



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318497-23

<b>Development</b>	6 houses, single storey childcare facility, internal access roads, 40 car parking spaces, bicycle parking, bin storage, landscaping, boundary treatments and associated site works and services
<b>Location</b>	Roxborough Manor, Mulgannon, Wexford.
<b>Planning Authority</b>	Wexford County Council
<b>Planning Authority Reg. Ref.</b>	20230844
<b>Applicant(s)</b>	Colm Neville Construction Unlimited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Neil Laundon & others
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	19 <sup>th</sup> November 2024

**Inspector**

Catherine Dillon

## **1.0 Site Location and Description**

- 1.1. The subject site lies approximately 1km to the south west of Wexford town centre, positioned between Mulgannon Road (L3017) to the west, and Rosslare Road (R730) to the east. The subject site is accessed off Mulgannon Road, via an estate road which leads to a housing development known as Roxborough Manor. This estate road terminates at its eastern end just beyond the entrance into the Roxborough development. The subject site comprises two parcels of land, either side of the estate road.
- 1.2. The subject land to the north of the estate road is enclosed with wire fencing and contains mounds of earth and building debris. A number of houses within Hillcrest estate to the north of this area of land back onto the boundary of the subject lands. The areas on either side of this site are also enclosed with wire fencing and are in a similar condition as the subject site, with the land abutting the site to the east being used as a storage compound for building materials.
- 1.3. The second parcel of the subject land is located within the existing Roxborough housing development accessed off Manor Grove and is currently a vacant green area to the rear of Nos. 11-18 Manor Grove. This area of land is enclosed by the estate boundary wall to its eastern boundary. Along the western boundary of this area is a recessed shared parking area with a footpath that leads to a pedestrian access onto the estate road. There is a turning head for Manor Grove cul de sac on the north boundary of the subject site.
- 1.4. Roxborough estate is a relatively recent constructed estate and comprises a mixture of detached, semi-detached and terraced properties all accessed off the main estate road. There are areas of open space located throughout the estate. The coast is visible to the east within the Roxborough housing development.
- 1.5. The immediate surrounding area is predominantly residential and is characterised by a mixture of housing estates and single one-off dwellings along Mulgannon Road.
- 1.6. The overall site has a stated area of 0.786 hectares.

## 2.0 Proposed Development

- 2.1. The proposed development is for the construction of 6 two storey dwellings and a childcare building with associated car parking and works.

### Residential element of the proposal

- 2.2. The proposed dwellings would be located on the vacant green area of land to the rear of Nos. 11-18 Manor Grove within the Roxborough estate. The site on which it is proposed to construct the 6 two storey dwellings was identified in ABP Ref: PL85.237980 & P.A Ref: W2010012 for a creche associated with the housing development.
- 2.3. The proposed dwellings would be positioned in 2 terrace blocks of three dwellings on the site. The front terrace block (House Nos. 1-3) would have a frontage onto Manor Grove and an overall depth of 10m. This terrace would be set in from the southern boundary by 3.2m and set back between 15.5m and 12.6m from the two-storey rear elevations of Nos.15 and 17 Manor Grove to the south. These dwellings would have garden areas of between 55m<sup>2</sup>-104m<sup>2</sup>. The end terrace facing Manor Grove would have windows in the flank elevations serving a WC on the ground floor and a landing window on the first floor.
- 2.4. The second terrace block (House Nos. 3-6) would be set back c.12m from the rear of the front terrace block and would have a frontage facing the main estate road to the north. This block would be set in 9.7m from the southern boundary and between 19.2m and 22m from the rear elevations of Nos. 19-21 Manor Grove. The internal layout of the houses would have kitchens on the ground floor with a bathroom window and bedroom window on the first floor. These dwellings would have garden areas ranging from 62m<sup>2</sup>-224m<sup>2</sup>.
- 2.5. There are three different design types proposed with 1 dwelling being a 2 bedroom (4 persons unit) and the remaining 5 units being 3 bedrooms (5 persons units). The houses would comprise brick on the ground floor and render on the first floor with the end units having front projecting brick gables. A total of 12 car parking spaces are proposed for the residential development. The existing footpath would extend along the frontage of the proposed houses facing Manor Grove. The houses would connect to the existing water mains and foul sewer.

### Childcare/creche building

- 2.6. This building would be located on the parcel of land to the north of the main estate road, opposite the entrance to Roxborough housing development. This site forms part of a larger site associated with P.A Ref: 20230488 & ABP Ref: 318926-24, currently with ABP.
- 2.7. The childcare building would be single storey with a sloping monopitch roof with a maximum height of 5.7m and faced in brick with a total floor area of 454m<sup>2</sup>. It would have an overall length of 21.8m to the road and would be set back between 2-5m from the main road. A new vehicular access would be provided off the main estate road leading to an internal access road which would serve a total of 29 car parking spaces.
- 2.8. The facility would have a capacity to accommodate 75 children, aged 0-6 years old and contain 1 large day room, 2 sleep rooms, WCs, staff room, kitchen, reception and outdoor play area. A total of 13 staff are proposed for the facility.
- 2.9. The planning application was accompanied with a Design Statement, Landscaping Plan, Design Report & specification (Lighting & EV charging), Universal Access Statement, Stormwater Management Report, Traffic & Transport Assessment, Archaeological Assessment, Construction & Environmental Management Plan (CEMP), & Construction Resource & Waste Management Plan (CRWMP).

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Notification of the Decision to grant permission for the development was issued by Wexford County Council on 27<sup>th</sup> October 2023 subject to 23 conditions. Conditions of note include the following:

Conditions 2 & 3: Relate to development contributions towards improvement to roads and community facilities in the functional area.

Condition 4: Security bond.

Condition 7: Prior to commencement the applicant to enter into water and waste water connection agreement with Uisce Eireann.

Conditions 11 & 12: Relate to surface water drainage.

Condition 16: Development to be carried out in accordance with the Council's Taking in Charge policy and to be indemnified by a chartered engineer.

Conditions 19 & 20: Relate to noise and dust control measures.

Condition 23: Relates to archaeological monitoring.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The key items of note from the planner's assessment of the proposed development are as follows:

##### Planner's initial report dated 6/9/2023

- Lands were zoned for residential purposes under the Wexford Town and Environs Plan 2009, which has since expired.
- Density for the proposed housing element considered acceptable in this location and in line with the Core Strategy and objectives of the County Development Plan.
- Design, house types, layout, materials and garden sizes reflective of the existing Roxborough housing development.
- Notes the crèche's location was subject to a recent planning application P.A Ref: 20230488, which contained an AA screening report.
- Crèche to cater for the entire development and a low single storey structure considered appropriate for the site. Twenty nine parking spaces for the creche in accordance with the CDP.
- Concurred with submitted Traffic and Transport plan that the existing road network and access junction are adequate to accommodate the overall development.

3.2.2. A request for Further Information (F.I) was issued on 8/9/2023 on one issue regarding the provision of 2 car parking spaces per dwelling and confirmation that all car parking spaces had the necessary cabling and infrastructure for future EV charging points.

3.2.3. Planner's report dated 26/10/2023 on receipt of F.I. response

This report concluded the development was acceptable subject to conditions outlined above.

The Senior Executive planner commented on the proposal within this report regarding the HSE's submission relating to the possible anthrax burial site, stating that local information suggests, in 1911 on the lands owned by Mr. Robert Roberts, a herd of cattle infected with anthrax were buried in an unknown location in phases 1 and 2 of Roxborough Manor (the current application is for phase 3). As a result, archaeological monitoring during the development of Phase 1 and 2 was carried out and no remains were uncovered. The Phase 3 lands were never owned by Mr. Roberts and it is unlikely that the burials are within the Phase 3 site. However, given the possible dangerous consequences of live anthrax spores being disturbed, it is recommended archaeological monitoring to be undertaken to identify any possible animal remains. Condition No.23 was added requiring archaeological monitoring during the construction phase.

3.2.4. Other Technical Reports

**Housing Dept:** Memo dated 2/8/2023

- Part V agreed 22/6/2023 for the transfer of 1 unit on site to L.A or AHB. Part V calculated at 20%.

**Senior Executive Scientist (Environment):** Memo dated 7/9/2023

- Recommended grant with conditions regarding connection agreement for water/or wastewater with Uisce Eireann, noise and dust measures.

**Disability Access Officer:** Memo dated 2/8/2023:

- Disability Access required for crèche.

**Executive Roads Technician:** Memo dated 22/8/2023

- Recommended grant with conditions, regarding design of footpath, walkways and roads in accordance with guidelines on Accessibility of Streetscapes and DMURS, landscaping, public lighting, planting of trees, boundary treatments, accessible chamber for surface water attention tanks and maintenance of storm tank until development taken in charge.

### 3.3. Prescribed Bodies

3.3.1. **Health Service Executive:** Letter submitted and dated received by WCC on 24/8/2023 – summarised as follows:

- Refers to condition 5 of planning permission P.A Ref: W2010/012 granted by ABP, which required a health and safety plan and waste management plan. They note a waste plan accompanied the application; however, the Health and Safety plan could not be located in the documentation. The Health and Safety Plan must be the subject of consultation with the HSE. This is to ensure that the biological agents assessment includes untracked precautions as appropriate.
- Any expected disruptions to services should be notified in advance to affected communities.
- Noise levels for activities on site should not exceed 10db(A) for daytime and shall not exceed the background level for nighttime.
- Notes the Construction Management Plan, recommends any overgrown areas should be cut back as necessary, and a good standard of housekeeping maintained on site.
- Childcare service being provided in accordance with Childcare (Pre-school Services) Regulations 2006.

3.3.2. **Uisce Eireann:** Email dated 8/8/2023: Recommends a condition that the applicant enter into a Connection Agreement and complete and fund any upgrades required to existing infrastructure prior to the occupation of the proposed development.

### 3.4. Third Party Observations

One submission received on behalf of all the residents of Manor Grove on the following summarised grounds:



- Developer gave assurances that the creche was to be a single storey building,
- Overlooking from housing,
- Existing traffic problems,
- Lack of proposed parking spaces,
- Maintenance of landscaping,
- Disruption during construction (duration, dust, noise),
- Impact on health of residents, and
- Drainage issues.

## 4.0 Planning History

- 4.1. There have been a number of planning permissions connected to the overall Roxborough Manor development, which are outlined below:

### Parent permission to which the current proposal relates:

- 4.2. **P.A Ref: W2010012 ABP Ref: PL.85.237980:** Planning permission was granted by ABP on 25/3/2011 to erect 183 no. dwellings and 1 no creche all with connection to existing public services and all associated site works subject to 19 conditions. The overall density for the development was calculated as 17 uph and the open space provision equated to 18.5%.

Condition No. 5 of this permission stated the following:

Prior to commencement of development, (a) a workplace Health and Safety Plan shall be submitted to the planning authority for consultation with the Health and Safety Authority, and (b) a Waste Management Plan shall be submitted to the planning authority for consultation with the Department of Agriculture and Food.

Reason: In the interest of public health.

The creche was shown to be located to the rear of Nos. 11-18 Manor Grove. This development was referred to as Phase 1, and 181 units were constructed as part of this development.

- 4.3. **P.A Ref: W201012E:** An extension of duration of permission was granted on 10/3/2016 and 22/12/2021 for this permission by WCC.

- 4.4. **P.A Ref: 20171297:** Planning permission was granted on 5/1/2018 for permission for modifications of the design of the floor plans and external finishes to approved house types granted by ABP Ref: No. PL85.237980 and extension of duration of P.A ref: W2010012E (erection of 183 houses and creche) with connection to public services.

Current outstanding application relating to lands to the north of the estate road

- 4.5. **P.A Ref: 20230488 & ABP Ref: 318926-24:** Planning permission granted by WCC on 21/12/2023 to Colm Neville Construction Unlimited Company for the construction of 60 houses and 39 apartments, commercial building with childcare facility, office hub and a retail/restaurant unit, associated car parking, signage and service area. Four vehicular access points from existing access road and new internal access roads; Car parking (224 no. spaces), motorcycle parking, bicycle parking, bin storage and recycling banks; Landscaping, public open spaces, children's play area and boundary treatments and associated site works and services subject to 30 conditions.

This application has been appealed to An Bord Pleanála ABP Ref: 318926-24 and includes the area for the proposed creche in the current appeal but not the lands to the rear of Nos.11-18 Manor Grove in the current appeal.

## 5.0 Policy Context

### 5.1. Wexford County Development Plan (CDP) 2022-2028

- 5.1.1. Wexford County Development Plan came into effect on 25<sup>th</sup> July 2022. The current Wexford County Development Plan 2022-2028 did not include land use zonings for Wexford Town and its surrounding area, with the intention that a spatial planning framework for the town would be set out in a new Wexford Town and Environs Local Area Plan (LAP) that would be adopted within the lifetime of the CDP and include land use zonings for the area. The current appeal was submitted under the provisions of this Plan and the subject lands are not zoned.
- 5.1.2. In November 2023, Wexford County Council commenced the preparation of a new Local Area Plan (LAP) for Wexford Town, and this is currently at Pre Draft Stage. Once the draft LAP is finalised it will be placed on public display and a public

consultation period was envisaged to take place during Q2 in 2024. I note in the SEA for this Pre Draft LAP, that the subject site is contained within this LAP lands.

- 5.1.3. Wexford Town is a Level 1 Key Town within the settlement hierarchy of the county. Table 3-4 of the Core Strategy allocates a population increase of 45% to 29,273 persons from 2016 to 2040 for the town. Table 3-4 of the Core Strategy outlines a population allocation of 3,194 persons from 2021-2027 for the town, with 2,174 housing units to be provided within the same period and 652 of these, to be delivered within the built-up area with an average density of 35 units per hectare. The following objectives are noted:

**5.1.4. Volume 1- Chapter 3- Core Strategy**

Objectives CS01- CS03: These objectives relate to new residential development complying with the population and housing targets set out in the Core Strategy and achieving compact growth by promoting infill and brownfield development.

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

Objective CS15: To prepare a new Local Area Plan for Wexford Town.

Objective WT01-WT10: These objectives seek to strengthen the role of Wexford Town as a self-sustaining regional economic driver located on the Eastern Economic Corridor building upon its inherent strengths. The spatial planning framework for the town will be set out in the new Wexford Town and Environs Local Area Plan.

**5.1.5. Volume 1- Chapter 4 Sustainable Housing**

- 5.1.6. Section 4.7.2.1, Table 4.5 provides indicative density and scale requirements in particular locations within the county including cities and town centres, brownfield sites, inner suburban/infill and outer suburban/greenfield sites. Relevant objectives include:

Objectives SH01-6: These objectives relate to new residential developments being at an appropriate scale, density and quality and that they contribute to and represent

sustainable neighbourhoods, and are in accordance with the NPF, RSES and the Core Strategy and the Settlement Strategy in the Plan.

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.

Objective SH22: To ensure that required physical and/or social infrastructure is provided either prior to or in tandem with new residential developments in the interests of the proper planning and sustainable development of the area.

Objective SH30: To adopt a flexible approach to planning applications which seek to resolve issues relating to unfinished housing developments and where this would result in substantial environmental or community gain. Such flexibility may include reconfiguration of a development in relation to open space, roads and circulation requirements.

#### **5.1.7. Volume 1-Chapter 5- Design and Place-making in Towns and villages**

Section 5.10.1 of this chapter places an emphasis on infill and brownfield development to prevent urban sprawl. Infill and brownfield sites are described, and the council will ensure through appropriate environmental assessments the remediation of brownfield sites. Relevant objectives include:

Objective TV08: To ensure, through the development management process that new development adds to the sense of place, quality, distinctiveness and character of towns and villages.

Objectives TV25-29: These objectives relate to permeability, integrated development, ensuing walkability, active edges to streets, and connectivity in developments.

Objective TV43: To adopt a presumption in favour of the development of infill and brownfield sites and to apply flexibility in the application of development management standards allowing for the achievement of performance standards for

issues such as the protection of adjoining residential amenities, privacy, light and amenity.

#### **5.1.8. Volume 2- Development Management Manual**

This manual describes development standards applied to the assessment of planning applications, and states that the standards should be read in conjunction with other guidelines issued under Section 28 of the 2000 Act, and that they are non-exhaustive, and the Planning Authority reserves the right to set aside, amend, update or replace the standards in the manual.

Sections 2, 3 and 4 of this volume relate to residential development standards, community infrastructure, including childcare facilities. Section 4.1 relates to childcare facilities – 20 children spaces per 75 dwellings.

Sections 6 and 8 relate to transport and infrastructure and environmental management respectively. Table 6-7 provides car parking rates for developments. Proposals for the provision of electric vehicle charging points on 20% of new car parking spaces and infrastructure to provide for the installation of charging points on the remainder of the parking spaces.

### **5.2. Regional Policy Context**

#### Spatial and Economic Strategy (RSES) for the southern region

- 5.2.1. Wexford town is designated one of 14 Key Towns within the southern RSES. Key Towns are seen as playing a critical role in underpinning the RSES and ensuring a consolidated spread of growth beyond the cities to the sub-regional level. Relevant Regional Policy Objectives (RPO) within this strategy for Key Towns includes:

RPO 11 Key Towns: This policy outlines in points (a-l), that Local Authorities are supported in targeting growth of more than 30% for each Key Town subject to capacity analysis and sustainable criteria, and the appropriate level of growth is to be determined by the Core Strategy of Development Plans.

RPO 16 Wexford: This policy outlines in points (a-h), that it is intended to strengthen the role of Wexford as a strategic location, a self-sustaining regional economic driver and Key Town on the Eastern Corridor.

### 5.3. National Policy Context

#### National Planning Framework, Project Ireland 2040 (NPF)

- 5.3.1. A number of overarching national policy objectives (NPOs) are applicable to the proposed development from the NPF, including:

NPO 3c: Deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints.

NPO 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, reuse of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

### 5.4. Section 28 Ministerial Planning Guidelines

- 5.4.1. Several national planning guidelines are applicable to the proposed development (increased residential densities at certain types of locations, achievement of certain standards for residential development). The relevant guidelines include the following (my abbreviation in brackets):

Sustainable Residential Development and Compact Settlements, Guidelines for Planning Authorities, 2024. (Sustainable & Compact Guidelines) Applicable policies include:

- Section 3.3:3 and Table 3.5 sets out density ranges for Key Towns and large Towns, which requires net residential densities in the range 30-50 dph (net) to

be generally applied at suburban and urban locations of Key Towns as identified in the RSEs.

- Section 3.4: guides that density ranges set out in Section 3.3 should be considered and refined, generally within the ranges set out, based on consideration of centrality and accessibility to services and public transport; and considerations of character, amenity and the natural environment.
- Section 4.4: contains Policy and Objective 4.1 which requires the implementation of principles, approaches and standards in the Design Manual for Urban Roads and Streets (DMURS), 2013, including updates.
- Section 5 includes the specific planning policy requirements (SPPR) for housing standards as follows:
  - SPPR 1 – Separation Distances which requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level.
  - SPPR 2 – Minimum Private Open Space for Houses which requires a minimum of between 20m<sup>2</sup> (1 bed) to 50m<sup>2</sup> (4+ bed) dependant on number of bedrooms in a house.
  - Policy and Objective 5.1 which requires a public open space provision of between 10%-15% of net site area. A higher range may be applicable in sites that contain significant heritage, landscape or recreational features and sites that have specific nature conservation requirements.
  - SPPR 3 – Car Parking which restricts the maximum rate of car parking provision for residential development in intermediate locations to 2 no. spaces per dwelling (exclusive of visitor spaces).
  - SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).

## Childcare Facilities Guidelines for Planning Authorities 2001

- These Guidelines identify appropriate locations for childcare facilities which include:
- New communities/Larger new housing developments. Planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments.
- For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate. Authorities could consider requiring the provision of larger units catering for up to 30/40 children in areas of major residential development on the basis that such a large facility might be able to offer a variety of services – sessional/drop in/after-school, etc..

## Framework and Principles for the Protection of the Archaeological Heritage 1999

### 5.5. Natural Heritage Designations

- 5.5.1. The subject site is not located in or immediately adjacent to a European site, a Natural heritage Area (NHA) or a proposed NHA (pNHA).
- 5.5.2. The European site designations in proximity to the subject site include (as measured from the site boundaries) are:

European Site	Site code	Proximity to boundary
Slaney River Valley SAC	000781	circa.700m to the east
Wexford Harbour & Sloba SPA	004076	Circa. 700m to the east of the site
Raven Point Nature Reserve SAC	000710	circa 6km to the north east of the site.
The Raven SPA	004019	Circa 6km to the north east of the site.



Screen Hills SAC	000708	circa 8.8km to the north east of the site.
Long Bank SAC	002161	circa 10.8km to the east of the site.
Carnsore Point SAC	002269	circa 12.5km to the south east of the site.
Tacumshin Lake SAC	000709	circa 13km to the south of the site.
Lady's Island Lake SAC	000704 (SAC)	circa 15km to the south east of the site.
Lady's Island Lake SPA	004009 (SPA)	
Kilmuckbridge - Tinnaberna Sandhills SAC	001741	circa 20km to the north east of the site.

## 5.6. EIA Screening

- 5.6.1. Having regard to the nature and scale of the proposed development, which is for 6 houses and a creche (454m<sup>2</sup>) in an existing serviced residential estate, and its proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposal. The need for an environmental impact assessment can, therefore, be excluded at preliminary examination stage and there is no requirement for a screening determination or EIA (Refer to completed forms 1 and 2 in Appendix 1).

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A submission has been received from Paula Redmond on behalf of Neil Laundon a resident of Manor Grove and it is stated on behalf of all the residents of Manor Grove on the following summarised grounds:

#### No Local Area Plan (LAP)

- Application and the connecting application (P.A Ref: 20230488) is inappropriate and premature in the absence of an LAP and not in the interest of the proper planning and sustainable development of the area.
- Refers to the Sustainable Residential Development Guidelines and the need to make a LAP for populations greater than 2,000 and to avoid piecemeal development on brownfield or greenfield sites.

#### Dual planning applications /conflicting grants of permission

- Extension of duration on W2010012 expired on December 31<sup>st</sup> 2023, which means the site where the 6 houses have been granted under the current appeal are in the same location as the creche granted in the extension of duration permission, and is not in compliance with Section 42 of the Act.
- Planning Authority did not take enforcement action regarding the non-provision of the creche.
- Materially contravenes a condition attached to an existing permission.
- Section 35 of the Planning and Development Act should be applied regarding past failures to comply.

#### Architect Design Statement deficient

- The creche in P.A Ref: W2010012 was for 453m<sup>2</sup> and the creche as proposed is for 454m<sup>2</sup>. This does not give rise to change the location.
- Density excessive and not in keeping with the existing Roxborough estate.
- Overlooking of existing residents in Manor Grove- not addressed.
- Does not consider 12 Urban Design criteria set out in the Urban Design Manual.

#### Site Notice

- Site notice was printed on yellow paper and refers to W2010012.

#### Loss of car parking spaces

- Loss of 5 pre-existing car parking spaces built under W2012012.
- Submitted photographic evidence of the 5 existing spaces being used.

- Additional parking spaces in F.I raises traffic concerns as cars will have to back out close to the turn road.

#### Anthrax burial ground

- Anthrax reports not made available to public.
- Reference to anthrax outbreaks in Europe due to soil disturbance & health implications.
- Condition 6 of ABP's Ref:226631 required a health and safety and waste management plan to be submitted to the planning authority for consultation with the HSE.

#### Appropriate Assessment

- Likelihood of anthrax spores being released into the Wexford Harbour and Slobbs SPA and Slaney River Valley SAC due to proximity to site and impact on human and animal health.
- Planning Authority's AA screening conclusion is misleading as both developments cannot be viewed in isolation.

#### Construction Environmental Management Plan (CEMP)

- Temporary site entrance for the 6 dwellings could cause potential dangers to road users and pedestrians.
- No mention of unearthing anthrax in the CEMP.

#### Drainage issues/water logging

- Development likely to worsen the drainage issues in adjoining rear gardens and the general area.

#### New dwellings

- Separation distances, mix, orientation, bin storage, parking, private & public open space deficient and not in accordance with the Urban Design Manual.
- Overlooking & loss of privacy for existing occupiers.

#### Inaccuracies in drawings

- Existing house numbers incorrect (i.e should be 11-18 Manor Grove).

- Measurements are not comprehensive & boundary treatments unclear.

#### Archaeological Assessment

- Archaeological assessment does not include creche area.

#### EIA

- No EIA screening report was completed for the proposed development but was for planning application P.A Ref: 20230488, and both schemes are interlinked.
- As anthrax burial sites exist on the site EIA should have been conducted prior to the granting of planning permission.

#### Traffic/Transport Assessment & Road safety

- Transport assessment is misleading and based on details and figures contained with planning application P.A Ref:20230488.
- Specific date of traffic survey not provided.
- Residents on the Mulgannon Road currently experience traffic delays.
- Proposed dwellings will cause a traffic hazard by way of a multiplicity of entranceways along Manor Grove.

#### Location of creche

- Original creche location is more suitable with regards to safety for children as it would be located on a cul-de-sac with less traffic.
- New location for the creche is more suited to the residents of the proposed 99 units in planning application P.A Ref:2020488.
- Existing footpath would enable parents from outside the Roxborough Manor development to access the creche from the Mulgannon Road without entering the estate.

#### Landscaping

- Native species should be planted on the site.

## 6.2. Applicant Response

6.2.1. A submission was made from SCA Planning Ltd on behalf of the applicants on the following summarised grounds:

### Procedural matters

- Third party appeal is invalid as the appeal documentation submitted by the appellants does not include the address of Paula Redmond and should have been rejected as per Article 127 (1)(b) of the Planning and Development Regulations, 2001.

### Rationale for proposed development

- Roxborough Manor is substantially completed and is ready for taking in charge by Wexford County Council.
- Planning application was assessed under the provisions of the Core Strategy, which identifies Wexford as a Level 1 Key Town with a need for significant housing development.
- Relocation of the creche to a larger site is required to serve the childcare needs of existing and proposed dwellings at Roxborough Manor and presents a number of advantages over the permitted plot.

### Location of dwellings

- Permitted creche was located considerably closer to the boundary with existing dwellings than proposed dwellings.
- Proposed dwellings are consistent with the established pattern of development in the estate and comply with all relevant standards.
- Daily traffic for 6 dwellings will be considerably less than that generated by a crèche.

### Construction

- Manor Grove will not be utilised for construction, as it is proposed to remove a panel of the boundary wall fronting onto the main estate road on a temporary basis for construction.

- Strong demand for housing will ensure that development is completed in a timely manner- approx. 10 months.

#### Parking

- Twelve car parking spaces were provided with the dwellings- maximum allowance under the CDP.
- Existing parking spaces at Manor Grove were intended to serve the creche and not the residents or visitors.

#### First party response to Grounds of Appeal

##### Development Plan

- Entire area surrounding the site has been developed on foot of the Wexford Town and Environs Development Plan 2009 to 2015, which was in effect at the time this area was developed.
- The application is for alterations to an extant planning permission to relocate a creche and to construct 6 houses of a design similar to those occupied in Manor Grove.

##### Suggested withering of permission for creche

- It is implied that the parent permission for housing development withers on the 31st of December 2023 and the creche on the subject site loses its permission. However, in Section 40(2)(b) of the Planning & Development Act the developer is not exonerated for completing the development in accordance with the condition of a planning permission.
- The creche can be constructed without planning permission.
- Creche as granted would be out of date and non-compliant with current design standards.
- Development offers an alternative which may be more attractive to majority of neighbours.
- If the relocation proposal was not included in the subject application, this would have suggested abandonment of the creche.

- Size of the creche is adequate to cater for the needs of the entire residential area.

#### Suggested anthrax threat

- Strict controls and monitoring took place during any ground disturbance of Phase 2 and the subsequent reports satisfied the Planning Authority.
- Appellants are speculatively scaremongering with regards an anthrax threat, as Manor Grove and the surrounding area to the north was never considered to be affected by the burial site.

#### Layout design and density

- Private open space, amenity areas, separation distances and issues regarding overlooking/privacy all comply with the relevant development management standards.
- Net density is in line with Section 28 guidelines.

#### Deficiency in car parking

- Each dwelling will have two parking spaces.

#### Traffic and circulation

- The proposed dwellings will be located at the end of a cul-de-sac and will not give rise to a traffic hazard as there is no passing traffic.
- Road system in accordance with DMURS and will not create a traffic hazard.

#### Flooding and drainage issues.

- Site when developed will be drained, which would alleviate any tendency to seepage in the vicinity of the site.
- A land drain has previously been installed by the landowner, and there is no current record of ongoing complaints regarding drainage issues.

#### Archaeology

- Entire area has been subject to archaeological monitoring during the construction stage and the archaeological assessment submitted with the application clearly identifies the subject site.

## Architectural issues

- Approved creche was a single storey unit with a dormer window.
- Relocated creche is 78 meters removed from the original approved location.
- Move nationally in planning towards reducing this level of car parking provision.
- Provision of a creche in approved location would require more parking than would now be possible as it is designed to cater for additional development as presently proposed on the applicants lands i.e 286 dwellings.
- Appellants were not misguided by the numbering on the drawings.
- Six houses would form part of the overall development where a wider variety of house types are provided.

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

None

### 6.4. **Observations**

None

## 7.0 **Assessment**

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

- Invalid appeal,
- Principle and location of the development,
- Density, scale and form of the residential development,
- Residential amenity,



- Drainage,
- Traffic and car parking,
- Archaeology, and
- Other issues

## 7.1. Invalid appeal

- 7.1.1. This third party appeal was compiled by Paula Redmond and it is stated it is on behalf of Neil Laundon with an address at No.4 Manor Grove, and all the residents of Manor Grove. However, the address of Paula Redmond was not provided within the appeal submission, and there are no signatures attached from the residents in Manor Grove.
- 7.1.2. The first party contends the appeal is not in accordance with Article 127(1)(b) of the Planning and Development Regulations, 2001 as amended, as it did not provide the name and address of the appellant or person making the referral and of the person, if any, *acting on his or her behalf* (applicants emphasis). The applicant therefore concludes as the address of Paula Redmond was not provided, the appeal is invalid.
- 7.1.3. Section 127 (1)(b) of the Planning and Development Act 2000 as amended requires the name and address of the appellant or person making the referral and of the person, if any, acting on his or her behalf. It is considered Paula Redmond compiled the appellants appeal report but is not acting on behalf of the appellant who is Neil Laundon. Neil Laundon provided his address, and I also note he made a submission to the planning application and is the corresponding appellant to this appeal. It is not stated on any of the documentation that Neil Laundon is a chairperson or otherwise of a Residents Association for Manor Grove.
- 7.1.4. The first party is not stating the appeal is vexatious, frivolous or without substance or foundation, however under Section 127 (2) (a) of the Planning and Development Act 2000 as amended, it states an appeal or referral which does not comply with the requirements of Section 129 subsection (1) of the Planning and Development Act 2000 as amended, shall be invalid.

- 7.1.5. I however consider it is clear the appellant is Mr. Laundon and his appeal was compiled by Ms. Redmond but she is not acting on his behalf, and therefore consider the appeal is valid as submitted.

## **7.2. Principle and location of the development**

- 7.2.1. The current Wexford County Development Plan 2022-2028 does not include land use zonings for Wexford Town and its surrounding area, with the intention that a Wexford Town and Environs Local Area Plan (LAP) would be adopted within the lifetime of the CDP and include land use zonings for the area. I note there is currently a pre-draft LAP for Wexford town and that the subject lands are included within this pre-draft LAP. I also note there have been previous grants of planning permission on zoned land under the Town and Environs Plan which has now expired. However, there is no current specific zoning objective for the subject site, and the principle of the proposed development shall therefore be considered on its own merits, and in accordance with the current CDP and relevant national policies.
- 7.2.2. Wexford Town is one of 14 Key Towns designated within the Regional Spatial Economic Strategy (RSES) for the southern region. The strategy for Key Towns within the RSES is to support consolidation within, and close to the existing built-up footprint. In line with RPO 11 of the RSES Local Authorities are supported in targeting growth of more than 30% for each Key Town subject to capacity analysis and sustainable criteria. The subject site lies within the suburbs of Wexford Town.
- 7.2.3. The CDP's Core Strategy provides for a population allocation of 3,194 persons and a housing supply target of 2,174 units for Wexford Town from 2021-2027, with at least 652 of those units being delivered within the existing built-up footprint. The Core Strategy also identifies a requirement for 62.11ha of residential zoned land to facilitate this housing target on infill and greenfield land.
- 7.2.4. Taking a sequential approach, priority would be for infill sites within the town centre. Greenfield expansion outside the existing built-up area is not permitted in the CDP. The subject site is approximately 1km to the south of Wexford Town Centre and lies within the built environs and suburbs of the town. Objective CS04 of the CDP seeks to achieve and promote the development of infill/brownfield sites. Although the subject site is not located within the town centre, I consider it is within walkable

distance to it, and I note there are a number of bus routes within the immediate vicinity. I also consider the subject site comprises an infill and greenfield site located within, and next to, an established housing estate, and that any development of the subject site could be integrated into the established footprint and avoid the displacement of development to smaller towns, villages and rural areas. I also note a connection to the public sewer and water mains is feasible and Uisce Eireann have no objections to the development in this regard.

#### Location of childcare facility

- 7.2.5. I note the third party's objections to the childcare facility not being constructed as originally approved, despite two extensions of duration of permissions for the parent permission P.A Ref: W2020/012 being granted. I consider the provision of a childcare facility for Roxborough housing development is essential and is a requirement of the Childcare Guidelines for all housing developments over 75 units to ensure that the essential social infrastructure is provided for future residents and to avoid travelling by car to such facilities. Nevertheless, the issue of enforcement is not a matter for the Board.
- 7.2.6. From the appellants submission it would seem the residents would prefer the childcare facility to be built in the location originally proposed to the rear of Nos. 11-18 Manor Grove, rather than the proposed dwellings. I do not consider this site appropriate for a high level of usage that would be associated with a childcare facility, given that it is located at the end of a cul de sac. I appreciate there is a footpath connection from the original creche location onto the main estate road, but in reality, children would be dropped off/picked up by vehicles in the event the site is used for a childcare facility. Drop of and pick up times to a childcare facility at this location would result in an element of traffic congestion in the morning and in the evening along Manor Grove, which would inconvenience the existing residents.
- 7.2.7. I consider the location of the proposed childcare facility to the north of the main estate road is a better location than the original position, as it would prevent vehicular traffic coming into the Manor Grove cul de sac and into the residential estate and therefore would have less of an impact on residential amenity. I also consider its location is in close proximity to the existing housing estate. The childcare facility would further provide an outdoor play area with a safe access, turning area

and convenient parking for customers and staff, which would be constrained on the original site. I note there is a current appeal associated with the overall development to the north of the main estate road which includes the proposed childcare facility in the same location, however, I consider the location of this childcare facility is a standalone proposal and would not be dependent on the outcome of the outstanding appeal.

- 7.2.8. Objective SH30 of the CDP seeks to adopt a flexible approach to planning applications which seek to resolve issues relating to unfinished housing developments where this would result in substantial environmental or community gain. Such flexibility may include reconfiguration of a development in relation to open space, roads and circulation requirements. Although the proposed childcare facility would be located on greenfield lands, it would be located between both Roxborough Housing estate, Hillcrest estate and closer to the existing dwellings along Mulgannon Road. I also note the first party's response in relation to a larger childcare facility being more likely to attract a commercial operator which is essential for its delivery.
- 7.2.9. The proposed childcare facility has been designed to cater for a total of 286 dwellings, this would incorporate the existing 181 units completed in the Roxborough Manor estate, the additional 6 units the subject of this appeal, and a further 99 dwellings on the adjoining lands (current appeal ABP Ref: 318926-23). The application documentation outlines that the proposed creche will accommodate 75 children. The Wexford CDP outlines that the indicative standard is one childcare facility, to accommodate 20 children for approximately 75 dwellings, which is in accordance with the Childcare Guidelines for Planning Authorities 2001. The applicant is proposing to provide a childcare facility in accordance with both the Development Plan and national guidance.
- 7.2.10. The third party have pointed out that there would be an increase of 1m<sup>2</sup> more in the overall size of the proposed childcare facility compared to that originally approved however, I consider the proposed childcare facility provides more circulation space and a dedicated parking area around the current childcare site. I also consider the site could provide a much larger play area than currently proposed should it be moved further back from the main road. Overall, I consider there is a community and environmental benefit to locating the childcare facility on the greenfield site. I would

however recommend in the event of planning permission being granted that the childcare facility is built and occupied before the 6 houses are constructed.

#### Six dwellings

- 7.2.11. The site where it is proposed to develop the 6 houses was granted on appeal for a childcare facility associated with the overall housing estate. I consider this part of the subject site an infill site as defined in the CDP. Objective TV43 of the CDP seeks to adopt a presumption in favour of the development of infill sites and to apply flexibility in the application of development management standards allowing for the achievement of performance standards for issues such as the protection of adjoining residential amenities, privacy, light and amenity. Infill development in accordance with the CDP should be reflective of the scale of the character of the area.
- 7.2.12. This site is serviceable as confirmed by Uisce Eireann, and it is also surrounded by existing residential dwellings and reflects the established land use in the immediate vicinity. I consider 6 houses, subject to all other criteria being met is acceptable in principle on this site. I will discuss the impacts of this development on the existing residential amenity of neighbouring properties, and its density and scale in 7.3 and 7.4 below.

#### Conclusion

- 7.2.13. I do not agree with the third party that the development of the subject site is premature merely because the lands are not zoned. I note the position of the creche is not in the location as originally permitted however, I consider the proposed location compared to the original location provides an opportunity to provide a substantial outdoor play area and optimises the opportunity for safe and efficient journeys to and from the site. The existing and proposed residential development within the Roxborough Manor estate is of a scale which would support the proposed creche facility. I therefore consider the principle of the proposed creche to be acceptable in this regard. I consider the infilling of lands within the existing housing development for housing would provide a sequential and sustainable extension to the existing housing development. The development of the subject site would therefore align with the core strategy, has an existing roadway linking it to Mulgannon Road, and can connect to existing public infrastructure, and I therefore consider it acceptable in principle.

### 7.3. Density and scale of the residential development

- 7.3.1. The third party contends that the residential density for the proposed 6 houses is much higher than that of the existing Roxborough estate and that it would result in an increase from 18.33 uph to 35.06 uph in the current proposal and is therefore not in keeping with the existing estate density. I note the third party has calculated this density based on the element of the site to be used for housing, however, I do not agree that the subject site can be considered in isolation to the overall housing estate density as it was established by the parent permission to be developed as part of the overall estate, albeit for a creche facility.

#### Density

- 7.3.2. The policy within the Wexford CDP and current Government policy seeks to make efficient use of lands and promote compact growth and reduce urban sprawl. In Section 4.7.2.1 of the CDP a density range for outer suburban /greenfield sites such as the subject site, is specified within the range of 35-50 dph and less than 30 dph is generally discouraged on sites greater than 0.5 hectares. These density standards are similar to that outlined in the Sustainable & Compact Guidelines for Key Towns, outlined in Section 5.4.1 of this report.
- 7.3.3. According to the ABP (Ref: PL.85.237980) report for the Roxborough Manor estate the development had a density of 17 dph and the open space provision equated to 18.5%. Allowing for the 6 proposed units in this development (181 +6) the proposed development would equate to a density of 21.1dph, which is significantly below the minimum standards for an outer suburban site as outlined in the CDP, RSES or government guidelines for this outer suburban site.<sup>1</sup>

#### Scale and form

- 7.3.4. The site for the proposed dwellings has become a gap/infill site by virtue of the creche not being constructed. Given the site is less than 0.5 hectares, I consider it inappropriate to apply a density for the development as an indicator of whether the proposed development is acceptable in this location. Given the size of the site I consider the main issue is whether the residential development is reflective of the character of the existing area in terms of its scale and form, and whether it positively

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<sup>1</sup> Density based on parent permission area and units: Area of 8.84 ha for 181+ 6 new dwellings would equate to 21.1 dph.

contributes to the area, rather than applying a general density standard in this instance.

- 7.3.5. There is a detached bungalow to the south of Manor Grove, however the prevailing height immediately adjacent to the subject site is two storeys, comprising detached, semi-detached or terraced blocks with car parking provided along the frontage of the dwellings. The terraced blocks immediately to the south and west of the site comprise 4 units with gable end projections and brick on the ground floor with render on the upper floors.
- 7.3.6. The proposed dwellings would be two storeys in height, terraced and are of a similar height, form, scale and design to the properties within Manor Grove. Three of the houses would have a frontage onto Manor Grove and three would provide a street facing elevation onto the main estate road. I consider this would provide a strong edge and continuity of frontage along this section of Manor Grove in addition to extra surveillance to the footpath link which connects Manor Grove to the main estate road.
- 7.3.7. I also note in the landscaping plan it is proposed to provide additional trees along the street frontage of the site, in addition to retaining the existing hedging and shrub planting. This area was not allocated for public space provision for the overall estate and therefore I consider the proposed dwellings would utilise an existing area of land that is unkept within this well-maintained estate.

### Conclusion

- 7.3.8. I am satisfied that the density as applied by the third party is not exceptional in this location and is at the lower density range of 35-50dph range for an outer suburban /greenfield site. I consider the scale and form of the residential aspect reflects the existing housing within the estate and would integrate with the established character of the immediate properties in the vicinity of the site. I acknowledge there would be some increase in density but consider that no material impact would arise from this increase in density. I therefore consider the residential aspect of the development would promote a sustainable form of development on this under utilised site, subject to further consideration regarding the impact of the development on residential amenity.

#### **7.4. Impact on residential amenity**

- 7.4.1. The issue of the impact of the proposed dwellings on the residential amenity of neighbouring properties has been raised, in particular with regards to overlooking/loss of privacy to the properties in Manor Grove to the south.
- 7.4.2. The applicant submits that the separation distances and issues relating to overlooking/loss of privacy have been taken into account in the design of the development. They state House No. 1 has a gable end relationship with the houses to the south and the landing window at first floor can be fitted with frosted glazing. The applicant further adds that by comparison the permitted creche had a first floor gable window much closer to the existing dwellings to the south.

##### Overlooking/loss of privacy

- 7.4.3. In relation to the site context, the side flank wall of proposed House No.1 would be positioned 3.2m from the southern boundary with Nos.11-12 Manor Grove and would be between 15.5m and 12.6m from the rear first floor elevations to Nos.11 and 12 Manor Grove respectively. There would be a wc window on the ground floor and a landing window at first floor level to this dwelling which would overlook the rear gardens to the houses to the south. These windows are not considered habitable rooms.
- 7.4.4. Proposed House Nos. 4-6 would be positioned 9.7m from the southern boundary with property Nos. 14-18 Manor Grove and between 19.2 and 22m from the rear first floor elevation to the same properties. The proposed houses would have bathroom and bedroom windows at first floor level overlooking these dwellings in Manor Grove. Bathroom windows are not considered habitable rooms. I note House No.6 which would be 19.2m from the rear of Nos.16 and 17 Manor Grove would have the bedroom window located on the eastern flank wall at first floor level facing the entrance into the estate.
- 7.4.5. Section 3.12.2 of the CDP requires in general a minimum distance of 22m should be achieved between opposing first floor windows at the rear of dwellings. However, the Council will consider exceptions to these standards/allow flexibility where an otherwise high quality design solution is proposed, which has full regard to the



characteristics and context of the site whilst protecting the residential amenities of existing residents in the vicinity and the future residents of the development.

- 7.4.6. Section 5 of the Sustainable & Compact Guidelines, sets out development standards for housing. In particular Section 5.3.1 and SPPR1 of these guidelines recommends that it is a specific planning policy requirement that statutory development plans shall not include an objective in respect of minimum separation distances that exceed 16m between opposing windows serving habitable rooms at the rear or side of houses and that a minimum separation of 22m between opposing upper floor rear windows does not account for modern methods of design or construction and, that it is possible to achieve a high standard of residential amenity with separation distances of less than 22m. Separation distances should, therefore, be determined based on considerations of privacy and amenity, informed by the layout, design and site characteristics of the specific proposed development.
- 7.4.7. With the exception of proposed House No.6 the development achieves a 22m separation between opposing first floor habitable rear windows. Although House No. 6 would exceed a separation distance greater than 16m as specified in SPPR1 of the Sustainable & Compact Guidelines, it has been designed so that the first floor habitable bedroom windows overlooks the eastern boundary and not onto the dwellings to the south. House No.6 has been designed and orientated to avoid overlooking of habitable first floor windows of the houses to the south.

#### Conclusion

- 7.4.8. Having reviewed the proposed site layout of the residential scheme relative to the existing surrounding properties, I consider the proposed development would not result in overlooking or a loss of privacy to the existing properties and would comply with both local and national policy in terms of separation distances between opposing first floor rear windows.

### **7.5. Future Residential amenity**

- 7.5.1. The appellants have raised issues regarding certain aspects of the development for the future occupiers, namely mix of dwelling types, private amenity space, orientation of dwellings, boundary treatment, location of the bin storage, and deficient car parking. I discuss the parking aspect of the development in Section 7.7 below.

#### Mix of dwelling types

- 7.5.2. The proposed development provides two different design types with 1 dwelling (type L) being a two storey 2 bedroom (4 persons unit) and the remaining 5 units being two storey 3 bedrooms (Type G) (5 persons units).
- 7.5.3. The appellant considers that the development has an inappropriate mix of house types with 83.3% being three bedroom units, that it doesn't provide any single storey units or four bedroom units, and therefore does not provide for a range of people and households. The applicant considers the six houses form part of an overall development where a wider variety of house types are provided.
- 7.5.4. Roxborough Manor housing development comprises a mixture of 2-4 bedroom houses ranging from detached, semi-detached and terraced houses. I note the appellants breakdown of the proposed subject site being predominantly three bedroom units, but I consider given the overall size of the site within the wider development, the number of three bedroom units is not excessive. I also note from the planner's report, House No. 2 has been designed in accordance with universal design which exceeds the 20% requirement and is subject to a Part V allocation. I therefore consider the proposed residential development would provide an acceptable mix and quantum of development for a range of households.

#### Private Amenity Space and orientation of dwellings

- 7.5.5. The appellants consider the proposed residential development has inadequate private space and half of the units do not have the ability to benefit from solar gain as they are orientated to face east.

#### Private Amenity space

- 7.5.6. The appellants consider House No. 5 which has an amenity space of 60m<sup>2</sup> is just above the minimum standard for a 3 bedroom house compared to the proposed neighbouring property No. 6 which has a garden area of 224m<sup>2</sup> and that this is indicative of a poor design layout for the site. The applicant however contends the garden sizes are in compliance with the new Government Section 28 guidelines.
- 7.5.7. The CDP requires private open space to be located behind the front building line of the house and be designed to provide for adequate private amenity, and to maximise sunlight, privacy and shelter from winds. Narrow or awkward spaces which are not

private, and spaces also used for parking, will be excluded from private open space calculations. This section of the CDP states the Council will consider exceptions and flexibility in specified standards subject to the amenity of existing and future residential amenities being protected. Table 3-4 of the CDP outlines the minimum private open space areas required for dwellings which is dependent on the type/size of the unit. Two-bedroom houses are required to have a minimum private open space area of 55m<sup>2</sup>, and three bedroom houses a minimum private open space area of 60m<sup>2</sup>.

- 7.5.8. Policy SPPR 2 of the Sustainable & Compact Guidelines sets out lower minimum standards for private open space for houses than the current Wexford CDP. This policy recognises that well-designed private open space forms an integral part of houses and is essential for health and wellbeing. However, these guidelines consider a more flexible approach to private open space is warranted, to support the development of compact housing. SPPR 2 recommends two-bedroom houses should have a minimum private open space area of 30m<sup>2</sup>, and three bedroom houses a minimum private open space area of 40m<sup>2</sup>.
- 7.5.9. The proposed houses would have rear garden areas ranging from 55m<sup>2</sup> (House No.2) to 224m<sup>2</sup> (House No.6). Proposed House No.2 is a two bedroom house and has the smallest rear garden area and would comply with the CDP private open space standards. The remaining houses would all have a private open space area exceeding 60m<sup>2</sup> the minimum standard in the CDP for 3 bedroom units.
- 7.5.10. The appellant raises issues regarding the difference in size of the open space areas for the units and in particular the extent of House No.6's garden area compared to the other dwellings. However, I am satisfied that all of the units meet the minimum standard specified in the CDP and exceed the standards in SPPR2 and are orientated to face either east or south with the private space located predominantly to the rear of the dwellings. I note House No.6 is an end unit and the configuration of the site is such that it permits a larger garden area to be provided for this dwelling, and I consider this provides a variety of choice for future occupiers of the units and is acceptable.

#### Orientation of proposed dwellings

- 7.5.11. The grounds of appeal refers to three of the proposed dwellings having south facing gardens, but that three ( Nos.1-3) would have east facing gardens which is considered by the appellant as less than ideal for the future use of solar panels. Whilst I agree that the orientation of dwellings and garden areas should be designed to optimise solar orientation, I consider it is not always practical or possible in a development that all rear gardens are south facing.
- 7.5.12. The three proposed dwellings (Nos. 1-3) which would have east facing garden areas would benefit from a west facing frontage and would therefore receive sun in both the mornings and evenings. I therefore do not consider the orientation of these dwellings would experience undue overshadowing or lack of daylight or sunlight and that the future occupiers of these dwellings would have a good standard of accommodation similar to the existing dwellings in Manor Grove to the west.

#### Boundary Treatment

- 7.5.13. The appellant states the boundary treatment for the proposed dwellings are unclear, and in particular with regards to House No. 3. I note Drawing No. P03 indicates a 1.8m high block fairfaced and capped wall would separate the rear gardens of the proposed dwellings and a similar height wall plastered to the roadside is also proposed to the side of House No.3. I note the existing dwellings to the south of the subject site in Manor Grove have a rear boundary wall separating them from the subject site to the north, and that this wall would be retained.
- 7.5.14. This drawings also indicate a 0.9m high wall similarly capped and plastered on the roadside is to be provided for creche along the frontage onto the main estate road an along the eastern boundary of the site onto the proposed vehicular access into the site. I am therefore satisfied that the boundary treatment for the proposed development is clear and satisfactory and reflects the established boundary treatment within Roxborough manor estate.

#### Bin Storage

- 7.5.15. The appellant has raised concerns about the location of the bin storage for proposed House Nos. 5 and 2 being located away from the actual dwellings and that the future occupiers and existing residents of No.11 Manor Grove would be impacted by noise,

odour and potential security risk from the bin locations. They also consider this is indicative of an over intensification of the site.

7.5.16. I have considered the density and scale of the development in Section 7.2 of this report, and consider the development is acceptable on this site and would not result in an overdevelopment of the site. Section 3.12.6 of the CDP stipulates that all housing developments include convenient and well-designed proposals for the storage of waste and recycling receptacles (three receptacles per home). I therefore consider bin storage for the development is necessary, and that it is difficult to accommodate bin storage for mid terrace properties without the bins being brought through the house on collection day.

7.5.17. I acknowledge the application has not provided any details regarding the actual bin storage enclosures. Given the size of the development I would not consider their location would result in excessive noise, odour or security risk subject to them being well designed, ventilated and enclosed, and therefore do not consider the development should be refused on this ground. Although communal storage is likely to be more appropriate for apartment buildings, I consider the location of the bin storage areas next to a dwelling provides for ease of access for waste collectors and future occupiers and provides better surveillance than being located remotely from the houses.

7.5.18. I would recommend in the event of planning permission being granted that the detail of the bin enclosures is provided for the written agreement of the planning authority prior to commencement of the development. I would recommend the bin storage areas are purpose built, no higher than 1.8m, are constructed in brick to match the proposed dwellings and are enclosed, ventilated and lockable.

### Conclusion

7.5.19. I am satisfied that the proposed development is in compliance with local and national guidance with regards to mixture of house types, private space and orientation, and would provide an acceptable layout and would deliver a high standard of living accommodation for the future occupiers of the proposed dwellings, whilst providing additional housing on an infill site.

## 7.6. Drainage

- 7.6.1. The third party has raised concerns that the subject land to the rear of Nos.11-18 Manor Grove is waterlogged and not free draining, and that the adjoining properties have experienced drainage issues as a result, which would be exacerbated by any development of the site. I noted on the day of my site inspection evidence of rushes on this part of the site and it was wet underfoot and acknowledge this can be associated with drainage issues or lands not being maintained. There are no water courses in the immediate vicinity of either site. There is no record of flooding or past flooding events at the sites (floodmaps.ie accessed 10/12/2024) and therefore the probability of these lands flooding is low.
- 7.6.2. However, the planning application was accompanied by a drainage report which notes that infiltration tests were carried out on the area of the current application and the infiltration times were poor on the site, which would mean that significant runoff volume reduction would not be achievable using infiltration-based SUDS measures. It is proposed to discharge roof water to small soakaways in each back garden. These would be linked by a common drainage pipe which would act as an overflow for the soakaways and also provide drainage to the back gardens. It is stated in this report that where a common pipe is not practical the soakaway would be permitted to overflow to the standard house stormwater connection. The soakaways would be 2mx2mx800m Aquacell banks wrapped in geotextile, based on 25mm per hour infiltration rate, which was generally achieved in test holes trials on the site.
- 7.6.3. Drawing No. PH2-07 indicates the proposed stormwater management for the subject site. A proposed storm sewer would wrap around the perimeter of the proposed housing and creche site which would be gravity fed to connect to the stormwater sewer. The storm report describes the treatment and attenuation of surface water on the overall lands owned by the applicant and the outstanding ABP Ref: 318926-24 site. This report and the submitted drainage drawings indicate there would be a total of 3 attenuation tanks and a stormwater treatment and biodiversity pond beyond the subject lands to the southeast and on lands to the east of the existing housing development. However, the proposed stormwater drainage system for the subject site would connect to the stormwater treatment pond, which I consider would improve the existing situation where the site is waterlogged with no surface water

drainage outlet. Furthermore, the use of this site for a creche would have a larger built footprint and hardstanding area than the proposed dwellings. I am satisfied that the proposed development includes an appropriate drainage strategy for the proposed development and would address any issues of surface water logging.

- 7.6.4. I note the Planning Authority did not raise drainage as an issue in the planning application and flooding/drainage was not a concern in the parent permission. The P.A's notification to grant attached conditions relating to surface water not flowing onto the public road, the surface water attenuation tanks being maintained on an ongoing basis, and the development to be indemnified by a chartered engineer in accordance with the Council's Taking in Charge policy. I consider these conditions in the event of a planning permission being granted would ensure the surface water drainage of the subject site.

#### Conclusion

- 7.6.5. The site proposed for housing currently experiences drainage issues as indicated by the third party. I consider the redevelopment of the site and the connection of the subject site to the existing surface water drainage system would improve the drainage on the site and alleviate the waterlogging on the site. The construction compound would be located away from the rear of Nos.11-18 Manor Grove and therefore the risk of ground damage to this site would be minimised during the construction period. I would recommend in the event of planning permission being granted that conditions are attached that all drainage is agreed by the Planning Authority. I do not consider the development of this site would increase drainage problems in the immediate vicinity of the site.

#### **7.7. Traffic and car parking**

- 7.7.1. The third party has raised concerns in relation to the information submitted in the traffic assessment being flawed as it is based on P.A Ref: 20230488, the increase of additional car movements as a result of the development, the carrying capacity of Mulgannon Road, loss of existing visitor parking in Manor Grove and the potential traffic hazard as a result of the construction works.
- 7.7.2. The applicant contends that the 6 additional houses would not give rise to a traffic hazard and the traffic arrangements are not significantly different to the existing

estate and are in compliance with DMURS. The applicant also maintains the existing parking spaces in Manor Grove were never intended to be used for visitor parking for the residents but were to be allocated for the creche and that there is a move nationally towards reducing parking provision.

#### Traffic Impacts

- 7.7.3. The Traffic /Transportation Impact submitted by NRB consulting engineers (dated 27<sup>th</sup> June 2023), refers to P.A Ref: 2023/0488 which included the creche facility as part of a larger site and larger development to the north of the estate road, for which a trip generation assessment was carried out. This report submits the appeal proposal would generate significantly less traffic than the larger commercial development in its entirety associated with P.A Ref: 2023/0488. I would agree with the appellant that the current proposal should not be compared with a development which has not been granted planning permission and that this is of little relevance to the current proposal.
- 7.7.4. However, within this report it is estimated there would be a total of 169 vehicular movements (arrivals and departures) over a 24 hour period associated with the proposed current childcare facility and 6 houses. The weekday AM peak (0800-0900 hrs) vehicular traffic would equate to 30 vehicular movements and 28 movements during the PM peak (1700-1800 hrs). The majority of the trips would be generated by the childcare facility, which I consider a reasonable assessment. The appellant considers the traffic along Mulgannon Road has increased since the parent permission was granted and on completion of the Roxborough development. However, I am mindful that a similar sized creche was included within the parent permission and the only difference between the parent permission and the current proposal are the addition of the 6 dwellings. The P.A Executive Roads Technician did not raise any concerns in relation to the submitted traffic assessment and accepted the stated conclusion that the proposal would have a negligible change in traffic conditions in terms of car movements. I would agree that the proposed development would not have a significant impact in vehicular traffic terms within the area.



### Car Parking provision for the development

- 7.7.5. I note the application description states 40 car parking spaces, however the revised car parking layout submitted by way of further information required an additional car parking space for the residential development which would increase the overall car parking for the development to 41 spaces.
- 7.7.6. Twelve car parking spaces are proposed for the 6 dwellings, which would be in accordance with Table 6-7 of the CDP for residential development. In addition SPPR 3 of the Sustainable & Compact Guidelines specifies a maximum of 2 car parking spaces per dwelling in peripheral locations such as the subject site for residential development. The proposed residential development therefore complies with both local and national car parking standards.
- 7.7.7. The third party refers to the loss of the existing on street parking along Manor Grove which extends along the western boundary of the proposed residential site. The first party refers to the ABP report (ABP Ref: PL85. 238970) regarding this matter which considered there was adequate parking for the overall development including 14 spaces for the creche and 13 visitor spaces throughout the development.
- 7.7.8. I note in the parent permission 14 delineated car parking spaces were indicated along the western boundary of the residential subject site. Nevertheless, I acknowledge there was the potential to use these spaces at weekends or in the evenings when the creche was not operating, and that the residents have (from the submitted photographs attached by the appellant), become accustomed to using these spaces when the need arises. However, I would concur with the first party in this regard that these car parking spaces along the boundary of the subject site were intended to be used for the creche only and were never intended to be used for resident or visitor parking.
- 7.7.9. The proposed car parking for the housing element of the development would meet the current CDP car parking standards which stipulates a maximum of 2 spaces per dwelling with no reference to visitor car parking requirements.
- 7.7.10. The proposed childcare facility would accommodate 75 children and 13 staff and provide 29 car parking spaces. Drawing No. PO3 22-06 submitted by way of F.I indicates an area for possible future parking as detailed under P.A Ref: 2023/0488. Table 6-7 of the CDP requires a maximum standard of 1 space per 4 children and 1

space per employee outside town centres or villages centres for childcare facilities, which would equate to a requirement of 32 car parking spaces for this development at the maximum standard. The proposed car parking provision for the creche would meet the maximum standards as specified in the CDP.

- 7.7.11. I further consider given the operational needs of a childcare facility, 32 car parking spaces would be an oversupply of parking for the facility, as parents dropping off children to the site would not require permanent parking spaces, and given the facility's proximity to the nearby residential properties in Hillcrest and Mulgannon road, and the pedestrian connection to Roxborough estate, there is the option to walk or cycle to the childcare facility.

#### Construction Traffic

- 7.7.12. The third party has raised concerns that the removal of part of the boundary wall to the estate to accommodate the construction of the 6 dwellings would impact on pedestrian safety and would be a traffic hazard. I consider the mitigation measures proposed in the Construction & Environmental Management Plan (CEMP) would overcome these issues to a large extent as it includes measures regarding the storage of construction materials, road maintenance, incident complaints, training and awareness of staff, signage and compliance with the relevant regulatory authorities. Furthermore, I consider the works would be temporary in nature and would prevent construction traffic utilising Grove Manor.

#### Conclusion

- 7.7.13. The appeal site is in a suburban location within reasonable walking distance from Wexford town centre and a number of bus routes. I do not consider 6 houses and a childcare facility with 41 no. car parking spaces would significantly increase traffic volumes in the area or endanger public safety by reason of a traffic hazard.

### **7.8. Archaeology**

- 7.8.1. The appellant refers to the archaeological assessment only referring to the site for the proposed dwellings and did not include the creche site. The applicant contends in their grounds of appeal the entire area has been subject to archaeological resolution and monitoring during the construction stage and the subject site is clearly identified in mapping.

7.8.2. An archaeological assessment carried out by John Purcell Archaeological Consultancy (dated June 2023) was submitted with the planning application, and includes the location of the appeal site outlined in red. This assessment refers to the development of 6 houses and a creche in an area that has previously been excavated. The assessment notes there are no recorded monuments on either sites but there are a number in the wider environs, the closest being Ref: WX037-039 a Holy Well, 400m north of the childcare facility site. I note the assessment makes reference to the author of the report undertaking unlicensed monitoring of Phase 1 of the Roxborough estate in 2016, which included the current appeal site and no archaeological remains were identified during the works.

7.8.3. The conclusion to the archaeological assessment makes reference only to the 6 houses and not the childcare facility site, despite it being referenced throughout the document and indicated on the site location maps. I therefore agree with the appellant there is an element of ambiguity/error in the conclusion to the assessment report. However, it is clear from the assessment report that both the residential and childcare sites both lie outside the zone of any archaeological potential of any Recorded Monuments and that the part of the site which is proposed for residential development was monitored during the construction of Roxborough Manor and no archaeology remains were found. Nevertheless, the P.A attached a condition (No.23) in their notification to grant that the applicant employ a qualified archaeologist to monitor under licence all ground works associated with the development.

#### Conclusion

7.8.4. Although there was no comment on the planner's file from the National Monuments Service to the proposed development, having regard to the details provided in the Archaeological Assessment I consider it provides a robust archaeological assessment of the site. However, I would concur with the condition attached by the P.A and should the Board decide to grant permission for the proposal, I would recommend the attachment of a similarly worded condition.

#### **7.9. Other Issues**

### Procedural issues

- 7.9.1. The grounds of the appellant highlight a number of procedural issues associated with the application submitted. While some of the issues raised are matters for the Planning Authority and cannot be addressed by the Board the main issues raised in respect of procedural issues are dealt with below.
- 7.9.2. The grounds of appeal refer to the lack of measurement details on the drawings, and incorrect numbering of the dwellings in Manor Grove to the south of the site and the incorrect site notice on the site. I consider the drawings are to scale and enable any third party to measure distances if required.
- 7.9.3. With regards to the numbering of the properties in Manor Grove, the first party states this numbering relates to amendments made by An Post to the numbering following the planning permission. However, based on the appellants appeal submission I do not consider this aspect prohibited third parties from assessing the proposed development.
- 7.9.4. In relation to the erection of a yellow site notice I note that the site notice was considered acceptable by the planning authority. The erected site notice and newspaper notices have resulted in several submissions on the planning application and to the appeal on the decision. Having regard to this level of interest and the wide range of matters raised in the appeal, I consider that the purpose of the public notice has been served, i.e. that the public has been alerted to the development and its nature and extent.

### Anthrax Burial Ground

- 7.9.5. The appellant has concerns regarding the possibility that the proposed creche site may contain anthrax, and that it would be better to locate the creche in the original location, where there is no anthrax believed to be present. I note the Senior Executive Planner's comment on the second planner's report regarding the HSE's submission relating to the possible anthrax burial site, stating that no animal remains were uncovered during the monitoring of the Roxborough development for anthrax and it is unlikely that the animal burials are within the site containing the proposed creche. Nevertheless, a condition was attached recommending archaeological monitoring to be undertaken to identify any possible animal remains during the construction phase.

- 7.9.6. I would therefore recommend therefore if the Board are minded to grant planning permission and taking the taking the precautionary approach a condition is attached requiring archaeological monitoring for anthrax during the construction phase. I would further recommend a condition is attached requiring a workplace Health and Safety Plan for consultation with the HSE as referenced by them in their submission.

## **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 nearest Natura 2000 sites are the Slaney River Valley SAC (site code: 000781) and Wexford Harbour & Slobs SPA (site code :004076) circa 780m to the east of the subject site. The existing Roxborough housing estate separates the subject site from these European sites.
- 8.1.3. The proposed development comprises six no. dwelling houses, a creche and associated works. The appellant has raised concerns regarding anthrax spores entering the water course and impacting the Slaney River Valley SAC and Wexford Harbour & Slobs SPA. Information on file indicates that the presence of such burial ground on the site is unlikely. However, if anthrax was discovered on the site during archaeological monitoring, operations would immediately cease until the buried carcasses were safely removed in accordance with HSA regulations.
- 8.1.4. No streams/watercourses are identified on site. All surface water would connect to the proposed surface water sewer. The lands are not suitable for wintering birds and as there is no pathway for contaminants from the application site to enter the SAC/SPA, there is no likelihood for significant effects.
- 8.1.5. 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 distance to the nearest European sites, and the absence of any hydrological or other pathways connections.
  - The nature and extent of intervening lands.

- Standard pollution controls that would be employed regardless of proximity to a European site.

8.1.6. 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.

8.1.7. 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.

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

## **9.0 Recommendation**

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

## **10.0 Reasons and Considerations**

Having regard to the provisions of the Wexford County Development Plan 2022-2028, the location of the proposed development within and adjacent to an established residential development within the suburbs of Wexford Town and the relevant provisions of the Sustainable Residential Development & Compact Settlement Guidelines, issued by the Department of Housing, Local Government and Heritage and having regard to the pattern of existing development in the area and the density, scale, form and nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area and would be acceptable in terms of traffic safety and car parking and would not give rise to public health or to a risk of flooding. 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 received by the planning authority on the 2<sup>nd</sup> day 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 interest of clarity.

2. The proposed childcare/creche building shall be constructed in accordance with the submitted plans and shall be completed and ready for use prior to the construction of the 6 dwellings.

**Reason:** To provide suitable childcare facilities for existing and future residents in accordance with the provisions of “Childcare Facilities: Guidelines for Planning Authorities” issued by the Department of the Environment and Local Government in June 2001, and in the interest of the amenities of the area.

3. The landing window at first floor level to House No. 1 shall be in obscured glass.

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

4. Prior to the commencement of development:

(a) a workplace Health and Safety Plan shall be submitted to the planning authority for consultation with the Health and Safety Authority, and

(b) a Waste Management Plan shall be submitted to the planning authority for consultation with the Department of Agriculture and Food.

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

5. The developer shall engage a suitably qualified (license eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the

Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains or animal burial sites be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service and Health & Safety Authority of the HSE, regarding appropriate mitigation.

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service and the Health & Safety Authority of the HSE, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority, the National Monuments Service and Health and Safety Authority of the HSE shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.

6. 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 all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of proper planning and sustainable development.



7. Prior to commencement of the development the applicant/developer shall submit detailed plans for the proposed bin storage areas for the proposed dwelling houses for the written agreement of the planning authority. Each bin enclosure shall be enclosed, ventilated, lockable and no higher than 1.8m and constructed in brick to match the proposed dwellings.

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

8. 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 the development 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.

9. The access from the public road and internal road and vehicular circulation network serving the proposed development, including turning bays, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

10. Water supply and drainage arrangements including the 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.

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

12. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Lighting Design Report, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any residential unit.

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

13. 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.

14. 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.

15. Construction and demolition waste shall be managed in accordance with a final construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

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

16. Site development and building works shall be carried only out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0700 to 1600 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.

17. Prior to commencement of development, the developer 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.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open 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.

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

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

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

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Catherine Dillon

Planning Inspector

18<sup>th</sup> December 2024

## 12.0 Appendix 1

### Form 1 EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>		ABP Ref: 318497-23	
<b>Proposed Development Summary</b>		Construction of 6 houses, single storey childcare facility, internal access roads, 40 car parking spaces, bicycle parking , bin storage, landscaping, boundary treatments and associated site works and services	
<b>Development Address</b>		Roxborough Manor, Mulgannon, 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)?</b>			
<b>Yes</b>	<b>X</b>	Class 10 (b) (i) threshold >500 dwellings Class 13	Proceed to Q3
<b>No</b>			No further action required
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			EIA mandatory EIAR required
<b>No</b>	✓		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	✓	Class 10 (b)(i) & Class 13	Preliminary examination required (Form 2)
<b>5. Has Schedule 7A information been submitted?</b>			
<b>No</b>	✓	Screening determination remains as above (Q1 to Q4)	
<b>Yes</b>		Screening Determination required	

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

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

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference Number</b>	ABP-318497-23
<b>Proposed Development Summary</b>	Construction of 6 houses, single storey childcare facility, internal access roads, 40 car parking spaces, bicycle parking , bin storage, landscaping, boundary treatments and associated site works and services
<b>Development Address</b>	Roxborough Manor, Mulgannon, Wexford
<p><b>The Board carried 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> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development is for 6 houses on an infill site and a creche 454m<sup>2</sup> on a greenfield site on an overall site area of 0.786 hectares. The site is situated within and adjacent to an established residential estate on the suburbs of Wexford Town.</p> <p>The development is a standalone project, and does not require significant demolition works and does not require the use of substantial natural resources.</p> <p>There is a potential that the part of the site may contain an anthrax burial ground, however, in the event anthrax is detected , the developer would be advised by the HSE in this regard. Furthermore I note the P.A's report regarding there being no evidence of anthrax at the site.</p> <p>The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risks to human health.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites</p>	<p>The development is situated in a suburban area on infill and greenfield land and is adequately from sensitive natural habitats, and designated sites and landscapes of identified significance in the County Development Plan.</p> <p>There are no recorded monuments within close proximity of the site or no cultural heritage sites of significance.</p>

of historic, cultural or archaeological significance).		
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).		I note ABP Ref: 318926-23 to the north and east of the subject site, the subject site development and the existing Roxborough Manor estate would cumulatively result in 286 dwellings but would be below the 500 dwelling threshold specified in Class 10(b) (i) of Schedule 5 of the Regulations.  Having regard to the modest nature of the proposed development, its location c. 780m removed from sensitive habitats/features, the likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.
<b>Conclusion</b> <b>There is no likelihood of significant effects on the environment.</b> <b>EIA not required</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	<b>Yes or No</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: Catherine Dillon

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

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

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

(only where Schedule 7A information or EIAR required)