River Slaney and in turn Wexford Harbour & Slobs	Contractor, Competent supervisory staff.	Qualified person will monitor.
Surfaces will be capped to cover subsoil	Reduce risk of sediment run off or pollutants to River Slaney and in turn Wexford Harbour & Slobs	Contractor, Competent supervisory staff.	Qualified person will monitor.
Standing water in excavations to be pumped into temp lined settlement basins	Reduce risk of pollutants to River Slaney and in turn Wexford Harbour & Slobs	Contractor, Competent supervisory staff.	Qualified person to ensure effective management and maintenance of mitigation measures.
Dies or fuels oils to be banded on site to 110% capacity of storage tank.	Reduce risk of pollutants to River Slaney and in turn Wexford Harbour & Slobs	Contractor, Competent supervisory staff.	Qualified person to ensure effective management and maintenance of mitigation measures. Regular inspection for leaks or signs of damage
Mobile Bowers & tanks stored in impermeable storage away from drums. Fuel containers stored in secondary containers. Ancillary Equipment stored within bund	Reduce risk of pollutants to River Slaney and in turn Wexford Harbour & Slobs	Contractor, Competent supervisory staff.	Qualified person to ensure effective management and maintenance of mitigation measures. Regular inspection for leaks or signs of damage.

Only designated trained operators to refuel plant. Emergency spill kits present at equipment. Contingency plans to deal with emergency spills.	Reduce risk of pollutants to River Slaney and in turn Wexford Harbour & Slob	Contractor, Competent supervisory staff. Trained Operators	Qualified person to ensure effective management and maintenance of mitigation measures. Regular inspection for leaks or signs of damage.
Only trained & competent concrete pump operators used on site. No concrete pours during high or constant precipitation.	Reduce risk of pollutants to River Slaney and in turn Wexford Harbour & Slob	Contractor, Competent supervisory staff. Trained Operators	Qualified person to ensure effective management and maintenance of mitigation measures.
Sanitary waste removed from site via a licenced waste disposal contractor. Use of portaloos /containerised toilets for staff.	Reduce risk of pollutants to River Slaney and in turn Wexford Harbour & Slob	Contractor, Competent supervisory staff.	Qualified person to ensure effective management and maintenance of mitigation measures.
No storage or equipment within 10m of drainage ditches. Silt fencing put in place downstream.	Reduce risk of pollutants to River Slaney and in turn Wexford Harbour & Slob	Contractor, Competent supervisory staff.	Qualified person to ensure effective management and maintenance of mitigation measures. Silt fences routinely surveyed by trained personnel.
Invasive species management plan put in place by ecologist. Plan including containment, treatment and eradication. To	Reduce risk of pollutants to River Slaney and in turn Wexford Harbour & Slob	Contractor, Competent supervisory staff. Ecologist.	Qualified persons appointed to ensure a preconstruction survey is undertaken prior to the commencement of construction phase and

commence before development.			operations phase (where required).
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Table 1: Mitigation Measures

In Combination Effects

The site is part of a larger residential development of 306 dwellings in four phases. Phases 1 and 2 are completed and part of phase 3 has yet to be constructed.

The NIS submitted with the application has been prepared for the whole project/master plan as amended, including the proposed phase 4.

Permission has also been granted for the construction of a new road of approximately 1.4km long connecting the L2030, Cherryorchard/Still Road at Forgeland to the R702 at Shingaun. The project also includes the provision of a 2.1-hectare landscaped park. This scheme has yet to be completed.

The mitigation measures proposed include the entire masterplan area.

Integrity Test

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Slaney River Valley Special Area of Conservation in view of the Conservation Objectives of this site.

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Wexford Harbour & Slob Special Protection Area in view of the Conservation Objectives of this site.

Appropriate Assessment Conclusion

The development of 84 dwellings has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

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 Wexford Harbour & Slob SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of its/their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No 000781 & 004076, or any other European site, in view of the site's Conservation Objectives.'

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.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the Slaney River Valley SAC and Wexford Harbour & Slob SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- The development of 84 dwellings will, through the design and application of mitigation measures, ensure the preservation of the favourable conservation status of habitats characterised as being in favourable status and ensure that habitat characterised as being in unfavourable status will not be further harmed or rendered difficult to restore to favourable status.
- The development of 84 dwellings will, through the design and application of mitigation measures as detailed and conditioned ensure the lasting preservation of the essential components and characteristics of the European Sites.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Slaney River Valley SAC and Wexford Harbour & Slob SPA.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Slaney River Valley SAC and Wexford Harbour & Slob SPA.

Table 2: AA Summary Matrix for Slaney River Valley Special Area of Conservation

Slaney River Valley Special Area of Conservation (000781) Summary of Key Issues that could give rise to adverse effects: <ul style="list-style-type: none"> • Deterioration of water quality • Spread of invasive species • Disturbance due to Human Activity 					
SUMMARY OF APPROPRIATE ASSESSMENT					
Qualifying Interest	Conservation Objectives, Targets & Attributes	Potential Adverse effects	Mitigation Measures	In combination effects	Can adverse effects on integrity be excluded?
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i>	To restore the favourable conservation condition: Target: Area Stable or increasing	Deterioration of water quality Spread of invasive species	See Table 1 above	None	Yes
Water courses of plain to montane levels with the <i>Ranunculus fluitans</i> and <i>Callitriche</i>	To maintain the favourable conservation condition: Target: No decline, subject to natural processes.	Deterioration of water quality Spread of invasive species	See Table 1 above	None	Yes

Batrachion vegetation					
Otter	To restore the favourable conservation condition. Target: No significant decline.	Deterioration of water quality Spread of invasive species. Disturbance due to Human Activity	See Table 1 above	None	Yes
Freshwater Pearl Mussel	Under Review	Deterioration of water quality Spread of invasive species.	See Table 1 above	None	Yes
Sea Lamprey	To restore the favourable conservation condition. Target: Greater than 75% of main stem length of rivers accessible from estuary.	Deterioration of water quality Spread of invasive species.	See Table 1 above	None	Yes
Brook Lamprey	To restore the favourable conservation condition. Target: Access to all water courses down to first order streams	Deterioration of water quality Spread of invasive species.	See Table 1 above	None	Yes
River Lamprey	To restore the favourable conservation condition. Target: Greater than 75% of main	Deterioration of water quality Spread of invasive species.	See Table 1 above	None	Yes

	stem length of rivers accessible from estuary.				
Twaite Shad	To restore the favourable conservation condition. Target: Greater than 75% of main stem length of rivers accessible from estuary.	Deterioration of water quality Spread of invasive species.	See Table 1 above	None	Yes
Salmon	To restore the favourable conservation condition. Target: 100% of river channels down to second order accessible from estuary.	Deterioration of water quality Spread of invasive species.	See Table 1 above	None	Yes
Overall Conclusion: Integrity Test Following the implementation of mitigation, the construction and operation of this proposed development will not affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

Table 3: AA Summary Matrix for Wexford Harbour & Slob Special Protection Area

Wexford Harbour & Slob (004076) Summary of Key Issues that could give rise to adverse effects: <ul style="list-style-type: none"> • Deterioration of water quality • Spread of invasive species 					
SUMMARY OF APPROPRIATE ASSESSMENT					
Qualifying Interest	Conservation Objectives, Targets & Attributes	Potential Adverse effects	Mitigation Measures	In combination effects	Can adverse effects on integrity be excluded?
Little Grebe	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species Reduced breeding success.	See Table 1 above	None	Yes
Great Crested Grebe	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species	See Table 1 above	None	Yes
Cormorant	To maintain the favourable conservation condition	Deterioration of water quality Spread of invasive species. Reduced breeding success.	See Table 1 above	None	Yes

	Long term population trend stable or increasing				
Bewicks Swan	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Whooper Swan	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Light-Bellied Brent Goose	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Shelduck	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Teal	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes

Wigeon	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Mallard	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduced breeding success.	See Table 1 above	None	Yes
Pintail	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Scaup	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species.	See Table 1 above	None	Yes
Goldeneye	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Red-breasted Merganser	To maintain the favourable conservation condition	Deterioration of water quality	See Table 1 above	None	Yes

	Long term population trend stable or increasing	Spread of invasive species. Reduction in prey densities.			
Hen Harrier	To maintain the favourable conservation condition No significant decline	Deterioration of water quality Spread of invasive species.	See Table 1 above	None	Yes
Coot	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Oystercatcher	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Golden Plover	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Grey Plover	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes

Lapwing	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Knot	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Sanderling	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Dunlin	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Black-tailed Godwit	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Bar-tailed Godwit	To maintain the favourable conservation condition	Deterioration of water quality	See Table 1 above	None	Yes

	Long term population trend stable or increasing	Spread of invasive species. Reduction in prey densities.			
Curlew	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Redshank	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduction in prey densities.	See Table 1 above	None	Yes
Black-headed Gull	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduced breeding success.	See Table 1 above	None	Yes
Lesser Black-backed Gull	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduced breeding success.	See Table 1 above	None	Yes
Little Tern	To maintain the favourable conservation condition Long term population trend stable or increasing	Deterioration of water quality Spread of invasive species. Reduced breeding success.	See Table 1 above	None	Yes

Wetlands habitat	To maintain the favourable conservation condition The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 4,241ha, other than that due to natural patterns of variation	Deterioration of water quality Spread of invasive species.	See Table 1 above	None	Yes
Overall Conclusion: Integrity Test Following the implementation of mitigation, the construction and operation of this proposed development will not affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

