



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318063-23

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<b>Development</b>	Construction of 3 houses and all ancillary site works.
<b>Location</b>	Irish Street, Enniscorthy, Co. Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20230263
<b>Applicant(s)</b>	Michael Grace
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	James Larkin
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	15 <sup>th</sup> of February 2024
<b>Inspector</b>	Angela Brereton

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2 – Form 2: EIA Preliminary Examination

## 1.0 Site Location and Description

- 1.1. The application site (c.036ha) is a small infill site located in Enniscorthy Town Centre and is on the eastern site of Irish Street. Island Road and the River Slaney are further to the east. Enniscorthy Cathedral is on a height and can be seen to the southwest. Dunnes Stores is on the southern end of Irish Street, as is Main Street, shopping area, Enniscorthy.
- 1.2. The site is located at a lower level than Irish Street and is very overgrown, surrounded by high walls and is currently enclosed and not accessible from the road. There is a significant drop off from the level of the road to the proposed site. The site is viewable from a bridge into the adjoining 'FDYS' (Enniscorthy Community Youth Project) building which is at a higher level. The parking area for 'FDYS' is at a lower level, similar to that of the subject site. The eastern boundary of the site is located adjacent to the rear of L&M Motors, a used car sales plot. There is a high wall along this boundary.
- 1.3. There is a two storey house to the north of the site with access from Irish Street via a narrow lane, behind the stone wall in front of the site. There is pedestrian access from Irish Street via a narrow steep laneway to the north of this house to Island Road, which is on a lower level. There are traffic lights on Island Road adjacent to this access.
- 1.4. There is pay and display parking on the opposite side of Irish Street to the site. It would not be possible to provide onsite parking for these proposed houses, in view of the narrow access lane to the house to the north of the site and the small size of the sites. There is some newer housing constructed to the north on Irish Street.

## 2.0 Proposed Development

- 2.1. This is for the erection of 3no. dwellings, together with all ancillary site works on a site at Irish Street, Enniscorthy, Co. Wexford.

Documentation submitted with this application includes:

- A Flood Risk Assessment – Dunbar Lunn Civil & Structural Engineers.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 31<sup>st</sup> of August 2023, Wexford County Council granted permission for the proposed development subject to 13no. conditions. In summary these concern development contributions, development bond, Construction Management Plan to include a Construction Traffic Management Plan, security bond, pre-commencement pavement condition survey, limitation on construction hours, connection agreements with Irish Water, disposal of waste, foul waste to be discharged to the foul sewerage system, surface water drainage, noise limitations, no extensions within the curtilage of any dwellings without the prior approval of the planning authority.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

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

- They noted that the application site is located c.50m of the Slaney River Valley SAC, and considered that given the nature of the proposal, the distance to the SAC, and the buildings and overland vegetation, they did not consider that an AA Report is required in this instance.
- They noted that it is proposed to erect 3no. two storey dwellings with all ancillary site works on site. Backland and infill development are encouraged on serviced sites under the Wexford CDP.
- They had regard to the proposed design and layout of the dwellings. They recommended that conditions be applied de-exempting any extensions to the proposed dwellings.
- They noted that there is no provision for public open space for the proposed scheme. They note the town centre location and the nearby Peace Park.

- The private open space is below that required, however given the town centre location and the Peace Park across the road from the site they considered that the standards can be relaxed in this instance.
- They have regard to boundary treatment and site levels.
- Pedestrian access is provided via the existing access lane. There is no parking associated with the proposed development. They note the town centre location and that there is a car park directly across the road.
- That individual houses can provide electric car charging points on site.
- They note OPW Flood Map Category C. That the rear portion of the site is located within the Flood Zone and that an FRA has been submitted.
- This report includes mitigation measures to be incorporated into the development in order to minimise the risk of flooding of the application site.
- They consider that the proposed development is acceptable in principle, is an efficient use of land in the town centre on a serviced site.

#### Further Information request

- The applicant is requested to submit a Section 97 Application for Exemption from the provisions of Section 96 of the Planning & Development Act 2000.
- To submit a revised section drawing illustrating compliance with Section 3.12.6 Boundary Treatment of Volume 2 of the CDP. To submit details on boundary treatments.
- A detailed Construction Management Plan to be submitted to address a number of issues, including relative to pedestrian and vehicular access.

#### Further Information response

Bobby Sinnott Planning & Design Services has submitted an F.I response which includes the following:

- Copy of Section 97 Application for Exemption from the provisions of Section 96 of the Planning and Development Act including Statutory Declaration.
- Revised Sections and Site Layout Plan showing the rear (existing) boundary wall between the sites and adjoining property owned by L&M Motors.

- Details of boundary walls and stairways for the dwellings in view of the changing levels on the site.
- An Outline Construction Management Plan has been submitted.
- They refer to details for access and parking during construction phase.

#### Planner's response

Their response to the F.I request included the following:

- They note that the applicant has submitted revised plans proposing using the existing boundary wall to the rear of the application site with precast fencing panels inside the wall in order to achieve the minimum boundary requirements, which they consider acceptable.
- The applicant has submitted a Section 97 Exemption for the proposed development. This is considered acceptable.
- The applicant has submitted an Outline Construction Management Plan in order to address the issues raised in the Roads Report. They note that the Roads Section now recommend conditions.
- Connections to the public water mains and the public foul sewer are proposed and a feasibility letter from Irish Water is included.
- They have regard to the revised plans including the proposed boundary treatment and recommend that permission be granted subject to conditions.

### **3.3. Other Technical Reports**

#### Roads – Enniscorthy Municipal District

The Roads Engineer notes that the main areas of concern are safe pedestrian access to the lane and vehicular access for the existing dwelling. They recommended that F.I be sought on these issues and on parking. They note the previous planning approvals.

They provide that the F.I submitted has addressed their concerns regarding pedestrian and vehicular safety. They recommend conditions.

## Environment Section

They note the proposed connections to the public mains and public sewer and the Feasibility Letter supplied from Irish Water. On reviewing the F.I they recommended that permission be granted subject to conditions.

### **3.4. Prescribed Bodies**

#### Irish Water

They advise that in response to the pre-connection enquiry, the proposed connections to the Irish Water networks can be facilitated and are feasible without an upgrade relative to Wastewater Treatment and the Water Supply Network. However, they note some issues relative to the proposed design for connection to the wastewater network and make some recommendations for alternative wastewater designs.

### **3.5. Third Party Observations**

A Submission has been received from a local resident expressing concerns about the proposed design and layout and the impact on their property and residential amenities. As they are the subsequent Third-Party Appellant, their concerns are noted and considered further in the context of the Grounds of Appeal and Assessment below.

## **4.0 Planning History**

The Planner's Report notes the following relevant history:

#### Subject site:

- TP1351 – Permission granted subject to conditions to John Byrne for the erection of 3no. serviced dwellings.
- TP1493 – Permission granted subject to conditions to Vinegar Hill Construction LTD for 4no. dwelling houses.

It is noted that the site was never developed and remains very overgrown.

## 5.0 Policy Context

### 5.1. Relevant Government Policy / Guidelines

- National Planning Framework – Project Ireland 2040
- Southern Region Spatial and Economic Strategy (RSES)
- Climate Action Plan 2024
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)
- Design Manual for Urban Roads and Streets, (2019)
- Development Management, Guidelines for Planning Authorities (2007)
- Quality Housing for Sustainable Communities - Best Practice Guidelines for Delivering Homes Sustaining Communities (2007).
- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (BRE 2011)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

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

#### Volume 1 – Written Statement

Chapter 3 provides the Core Strategy and this includes regard to national, regional and local planning policy and guidelines. It seeks to promote a high standard of development in compact growth and liveable sustainable settlements. As shown on Figure 3.1 Core Strategy Map, Enniscorthy is a Large Town. Section 3.5 has regard to the Core Strategy Settlement Hierarchy, noting in Table 3-2 that Enniscorthy and New Ross are Level 2 Large Towns. Section 3.6.2 refers to Enniscorthy noting that the second largest town in the county provides a range of functions including housing, employment, education, health care, retail, recreation, tourism and culture. That the town's development in recent years has been curtailed due to wastewater infrastructural constraints. That this issue has now been addressed, through recent

investment in wastewater services infrastructure. This along with the opening of the M11 Enniscorthy Bypass in July 2019 and the town's location on the Eastern Economic Corridor, new opportunities present for the town and it will be in a position to accommodate additional growth, both population and employment. It also notes that there are areas of the town in need of regeneration.

The Development Approach provides a number of criteria and includes:

*Prioritise the development of brownfield and infill sites in the town centre and close to public transport nodes, and ensure the efficient use of those central sites, achieving compact growth and higher residential densities, while also ensuring attractive and high-quality living environments.*

*The spatial planning strategy for the town will be set out in a new Enniscorthy Town and Environs Local Area Plan.*

Core Strategy and Settlement Strategy Objectives include:

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 CS20 - *To ensure the Large Towns of Enniscorthy and New Ross are drivers of growth and prosperity for the county and their respective Municipal Districts by maximising their potential for attracting economic development, employment and population growth, developing their service and retail functions while protecting and enhancing their distinctive town centres whilst protecting their local heritage and environmental quality and making the towns high quality sustainable places to live, work and visit.*

A set of strategic objectives for Enniscorthy town is set out - Objectives ET01 to ET08 relate.

Objective ET06 - *To improve the public realm and attractiveness of the town centre as a place to live, work and visit through key urban regeneration projects/environmental improvement schemes such the proposed Templeshannon*

*Regeneration project, brownfield sites along the Quays and other town centre enhancement works.*

### Sustainable Housing

Chapter 4 - Section 4.4 provides the Sustainable Housing Strategy.

Strategic Housing Objectives include:

*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.*

Section 4.6 provides Locations for Future Housing. Objectives SH06-SH08 refer.

Section 4.7 refers to Future Housing Delivery and the implementation of the County Housing Strategy. The development of brownfield sites is supported. Reference is also had to Part V.

Section 4.7.2.1 refers to Density of Residential Developments. Table 4-5 provides Indicative Density and Scale. This includes regard to: 'Density in Level 1 Key Towns and Level 2 Large Towns (Settlement above 5000).

Section 4.7.2.5 refers to Compact Growth and density provisions. Section 4.7.5 refers to House Types. Future Housing Delivery Objectives SH09 – SH30.

Objective SH19 to compliance with Part V of the Planning and Development Act 2000 (as amended).

Objective SH21 to provision of a mix of unit types.

### Design and Placemaking in Towns and Villages

Section 5.3 provides the Policy Context. Objectives TV01-TV11 refer.

*TV04 seeks: To promote compact urban form, which is appropriate to context, in the interests of the efficient use of resources and optimising the opportunities to walk and cycle and the feasibility of public transport.*

Table 5-1 Priority Locations for Active Land Management and Regeneration. This includes relative to Enniscorthy Town.

Section 5.10.1 refers to Infill, Brownfield and Greenfield Development. This supports compact growth and regeneration.

### Infrastructure Strategy

Chapter 9 provides that: *This strategy is focused on the provision of high quality water, wastewater and waste management facilities and telecommunications infrastructure that will facilitate and sustain the planned growth of the county over the lifetime of the Plan and beyond.*

Strategic Objectives IS01 – IS07 refer.

Section 9.5 refers to Water Supply. Table 9-1 to Irish Water Public Water Supplies and Capacities. (Source: Irish Water March 2022). This provides that there is capacity available in the main networks to cater for population targets.

Section 9.5.4 to Water Conservation. Objectives WS01 – WS14 refer.

Section 9.6 to Wastewater. Table 9-3 provides an 'Overview of Public Wastewater Infrastructure in Level 1- Level 4 Settlements. (Source Irish Water Capacity Register 29<sup>th</sup> of April 2020 – noting this is subject to change). This includes that Enniscorthy Town has capacity.

Wastewater Objectives WW01 – WW14.

*WW08: To facilitate the connection of existing developments to public wastewater services wherever feasible and subject to connection agreements with Irish Water and to ensure that any future development connects to the public wastewater infrastructure where it is available.*

Section 9.11 refers to Flood Risk and Surface Water Management. Regard is had to the Policy Context and to Sources of and Flood Risk Assessment.

Volume 11 refers to Strategic Flood Risk Assessment relevant to the County and this includes reference to Enniscorthy. Section 5.47 refers.

### Volume 2 Development Management

Section 2.1 refers to Access for All.

Section 2.2 – Place Making and Design – Table 2-1 refers to Key Urban Design Criteria in Residential Schemes and Other Developments.

Section 2.3.1 to Application of DMURS.

Section 2.5 – Sustainable Design

Section 2.6 – Amenity - *All developments should be designed to protect the amenities of adjoining properties and properties in the vicinity.* This includes regard to Daylight, Sunlight and Overshadowing, Overlooking, Noise etc.

Section 2.9 – Boundary Treatments must be appropriate to their setting.

Section 3 - Residential Developments.

Section 3.12 to Multi-Unit Residential Schemes in Towns and Villages.

Section 3.12.1 to Mix of Dwelling Types.

Section 3.12.2 to Dwelling House Design. Table 3-4 refers to Minimum Floor Area and Private Open Space for Dwellings.

Section 3.12.4 to Public Open Space.

Section 3.12.6 to Boundary Treatment.

Section 6 refers to Transport and Mobility

Section 6.3 and Table 6-7 refer to the Car Parking Standards. This is 2no. spaces per house. Table 6-10 to Bicycle Parking Standards.

Section 8 refers to Infrastructure and Environmental Management

Section 8.2 to Water and this includes Section 8.2.1 to Surface Water Management

Section 8.2.4 refers to Connection to Public Water or Group Water Scheme.

Section 8.3 refers to Wastewater and Section 8.3.2 to Connection to Public Wastewater Facilities.

**5.3. Enniscorthy Town and Environs Development Plan 2008-2014**

The Council provides that the Enniscorthy Town and Environs Development Plan 2008-2014 (as extended) has expired and until such time as they make a new plan for the town, all policies, and objectives (as relevant) of the Wexford County Development Plan (WCDP) 2022-2028 will be used to assess any proposals/planning application in the town. It is noted that there is no zoning for Enniscorthy town in the current Wexford CDP.

However, regard is had to the land use zoning of the subject site of this now expired Plan below.

### Land Use Zoning

Chapter 10 refers to the Masterplan zones.

Map 9 – Zone 6 shows that the site is located within the ‘Town Centre’(TC) zoning.

Zoning Objective A – Town Centre (TC) refers:

*To protect and enhance the special physical and social character of the existing town centre and to provide for new and improved town centre facilities and uses.*

## **5.4. Natural Heritage Designations**

The Slaney River Valley SAC is within c.100m to the east of the site.

## **5.5. EIA Screening**

Having regard to the limited nature and scale of development and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination (see Appendix 2) and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

Peter Thomson, Planning Solutions has submitted a Third Party Appeal on behalf of local resident James Larkin. This includes regard to the site context, the proposed development and planning policy. The Grounds of Appeal include the following:

#### Validity of the application

- They consider that conflicting information has been submitted as to the ownership of the site.

- No letters of consent were submitted as required under Article 22(2)(g) of the Planning and Development Regulations 2001-2023. The application is therefore incomplete and invalid.

### Overdevelopment

- Notwithstanding the planning history of the site, which includes 3 and 4 dwelling developments being permitted in 2000 (ref. TP1351) and 2003 (TP1493), the proposed development represents gross overdevelopment of the site.
- While the appellant accepts that the provision of off-street parking is not possible and a relaxation in CDP parking standards is warranted, there is no justification for family housing with minimal and extremely poor quality external open space, notwithstanding the location opposite Peace Park.
- They note their concerns about the boundary treatment and the steep flight of steps, which in themselves reduce the private open space areas to well below the 60sq.m minimum standards required in the CDP standards.
- The small pockets of ground to the rear and west of the houses which lies within the flood plan will be dark and damp and receive poor sunlight and daylight. The lack of private open space is a key symptom of overdevelopment.
- The fact that the Planning Authority considered it necessary to impose Condition no.13 of the planning permission is a further symptom of overdevelopment.
- The granting of permission for the overdevelopment of the site would set an extremely undesirable precedent for other town centre sites.

### Substandard Access to Private Open Space

- They have regard to the current Wexford CDP 2022-2028. They note Volume 2 Development Management, Section 2.1 (Access for All) and Section 2.6 (Amenity) as being particularly relevant. Also, Section 3.12 (Dwelling House Design).

- They note their concerns about the poor standard, usability and accessibility to the limited private open space for future residents. That in this case there is no public or communal open space proposed.

#### Impact on existing residential amenity

- They note that the proposed development does not comply with CDP standards for private open space, onsite carparking to be provided, boundary treatments etc.
- They submit that the proposed housing will have an overbearing impact on the appellant's home which is located immediately to the north of the proposed development.
- The impact of the height and massing of the proposed dwellings relative to that existing is not evident in that the drawings failed to show the appellants house in context.
- Due to the excessive scale and proximity of the nearest house the appellant will lose all of the sunlight and much of the daylight currently enjoyed.
- A much reduced development, such as a single pair of semis centred in the site would be preferable.
- The proposal would not protect the amenities of the appellants property and would not comply with Section 2.6 (Amenity) of the Development Management Standards of the CDP.
- Had a sunlight and daylight modelling of the proposals being submitted, they would have clearly demonstrated the unacceptable and detrimental impact of the proposed housing on the appellants residential amenity.

#### Impact from Construction Works

- A detailed Construction Management Plan has not been submitted in response to the Roads and Planning Authority F.I request. In response the applicant's agent submitted as 'Outline Construction Management Plan'.
- Therefore, the third party has been denied the opportunity to comment on and influence its content to ensure their residential amenity is not adversely affected during the works.

- No details were provided in respect of maintaining pedestrian safety to and through the laneway to Island Road, as requested.
- No details were provided regarding construction operations, related parking, impact on public safety during construction works etc.
- The Planning Authority failed to ensure that the applicant complies with its F.I request.
- They are concerned about Condition no.5 of the Planning Authority permission relating to Construction Management Plan to be submitted. The wording of this condition does not require the construction management plan to be adhered to and secondly it is not an enforceable planning condition.
- They have regards to hours of operation and would not agree with the length of those specified in Condition no.7.
- The granting of any permission for the development of this site would be premature without a detailed Construction Management Plan being prepared and agreed with the Area Engineer and being enforceable.

#### Flood Risk and drainage

- Clarification on the proposed means of access to the development via the existing laneway between Irish Street and Island Road, which was described in the Flood Risk Assessment as a ramped/stepped access from the Island Road, via an existing public laneway was not provided.
- They have regard to the FRA recommended mitigation measures given that the rear of the site is within a flood zone (Zone C). They note the FFLs to be provided. Also, that it was recommended that SuDS measures be incorporated into the rear garden areas.
- That in response to the F.I request the decks in the rear garden areas have been removed and now the rear gardens have been reduced in size and are below the flood level.
- They note their concerns relative to how the proposed SuDS will operate and the lack of information submitted relative to this issue. They submit that permission

could not be granted for any development on site in the absence of detailed drainage proposals.

### Conclusion

- There would be no objection to a modest development on site which would not adversely affect the applicant's residential amenities and would provide an acceptable level of amenity for the future occupants of the proposed houses.
- The proposed development does not provide for this and represents overdevelopment of the site.
- The proposals lack essential information necessary for a full assessment of the application, including details of construction management and drainage.
- This is information the appellant should have been able to review and afforded the opportunity to comment upon before a decision was made. The Board is requested to overturn the decision of the P.A and refuse permission.

## **6.2. Applicant Response**

Bobby Sinnott Planning & Design Services has submitted a response on behalf of the First Party to the Grounds of Appeal. This includes the following:

### Background and Planning History

- The site in question is located on the eastern side of Irish Street and has been vacant for numerous years and is now overgrown. It also constitutes an infill site in the Town Centre.
- They provide details of the Planning History of the site noting previous permissions to construct 3 or 4no. dwellings on the subject site.

### Planning Policy

- They refer to the Wexford CDP 2022-2028 and note that Enniscorthy is designated as a Large Town in the Core Strategy (Section 3.6.2, Vol 1 refers).
- They also refer to Section 5.10 of this Plan Compact Growth and Regeneration and to Section 5.10.1 relative to Infill and Brownfield sites.

### Open Space

- They note that in relation to open space, the Planner's Report refers to the location in the Town Centre and the proximity of Peace Park. They also point out other public open spaces in the area.
- The access to the private open space is designed in compliance with stairways for ambulant disabled persons.

#### Design and Layout

- The dwellings have minimum acceptable ceiling heights of 2.4m to comply with current Building Regulations and the roof pitch is 25 degrees.
- There are no gable windows nor are there any rooflights installed in the roof planes. They consider that the proposed development does not adversely impact the amenities of the existing residential.

#### Access

- The existing lane connects Irish Street to Island Road and it was always the intention of the applicant to cause as little disruption as possible to the pedestrian and vehicular access. They submit that negotiations were undertaken with Mr John Leacy of L&M Motors to investigate permission to use his land adjoining the site to the east for materials delivery etc, which would result in less impact on Irish Street.

#### Construction Management

- They contacted the Council's Roads Engineer and it was suggested that the submission of a Detailed Construction Management Plan prior to commencement and further to the conclusion of the negotiations and for the agreement of the Local Authority, could be a condition of the planning permission. Such conditions are commonly used in the planning process.

#### Conclusion

- It is their opinion that the Planning Authority have correctly issued their Declaration subject to conditions on the basis that this proposed development does not adversely impact the amenities of neighbouring properties. That they have followed the principles in the Wexford CDP 2022-2028, as outlined, to

provide 3 energy efficient dwellings on a vacant/infill site in Enniscorthy town centre, which is well served by public open space.

### 6.3. **Planning Authority Response**

No response noted on file from the Planning Authority to the Grounds of Appeal.

### 6.4. **Observations**

None noted on file.

## 7.0 **Assessment**

7.1.1. This is a Third Party Appeal against the Council's decision to grant permission subject to conditions for the proposed development. Having regard to the documentation submitted, to planning history and policy, the issues raised in the Third Party Grounds of Appeal, and to my site visit, I would consider that the issues primarily centre on:

- Policy Considerations
- Validity of Application
- Design and Layout
- Impact on the Character and Amenities of the Area
- Access issues
- Construction Management
- Drainage issues
- Flood Risk Assessment
- Appropriate Assessment

### 7.2. **Policy Considerations**

7.2.1. Regard is had to national and regional planning policy documents, including the National Planning Framework (2018) (NPF) and Regional Spatial and Economic Strategy for the Southern Region (2019) (RSES). This includes that the NPF seeks

to make better use of under-utilised land, including infill, brownfield sites, with higher densities, better serviced by existing facilities and public transport. The NPF specifically targets a greater proportion of future housing development to be within and close to the existing 'footprint' of serviced built-up areas.

- 7.2.2. Regard is had to the more recent 'Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)', and to the amendments to the SPPRs therein as relevant to the subject application. Section 2.1.2 refers to Development Management and provides: *In accordance with the provisions of Section 34 of the Act when making a decision in relation to an application that includes a residential element or other elements covered by these guidelines, the planning authority is required to have regard to the policies and objectives of the Guidelines and to apply the specific planning policy requirements (SPPRs).*
- 7.2.3. These Guidelines replace the 'Sustainable Residential Developments in Urban Areas Guidelines for Planning Authorities' issued as Ministerial Guidelines under Section 28 of the Act in 2009 (now revoked). There is a renewed focus in the Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth.
- 7.2.4. 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. The Core Strategy includes Objective CS04: *To achieve more compact growth by promoting the development of infill and brownfield/ regeneration sites and the redevelopment of underutilised land within the existing built up footprint of existing settlements in preference to greenfield lands and to identify infill, brownfield and regeneration sites when preparing Local Area Plans, Settlement Plans and settlement boundaries.*
- 7.2.5. It has been noted on the Wexford County Council website that the Enniscorthy Town & Environs Development Plan 2008-2014 (as extended), has expired. Core Strategy and Settlement Objective CS15 refer to preparing new Local Area Plans including for Enniscorthy. Therefore, the principle of the development shall be considered on its own merits, and in accordance with the policies and objectives of the Wexford

County Development Plan 2022-2028 and also having regard to the zoning context in the aforementioned Enniscorthy Town Plan.

7.2.6. The site is an infill site that is currently undeveloped and is within the Enniscorthy 'Town Centre' (TC) zoning (Zone 6) as shown on the Enniscorthy Town & Environs Development Plan 2008-2014 (as extended). The Zoning Objective is: *To protect and enhance the special physical and social character of the existing town centre and to provide for new and improved town centre facilities and uses.* The Zoning Matrix provides that residential is permitted within the town centre.

7.2.7. While the principle of an infill residential development is acceptable on this site, the issue in this case is whether having regard to the documentation submitted and taking the Third Party concerns and First Party response into account the proposal would be considered, to be in accordance with the proper planning and sustainable development of the area. These issues having regard to design and layout, impact on the character and amenities of the area, access and construction management and drainage/flood risk are discussed further in this Assessment.

### 7.3. **Validity of Application**

7.3.1. The Third Party is concerned that the applicant is not the sole owner of the application site as stated in the planning application form. That the Section 97 Declaration submitted in response to the planning authority request for further information confirms that he is one of three owners. The other two being his brothers Patrick and James Grace. That no letters of consent from these brothers to make the application, as required under Article 22(2)(g) of the Planning and Development Regulations 2001-2023 were submitted with the application. Article 22(2)(g) requires: *where the applicant is not the legal owner of the land (g)(i) the written consent of the owner to make the application.* They submit that the application is therefore incomplete and invalid.

7.3.2. Having regard to the documentation on file, I would note that Michael Grace is the stated applicant and the owner on the application form. He has also signed the Application Form for Certificate of Exemption from the provisions of Section 96 of the Planning and Development Act 2000. The Online Construction Management Plan and Flood Risk Assessment documents refer to Michael Grace. In addition, I would

note that the Council has processed this application, and this issue was not referred to in their Planning Reports. They have considered the application to be valid.

Therefore, I would consider that note must be taken of the fact that the Council has validated and processed this application. In view of these issues, I would not consider it appropriate for the Board to consider the validity issue raised.

#### 7.4. Design and Layout

- 7.4.1. This proposed seeks to erect 3no. two storey dwellings together with all ancillary site works. This is an infill site with a stated area of 0.036ha. The site is rectangular in shape and is on the eastern side of Irish Street. There is a two-storey dwelling to the north, the youth club building to the south and L&M used car yard to the east. The River Slaney lies further to the east. The site is well below the level of the road in Irish Street and appears on a more similar level to that of the L&M used car yard to the east. It is enclosed and is seen below, from a footbridge connecting to the 'FDYS' (Enniscorthy Community Youth Project) building adjoining to the south. It is currently vacant and unused and is very overgrown, previous permissions for residential on the site (as noted in the Planning History Section above) have not been enacted.
- 7.4.2. The Site Layout Plan shows that it is proposed to provide a semi-detached pair with a FFL of 10.67 and a detached house with a FFL of 10.234 in the northern part of the site. Each dwelling has a stated floor area of 107.7sq.m with a maximum ridge height of 7.78m. As shown on the plans the floor plans and design and layout for these 3no. bedroom houses are similar. Section 3.12.2 of the WCDP 2022-2028 refers to Dwelling House Design and includes: *Designers should have regard to the targets and standards set out in the Quality Housing for Sustainable Communities Guidelines, DEHLG (2007) with regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation.* The proposed dwellings would comply with the floor area and minimum room sizes as specified in the spatial standards in Section 5.3.2 and Table 5.1 of these Guidelines.
- 7.4.3. The external finishes include napp plaster finish with slate roof. The house designs are relatively standard and if the Board decides to permit it is recommended that it

be conditioned that the first-floor side bathroom windows be obscure glazed and that details of quality external finishes be submitted.

#### Boundary Treatment

- 7.4.4. Regard is had to boundary treatment, which needs to take account of the difference in site levels from Irish Street to the rear of the site. As part of the Planning Authority's F.I request the applicant was requested to submit a revised section drawing illustrating compliance with Section 3.12.6 Boundary Treatment of the Wexford CDP 2022-2028. That the applicant should note that rear garden boundaries shall be 1-8 – 2m in height and formed by concrete block walls.
- 7.4.5. The F.I response notes that revised Sections 'A-A' and 'B-B' and Revised Site Layout Plan MG/SLP/2A showing existing (eastern) boundary wall between the site and adjoining property owned by L&M Motors. They note that this existing walling varies in construction and height along its extent, in that it is random rubble walling to the rear of Dwelling no.1 (3.6m high level of L&M car park) and concrete block construction) to the rear of Dwelling nos. 2 and 3 (c.2.7m) high. They provide that in relation to walling height to the rear of Dwelling no.1 it would not be practical to raise the height of the wall due to structural stability and the height over garden level is c.1.050m above garden level. 1.8m high precast panels could be provided inside of the boundary wall as shown on Section 'A-A'.
- 7.4.6. If the Board decides to permit, I would recommend, that boundary treatment to be agreed with the planning authority be included by condition.

#### **7.5. Impact on Character and Amenities**

- 7.5.1. The Third Party Appellant, who resides in the house adjoining to the north of the site, has concerns about the proposed design and layout, the provision of private open space and access to the proposed development. They are concerned that the nearest house will be only 1m from the common boundary and 2.5m over the ridge line of the appellant's house. That a contextual elevation showing the proposed housing relative to their property has not been submitted. They consider that the proposal will constitute an overdevelopment of the site, cause overshadowing and loss of light and impact adversely on their residential amenities. They submit that a centred semi-detached pair would be preferable on this site.

### Private Open Space

- 7.5.2. Third Party concerns regarding the limited private open space provision and the implications for over development of the site, and for future residents are noted. I note that the private open space to the rear of the proposed 3 no. three bed roomed dwellings is considerably less than the 60sq.m minimum standard recommended in Section 3.12.2 Table 3-4 Volume 2 Development Management Manual of the current Wexford CDP. This has been further reduced in the revised plans submitted as part of the F.I response. In view of the steeply sloping nature of the site it is now proposed to provide stairways down to garden level resulting in walling to the rear of Dwellings 2 and 3 satisfying the height requirements. As shown on the Revised Site Layout Plan the rear garden areas will (including the steps) now range from c.25.5sq.m to c.35.5sq.m. The Applicants and as noted in the Planner's Report refer to the town centre location and 'Peace Park' on the opposite side of the road. The First Party also point out the location of the Fair Green Playground within 10 minutes of the site.
- 7.5.3. Section 5.3.2 of the Sustainable and Compact Settlement Guidelines 2024, refers to Private Open Space for Houses. This supports a more graduated and flexible approach that supports the development of compact housing and takes account of the value of well-designed private and semi-private open space. SPPR 2 provides the 'Minimum Private Open Space Standards for Houses'. This is given as 40sq.m for a 3 bed house. The proposed sites would not achieve this. However, SPPR 2 also provides that: *For building refurbishment schemes on sites of any size or urban infill schemes on smaller sites (e.g. sites of up to 0.25ha) the private open space standard may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and proximity to public open space.*
- 7.5.4. I would consider that the private open space to be provided is minimal, however the town centre location and the Peace Park being on the opposite side of the road, should be, taken into account. If the Board decides to permit, I would recommend, the inclusion of a condition similar to no.13 of the Council's permission, restricting any other development onsite, without a prior grant of planning permission.

### Sunlight and Daylight

- 7.5.5. Section 2.6 of Volume 2 of the current Wexford CDP refers to Daylight, Sunlight and Overshadowing. This provides that siting, layout and design should ensure that the development would not give rise to undue overshadowing of residential properties in the vicinity. *Daylight and sunlight levels, as a minimum, should be in accordance with Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (Bre 2011) and British Standard (BS 8206) Lighting for Buildings, Part 2 Code for Practice for Daylighting or any update on these documents.*
- 7.5.6. The third party is concerned that a Sunlight and Laylight Analysis of the impact of the proposed development on their property has not been included with this application. I would note that this was not referred to as part of the Council's F.I request, nor as an issue in the Planner's Report. However, it must be noted that their property is north of the site of the proposed houses, so it is unlikely that daylight/sunlight to their property will be unduly affected. Also having regard to the revised Site Layout Plan, the footprint of the proposed dwellings is similar to that of the existing house, so it is unlikely in view of the orientation that overshadowing would occur. Similarly in view of boundary treatment, and the proposed design and layout, overlooking will not be an issue.

### Conclusion

- 7.5.7. I note the issues raised and the third-party concerns however the infill site is in a town centre location and the proposal presents a compact form of urban development. There is a considerable amount of more recent housing that has been constructed of varying heights and FFLS in the vicinity with frontage to Irish Street. I would consider that if the Board decides to grant that subject to conditions that the proposal would not impact adversely on the amenities of the adjoining property or the character and amenities of the area.

## 7.6. Access and Parking

- 7.6.1. Primary access to the units will be from Irish Street, and as existing via the public laneway from the Island Road. A contextual Elevation of the Front Elevations has been provided. It is noted that the frontages face Irish Street and that pedestrian access will be via the narrow entrance lane that is separated from the road by a

stone wall. This also provides access to the existing house to the north. Pedestrian access only is proposed and there is no onsite parking.

- 7.6.2. I note that the Third Party is concerned about access to their property being blocked due to the narrow nature of the lane and about pedestrian safety. The proposed development would not impact on the pedestrian access to this laneway or from Irish Street to Island Road, which is to the north of the existing house. In view of the restricted nature of the site there is no onsite parking available or proposed. However, there is paid parking available on the opposite side of Irish Street. I note the Council's Roads Section does not object to the proposal and recommends conditions.
- 7.6.3. If the Board decides to permit, I would recommend, that it be conditioned that maintaining safe pedestrian access be in accordance with the requirements of the Planning Authority. Regard is had to issues raised regarding Construction Management below.

## **7.7. Construction Management**

- 7.7.1. The third party raised concerns regarding Construction Management issues. This includes regard to access and the implications for their residential amenity during the proposed works. Also, regarding the impact on the structural stability of their home, particularly given the underlying ground conditions of rock and rock breaking would be required. In addition, the impact of removing the old stone wall adjoining their property.
- 7.7.2. As part of the F.I request the applicant was requested to submit a detailed Construction Management Plan. This was to include the following:
- Details regarding maintaining safe pedestrian access to and through the laneway for the duration of the works.
  - Details for maintaining vehicular access to the existing dwelling for the duration of the works.
  - Proposals for parking for construction vehicles including employee vans, etc.
  - Proposals for construction compound location.

- Detailed works plan outlining the proposed sequence of works, highlighting any impact on the surrounding road and laneway users.

7.7.3. In response an Outline Construction Management Plan was submitted. The F.I noted that this plan has been prepared to address the issues raised noting that obstruction to the pedestrian and vehicular access for the existing dwelling will be minimised other than when (a) opening up access to the site and connecting to main services and (b) when deliveries take place etc. They also note the applicant has already made contact with L&M Motors (accessed via their car park off Island Road to the east) to investigate the possibility of occasional use of their car park for deliveries.

7.7.4. The Online Construction Management Plan has been prepared to address the issues that may arise during the works and the processes to be employed during construction phase of the proposed development. This provides a description of the proposed development and the aims of the OCMP. This notes that phase 1 will provide works to the substructure for all units; phase 2 to superstructure for dwelling nos. 2 and 3 and phase 3 works to superstructure for dwelling 1. Details include relative to site management, major plant and equipment, hoarding and fences, services relocations and temporary protection of the public domain, and to access for construction works and regard to off-site parking for construction works.

7.7.5. It is provided, that the construction site access will be via Irish Street and the existing access lane. They have attached detail from Laois Hire Traffic Management Directive, which shows a proposed access point to the site from the site frontage to Irish Street. I would note that this may cause some temporary disruption during construction works to the access to the adjoining property to the north.

7.7.6. The applicants note that if it is decided to permit, this Plan will be expanded to produce a Detailed Construction Management Plan to incorporate:

- Operational Health & Safety (OH&S) Management Plan;
- Environmental Management Plan, including Waste Management Plan;
- Pedestrian and Traffic Management Plan.

The First Party provide that if permission is granted a detailed Construction Management Plan can be conditioned. If the Board decides to permit, I would recommend, having regard to the site context, the inclusion of a condition that a

Construction and Environmental Management Plan to include the above be submitted.

## 7.8. Drainage issues

- 7.8.1. It is proposed to connect to the public mains and public sewer. Irish Water comments include note that there are water supply capacity issues for Enniscorthy. However, that connections to wastewater treatment and the water network are feasible without infrastructure upgrade by Irish Water. They noted some concerns about the proposed wastewater connections. They advised that the applicant should look at alternative wastewater designs including connecting the houses onto Irish Street. They advised that the design and construction of the Water & Wastewater pipes and related infrastructure be installed in this development to comply with their current standards and Codes of Practice that are available. That IW reserves the right to supplement these requirements with CoPs and that these will be issued with the connection agreement.
- 7.8.2. The Council's Environment Section notes that a Feasibility Letter has been supplied from Irish Water. They recommend conditions. If the Board decides to permit, I would recommend, the inclusion of appropriate conditions relative to drainage including surface water drainage.

## 7.9. Flood Risk Assessment

### Strategic Flood Risk Assessment

- 7.9.1. Section 9.11 of Volume 1 of the Wexford CDP 2022-2028 has regard to Flood Risk and Surface Water Management. This includes regard to The Planning System and Flood Risk Management Guidelines 2009. Section 9.11.3 notes sources of Flood Risk in the County i.e Fluvial, Tidal and Coastal, Surface Water and Groundwater. Section 9.11.4 refers to Strategic Flood Risk Assessment. Section 9.11.8 refers to Justification Tests and notes that this should be applied only where development is within flood risk areas that would be defined as inappropriate development that does not meet the criteria. Section 9.11.10 refers to Development Management and to Flood Risk Management Objectives. This includes Objective FRM06: *To consider applications for minor developments such as change of use, extensions and infill*

*development in accordance with the requirements of the Planning System and Flood Risk Management-Guidelines for Planning Authorities (DEHLG and OPW, 2009) and Circular PL2/2014, and any future update of these guidelines and the County Strategic Flood Risk Assessment in Volume 11.*

- 7.9.2. Volume 11 provides a Strategic Flood Risk Assessment. Section 4.7.1 refers to Minor Developments including small scale infill. Section 5.47 refers to Enniscorthy and notes that it is an area for further assessment under the CFRAM programme. That Flood Zone mapping has been produced in accordance with the Planning Guidelines and therefore ignores the impact of flood protection structures. Areas protected by flood defences still carry a residual risk of flooding due to overtopping or breach, there may be no guarantee of maintenance in perpetuity. They note that Areas that benefit from defences are annotated separately. Flood Zone A - Fluvial: 1 in 100 year or 1% AEP, Tidal: 1 in 200 year or 0.5% AEP, Flood Zone B – 1 in 1000 year or 0.1% AEP. This has regard to Enniscorthy Flood Relief Scheme.
- 7.9.3. The SFRA has regard to historic flooding, noting that some flooding has occurred in the past along Island Road, which is on a lower level than Irish Street. This notes that the land use zoning map relates to the 2008-2014 Development Plan (as extended). The River Slaney runs through the northeast settlement boundary and flows in a southerly direction through Enniscorthy town centre. The River Urrin and a further tributary are also present in the west of the settlement and discharge into the River Slaney. The fluvial flood risk to Enniscorthy is high and the Enniscorthy Flood Relief Scheme is currently at design stage. That a new LAP will be prepared for Enniscorthy Town. That the increase in flood extents suggest the town of Enniscorthy is highly sensitive to climate change.
- 7.9.4. That there is significant fluvial flood risk in Enniscorthy which has resulted in the Enniscorthy Flood Defence Scheme. Re-development of any existing property within Flood Zone A/B should be assessed in line with Section 4.7. New development should avoid Flood Zone A/B and the impacts of climate change should be robustly incorporated into any potential development FRA. When the new LAP is being prepared it is important that the zonings are considered in line with the sequential approach and Justification Test.

7.9.5. Section 3.1.3 of Volume 11 refers to the Enniscorthy Flood Defence Scheme (ongoing). This includes that the Flood Defence Scheme proposed several measures of protection which include bridge relocation, river deepening and widening the channel, and the construction of a glass panelled flood wall through the town along both banks.

#### Site Specific Flood Risk Assessment

- 7.9.6. The Third Party concerns about flood risk and any potential for impact on surface water drainage on their property and in the locality have been noted. A Flood Risk Assessment has been prepared by Dunbar Lunn Consulting Engineers. This notes that due to the difference in the existing site levels on the Irish Street and Island Road areas, a large rising wall or substructure will be required to be constructed under each of the residential units. It is their understanding, that the substructure area may be used for storage ancillary to the residential units where possible, although no habitable rooms will be situated within the sub-structure/basement areas.
- 7.9.7. They note that the flood mapping available from the CFRAM study estimates, (drawing in Appendix A of their Report), provides flood levels for 2no. adjoining node points, node 5800 and 5420. Node point 5800 is taken on the river Slaney c.100m west of the proposed site, and node point 5420 is taken on the river Slaney c. 450m southeast of the proposed development. Water levels for the 0.1% AEP are given at 8.92m (OD) and 7.68m(OD), for the nodes 5800 and 5420 respectively. This notes, the FFLs for the ground floor of the proposed units varies between 10.235m and 10.67m (OD). They note that the lowest finished level of the proposed primary access road adjacent Irish Street is 9.71m. That correlation between the two points adjacent the site, 5800 and 5420 respectively, would give a level of 8.30m for the 0.1%AEP.
- 7.9.8. They have regard to a review in relation to previous flood events adjacent the site undertaken via the OPW website, *Floodmaps.ie*. The nearest past flood events recorded are located within a c.3km radius of the proposed development. That from review of the 17no. past events, 7no. events would relate to the site, with only 4no. events containing relevant information e.g. reports and press archives. They note details and that Pre-Feasibility Report carried out by the OPW contains a table,

'Enniscorthy Flood Levels' which records flood levels to each of the affected properties within Enniscorthy, by the major flood event in 2000. This notes that the adjoining properties directly to the north of the subject site, along Irish Street, were unaffected by the flood levels which occurred in 2000. They have regard to historic Ordnance Survey Mapping and note that none of these maps showed any reference to the area of the applicant site being 'liable to flooding', or indications of previous wetland and/or bog features.

- 7.9.9. They provide that from a review of the information available in relation to the above site, it was found that no flooding records exist that indicate flooding within the subject site. They note that from an inspection of the site in March 2023, no areas of the proposed development exhibited signs of lying water or flooding and all lands inspected were firm underfoot, albeit some finished in hardcore/tarmac.

#### FRA Conclusions and Recommendations

- 7.9.10. Section 2 notes that detailed flood information and map available from the OPW websites following the South Eastern CFRAM study, indicates minor potential flood risk to the proposed development. In the majority the proposed site is indicated within the 0.1% AEP fluvial event, being low flood risk or Zone 'C'. The highest predicted 0.1% AEP for the site is 8.92m(OD), which is significantly lower than the proposed FFL, being 10.235m. For clarification 0.1% AEP (annual exceedance probability) is equivalent to a 1000: 1 odds of floods breaching this level, or equivalent to a storm return period of 1000 years.
- 7.9.11. From inspection of the site and taking into account local topography of the building and adjoining lands, it is their opinion, the flood mapping indicating zones of high risk are accurate at a localised level. They provide that it is extremely unlikely that the property and adjacent access areas adjacent to the west will be subject to flooding, due to localised ground topography.
- 7.9.12. They propose the following measures be incorporated into the proposed development in order to minimise the risk of flooding of the proposed house.
- (a) The FFL of the proposed building be set at 10.23m, allowing for a significant freeboard of approx. 1.31m above the correlated 0.1% AEP flood level of 8.92m.

- (b) They recommend that additional SuDS measures be incorporated into the design and daily use of the proposed building, e.g. use water harvesting units/buts for non-potable water, and the use of permeable paving within the rear private areas where possible, which would provide some attenuation of stormwater and/or allow discharge to groundwater.
- (c) The building structure to be left partially open underside of the ground floor level or allow for the formation of an unused storage area underside of ground floor level and the existing ground level. They provide that this will allow for a volume of flood water to be stored on site and avoid the potential for possible water displacement downstream of the development, should ever a flood occur within the timeframe expected, e.g. 1% AEP to 0.1% AEP or 1 in 100 years to 1 in 1000 years storm return period.

#### Justification

- 7.9.13. The FRA notes in Section 3 that although undeveloped, the historic OSI mapping of the site, indicates buildings were present on the site for in excess of 70 years, between 1837 to 1913. They provide that no information is available of when the existing site was cleared at present, and/or buildings demolished.
- 7.9.14. They submit that they have shown that the existing development will not increase flood risk and if the recommended measures are introduced may possibly lessen the contribution of the site to any flooding of the local area, e.g. Allowing flooding to sub-structure/basement area.
- That the measures proposed outlined with regard to SuDS will minimize that risk of damage by flooding to adjoining properties etc and will not impact or potentially worsen proposed downstream flooding.
  - That the proposed development has adequate flood management measures to mitigate against any potential future flood risk, eg primary access point from the public road within the high area of the site, and flooding policy in place as part of health and safety plan.
  - They submit that the proposed development is compatible with any possible wider planning objectives, e.g. providing residential accommodation within an urban zone.

## Conclusion

7.9.15. I would have regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)'. This refers to the Sequential Approach and Justification Tests procedures. This makes use of flood risk assessment and of prior identification of flood zones for river and coastal flooding and classification of the vulnerability to flooding of different types of development. Table 3.1 of the Guidelines provides a 'Classification of Vulnerability of different types of development'. This notes that residential is highly vulnerable. Table 3.2 provides a 'Matrix of vulnerability versus flood zone to illustrate appropriate development and that required to meet the Justification Test'. As has been noted it has been stated that the application site is not within Flood Zones A or B, residential is appropriate in Flood Zone C. Therefore, having regard to the information submitted, and the measures proposed, I would consider that it can be concluded that in view of the small-scale infill site context, proposed FFLs, distance from the river and the pattern of development in this town centre area, a Justification Test is not required in this case for this urban infill site.

## **8.0 Appropriate Assessment Screening**

- 8.1.1. I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000, as amended.
- 8.1.2. The subject site is located approx. 100m to the west of the Slaney River Valley SAC (Site Code 000781).
- 8.1.3. The proposed development comprises the construction of 3no. dwellings together with all ancillary works, located on serviced lands within the Enniscorthy development boundary.
- 8.1.4. No nature conservation concerns were raised in the planning appeal.
- 8.1.5. No streams/watercourses are identified on site.
- 8.1.6. 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 nature of the works proposed which are located on serviced lands.

- The distance to the nearest European sites, and the absence of any hydrological or other pathways.

I conclude on the basis of objective information, that 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, as amended, is not required.

## 9.0 Recommendation

I recommend that permission be granted for the reasons and considerations below.

## 10.0 Reasons and Considerations

Having regard to the planning history and to the location of this infill site in the existing residential urban area within Enniscorthy town centre, to the policies and objectives that support compact infill development within the Wexford County Development Plan 2022-2028 and to the provisions of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, which are Section 28 Guidelines, issued by the Department of Housing, Local Government and Heritage in January 2024, 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, 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.

## 11.0 Conditions

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

plans and particulars submitted on the 11<sup>th</sup> of August 2023 and by the further plans and particulars received by An Bord Pleanála on the 16<sup>th</sup> of October 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 commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interests of clarity.

2. a) 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.
- b) All bathroom windows shall be obscure glazed.

**Reason:** In the interest of visual amenity.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the units, without a prior grant of planning permission.

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

4. Prior to the commencement of development details of the following shall be submitted for the written agreement of the planning authority:
  - a) Final details of all proposed site boundary treatments shall be in accordance with the detailed standards of the planning authority.
  - b) Details relative to the structural stability and of the construction of all new retaining walls within the proposed development site, including those along the northern, southern and eastern site boundaries, with the adjoining properties, shall be designed, supervised and certified by a Chartered Civil or Structural Engineer, and the works shall be subject to the written agreement of the Planning Authority.
  - c) The stairways to access the private open space shall be in accordance with current standards.

**Reason:** In the interest of residential amenity.

5. Prior to the commencement of development details of the following shall be submitted for the written agreement of the planning authority:
  - a) A pre-commencement pavement condition survey shall be carried out.
  - b) Details of the pedestrian accesses from Irish Street to serve the proposed dwelling houses.

**Reason:** In the interest of residential amenity and pedestrian safety.

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 interest of public health.

7. The developer shall enter into water supply and wastewater connection agreements with Irish Water, prior to commencement of development. A Confirmation of Feasibility for connection to the Irish Water network shall be submitted to the planning authority prior to the commencement of development.

**Reason:** In the interest of public health.

8. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of visual and residential amenity.

9. 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 and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

10. Proposals for a house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility.

11. The construction of the development shall be managed in accordance with a Construction Environment 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 the intended construction practice for the proposed development, including measures for the protection of existing residential development, hours of working, traffic management during the construction phase, noise and dust management measures and off-site disposal of construction/demolition waste.

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

12. Site development and building works shall be carried only out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 hours 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.

13. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best

practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

14. 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, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion 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.

15. 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.

#### Professional Declaration

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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Angela Brereton  
Planning Inspector

28<sup>th</sup> of June 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>	ABP-318063-23		
<b>Proposed Development Summary</b>	Permission for the erection of three number dwellings, together with all ancillary site works.		
<b>Development Address</b>	Irish Street, Enniscorthy, 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>No</b>	No further action required
<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>		Class 10(b), Schedule 5 Part 2	EIA Mandatory EIAR required
<b>No</b>	✓	Below Threshold	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>Conclusion</b>
<b>No</b>		N/A	No EIAR or Preliminary Examination required
<b>Yes</b>	✓	Class 10(b), Schedule 5 Part 2	Proceed to Q.4

**4. Has Schedule 7A information been submitted?**

No	✓	Preliminary Examination required
Yes		Screening Determination required

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

## Appendix 2 - Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP-318063-23	
<b>Proposed Development Summary</b>	Permission for the erection of three number dwellings, together with all ancillary site works.	
<b>Development Address</b>	Irish Street, Enniscorthy, Co. Wexford	
<p><b>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.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development</b> Is the nature of the proposed development exceptional in the context of the existing environment?</p>	The proposed development to include 3no. dwelling houses (stated area 0.036ha) is a small infill site in the urban area of Enniscorthy within an area zoned Town Centre.	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	The proposed development is to connect to public services. As per the documentation submitted, including regard to Construction and Environmental Management it will not result in significant emissions or pollutants.	No
<p><b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?</p>	This proposal is for the construction of 3no. residential units and is well below the threshold of 500 units and below 10ha as per Class 10(b) of Schedule 5 of Part 2 of the Planning and Development Regulations 2001 (as amended).	No
<p>Are there significant cumulative considerations having regard to other existing and/or permitted projects?</p>	Please refer to the Planning History Section of this Report. No significant cumulative considerations	No
<p><b>Location of the Development</b> Is the proposed development located on, in, adjoining or does it have the</p>	Residential Development on serviced site on zoned lands and proposal includes regard to surface water drainage and the incorporation of SuDS. A Flood Risk Assessment has been submitted.	No

<p>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>This has been assessed in the documentation and shown on the drawings submitted, and it is concluded that it will not have a significant effect.</p>	<p>No</p>
<p><b>Conclusion</b></p>		
<p><b>There is no real likelihood of significant effects on the environment.</b></p> <p>EIA not required</p>	<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p> <p><del>Schedule 7A information required to enable a Screening Determination to be carried out.</del></p>	<p><b>There is a real likelihood of significant effects on the environment.</b></p> <p><del>EIAR required.</del></p>

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

DP/ADP: \_\_\_\_\_ Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)