



An
Bord
Pleanála

Inspector's Report ABP-318917-24

Development	Development of 82 fully serviced dwelling units, creche and all associated services.
Location	Starvehall/Coolballow, Drinagh, Wexford, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20230567
Applicant(s)	John Devereux
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Ard Uisce Management Company John Mullins and Others
Observer(s)	None
Date of Site Inspection	27 th November 2024
Inspector	Matthew McRedmond

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	5
3.3. Prescribed Bodies	8
3.4. Third Party Observations	8
4.0 Planning History	10
5.0 Policy Context	10
5.1. National and Regional Planning Policy	10
5.4. Development Plan	12
5.5. Natural Heritage Designations	15
5.6. EIA Screening	16
6.0 The Appeal	16
6.1. Grounds of Appeal	16
6.2. Applicant Response	20
6.3. Further Responses	23
6.4. Planning Authority Response	24
6.5. Observations	24
7.0 Assessment	25
8.0 AA Screening	38
8.1. Stage 1 - Screening	38
9.0 Recommendation	46

10.0	Reasons and Considerations.....	46
11.0	Conditions	46
Appendix 1 – Form 1: EIA Pre-Screening and Form 2: Preliminary Assessment		

1.0 Site Location and Description

- 1.1. The subject site is 3.18 hectares in area and is located in the townlands of Starvehall and Coolballow, Drinagh, Wexford Town, adjoining the south west boundary of the Ard Uisce residential development. The site is approximately 2.7km southwest of Wexford Town Centre. The proposed access to the site is via Starvehall Lane to the southwest where there are existing agricultural entrances currently in place along this road. The site is currently used for agricultural purposes with some scrubland on the lands closest to Ard Uisce. There are existing hedgerows bounding and through the site with some scrub growth throughout. There is a ribbon of detached residential dwellings to the north and south of the site access individually from the local roads adjoining.

2.0 Proposed Development

- 2.1. The proposal comprises the construction of 82no. residential units, childcare facility, and all associated site works. The proposal was amended on foot of a Further Information request by the planning authority and the layout/ design of the proposal was updated, including cycle and footpath details, SuDs and confirmation of other details. The total number of residential units was not amended. The following key details are noted:

Site Area	3.18ha (2.37 ha excluding the access road)
No of units	82 no. (56no. houses and 26no. apartments) 12no. x 2-bed, 2 storey units 6no. x 2-bed, bungalow units 18no. x 3-bed, 2 storey units 20no. x 4-bed, 3 storey units 13no. x 1-bed apartment units

	13no. x 2-bed apartment units
Other Uses	Creche - 172m ²
Density	35 units/hectare
Car Parking Provision	174 spaces (of which 10 are associated with the childcare facility)
Vehicular entrance	New entrances (2no.) from existing Ard Uisce access road and from Starvehall Lane.
Usable Open Space	15.2% (stated) – 4,065m ²

3.0 Planning Authority Decision

3.1. Decision

Wexford County Council granted permission for the proposed development on the 20th December 2023 subject to 24no. conditions. Condition 2 requires the access road from Starvehall Lane to be constructed before the housing element of the proposal. Condition 4 requires the creche to be ready for occupation prior to the occupation of the proposed dwellings.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Local Authority Planner had regard to the material submitted with the application, the locational context of the site, national and local planning policy, the referral responses received, and submissions made on the application. Their assessment included the following:

- The subject proposal is acceptable in principle given the Level 1 Key Town status of Wexford Town. Housing is considered acceptable at this location and is in line with the Core Strategy.

- The Wexford Town Environs Plan 2009 is now expired, so the application is to be determined under the relevant policies and objectives of the Wexford County Development Plan 2022-2028.
- The site is located approximately 2.5km from a Gaeilscoil. Two large supermarkets are 3km from the site.
- The proposed density of 35 dwellings per ha is considered acceptable at this edge of centre location.
- The proposed houses and rear gardens would significantly exceed minimum area requirements. 18 no. units have been designed in accordance with universal design which meets 20% standard requirements.
- 1-bed unit mix requirements of 50% maximum comply with SPPR1 of the Apartment guidelines. All apartments meet or exceed minimum floor area requirements. Proposed height of 4-storeys is acceptable, giving a strong urban context.
- Landscaped open space of 4,065sqm is proposed and consists of 2no. large green areas and planting along access road.
- Further information is required in relation to EV parking.
- The access arrangement from Stravehall Lane has been agreed in principle with the Wexford County Council Roads Section. A secondary access through Ard Uisce is also considered acceptable.
- Reference to natural urban drainage systems including swales requires further information input.
- The details of the application are generally considered acceptable subject to further information on a number of items.

Further Information Response

3.2.2. The applicant submitted a further information response in November 2023, which included the following:

- Redesigned drainage plan in line with sustainable drainage principles. The proposed attenuation ponds consist of dual use depressions that operate as

wet and dry areas depending on level of rainfall. This is complemented by kerbside rain gardens to manage rainfall.

- A post storm photographic survey of the existing watercourse, that confirms flooding does not occur.
- Details of independent SuDs drainage for adjoining, phase 2 lands – which are not part of the subject development application. Phase 1 and 2 will have their own separate drainage system and attenuation ponds.
- Details of maintenance and access to the attenuation ponds that will form part of the public open space within the site.
- Information/calculations on the location of outfall to the existing watercourse from the attenuation pond, which consists of an existing agricultural drain that flows to the Coolballow Road and into a box culvert.
- All footpaths, cycle lanes and pedestrian access will be 2m in width. All road junctions are formed with raised tables whereby ramped connections are not required and appropriate road signage/markings in line with the Traffic Signs Manual is proposed.
- Confirmation that all junctions have been designed in accordance with the National Cycle Manual. Roads have been designed to taking in charge standards available.
- Clarification on the number of cycle parking spaces to be 63no., in excess of the 52no. required by the Apartment Guidelines.
- Each car parking space will be future proofed for EV parking.
- Agreement details for connection to a future inner relied road.

Planning Authority Response

3.2.3. The Local Authority Planner was satisfied with the information submitted by the applicant at further information stage and recommended a grant of permission subject to conditions.

3.2.4. Other Technical Reports

- Housing Department – Part V agreement in place for 20% of units to Local Authority or Approved Housing Body.
- Mobility Access Officer – 2m drop kerbing for the proposed accessible spaces. 20% of all units to be adaptable. Disability access certificate required for apartment blocks and creche facility.
- Environment – Recommend grant of permission subject to conditions. Agreement with Uisce Eireann required. Noise and dust emissions to be managed within defined parameters.
- Roads – Recommend grant of permission subject to standard conditions.

3.3. Prescribed Bodies

- 3.3.1. Health and Safety Authority – No objection raised with respect to the proposed development.
- 3.3.2. Transport Infrastructure Ireland – No objections to the proposal. Applicant should be made aware of future national road scheme in close proximity and relevant land should be kept free from any development. No future claims will be entertained in respect of impacts from future road or existing road schemes.
- 3.3.3. Uisce Eireann – No objection to the proposal subject to conditions. At the date of application capacity exists on the UE network to accommodate the proposed development. Water connection can be done without upgrades. Wastewater connection may be subject to upgrades pending other connection agreements.

3.4. Third Party Observations

- 3.4.1. A number of submissions were made in relation to this application. The main issues raised can be summarised as follows:
 - Surface water management issues at Whiterock South, Starvehall and Coolballow. Could be potentially worsened by the subject proposal.
 - Inadequate water supply, foul and surface water drainage.

- Starvehall/Coolballow junction has been the scene of numerous accidents in recent years due to increased traffic. The subject proposal may worsen this issue.
- Proposed link road through Ard Uisce will cause major traffic safety concerns for children at play and cause additional traffic and noise through an established estate.
- Car parking spaces will need to be removed at the proposed access point through Ard Uisce.
- No permission in place to use Ard Uisce for access.
- Insufficient capacity on local road network including Starvehall Lane, Coolballow road and Whiterock. No footpaths after entrance to Ard Uisce or at Starvehall lane making it unsafe for pedestrians and cyclists. Insufficient sightlines to Starvehall Lane. No public lighting at Starvehall Lane
- Overdevelopment of the area with the absence of essential amenities – creche, shop, school.
- Other sites in Wexford Town, closer to centre, more suitable for residential development.
- Overlooking issues at Whiterock South. 4 storey apartments are completely out of character for this area.
- Proposed development is premature in absence of LAP for the area and upgrade of infrastructure. Previous objectives in the Wexford Town and Environs Plan 2009-2015 in relation to upgrading of road junctions and delivery of an inner relief route are still relevant.
- Water supply not in line with Uisce Eireann recommendations. Upgrades required to wastewater infrastructure suggesting this is not feasible. Surface water drainage does not incorporate nature based solutions
- Construction management and HGV routes were queried.
- Proposed amenity space and attenuation pond not of residential quality.

- Proposed development is not consistent with the National Planning Framework as there is a lack of facilities and public transport.
- Amenities of existing residents are not protected with the subject proposal.
- Proposed density is below recommended in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. No masterplan has been completed for the area.
- The proposed development fails to integrate successfully with Ard Uisce and results in a poor quality of public realm.
- Insufficient site notices provided and details on application form questioned. Mapping of hedgerow to be removed not provided.

4.0 Planning History

The following is the most recent, relevant planning history for the subject site.

Wexford CC Ref. 20211560: Permission refused for 98 dwellings at the subject site that included a connection to Coolballow Road instead of Starvehall Road as currently proposed.

5.0 Policy Context

5.1. National and Regional Planning Policy

- 5.1.1. The NPF is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. National Strategic Outcome No. 1 is 'Compact Growth'. Activating strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.
- 5.1.2. The NPF contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (c) aims to deliver at least 30% of all new homes targeted for settlements other than the five cities, to be within the existing built-up footprints.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.

5.1.3. Relevant national policy also includes Sustainable Residential Development and Compact Settlements: Guidelines for Planning Authorities, 2024 ('the Compact Settlement Guidelines') which require appropriate residential densities (no less than 30-50 units per hectare) in key towns with more than 5,000 population.

5.1.4. It is worth noting the National Planning Framework is currently undergoing a comprehensive review to reflect changing population and demographic projections for Ireland, which will necessitate revised housing targets countrywide. 50,500 new dwellings per annum are required to meet demand, scaling up to 60,000 homes in 2030.

5.1.5. The Regional Spatial and Economic Strategy for the Southern Region, 2020-2032 is relevant in terms of the strengthening of towns and villages and to enable enhanced roles for sub-regional settlements. Wexford is a Level 1 Key Town comprising a large-scale urban centre functioning as a self-sustaining regional driver.

5.2. **Rebuilding Ireland – Action Plan on Housing and Homelessness 2016**

5.2.1. This is a government initiative which identifies the critical need for accelerating housing supply.

5.3. **National Biodiversity Action Plan (NBAP) 2023-2030**

5.3.1. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of

its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.4. Development Plan

Wexford County Development Plan 2022-2028

- 5.4.1. The site is located within the administrative boundary of Wexford County Council. At the time of the assessment of the application, the Wexford County Development Plan 2022-2028 was the operative plan for the area. I have assessed the proposal in accordance with the provisions of the operative development plan.

Settlement Hierarchy

- 5.4.2. Table 3.2 of the Wexford County Development Plan sets out the County Wexford Settlement Hierarchy. Wexford Town is designated as a Level 1 Key Town. Section 3.6.1 of the Plan sets out guidance for the role and function of designated Level 1 settlements and their development approach. The Plan sets out the following guidance in this regard:
- 5.4.3. *“Wexford Town is the largest town in the county with a population of 20,188 in 2016. The town has been to the forefront of the county’s Settlement Strategy since 2002 given its designation as a then ‘Hub’ in both the National Spatial Strategy and the Regional Planning Guidelines. There has been significant targeted investment in the town to support this role and to help achieve the critical mass to function and fulfil its designation as a Hub. This investment included developing the town’s transport links, water services, educational facilities, in particular third level education, health services, public administration and the development of high-quality business locations and supporting services. Given the extent of existing and planned investment, the town will continue to be the county’s primary settlement for residential and economic growth.”*

Development Approach

5.4.4. *Allocate significant population growth to the town to contribute to the development of a centre of scale.*

5.4.5. Section 3.7 of the Plan relates to allocation of population to the settlement hierarchy. Table 3.3 sets out a population growth from 20,188 in 2016 to 29,273 in 2040 for Wexford Town.

Residential Zoned Land Housing Requirements

5.4.6. Section 3.8.4 of the Plan outlines that the zoned land requirement for each level in the settlement hierarchy was determined based on an allocated average density for that settlement, which is specified for Level 1 Key Towns as 35 units/ha. This is reflected in Table 3.4 of the Development Plan. The following objectives are of relevance:

- *Objective CS01: To implement the Core Strategy Guiding Principles and Development Approach and to ensure that required infrastructure and services are provided by infrastructure providers, either in advance or in tandem with development, to achieve this implementation.*
- *Objective CS02: To ensure that new residential development in all settlements complies with the population and housing allocation targets and the principles set out in the Core Strategy and Settlement Development Strategy, in so far as practicable.*
- *Objective CS04: 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 CS05: To ensure that at least 30% of all new homes that are targeted in settlements are delivered within the existing built-up footprint of the settlement.*
- *Objective CS19: To ensure the Key Towns of Wexford Town and Gorey Town continue to be drivers of economic growth and prosperity for the region, the county and their Municipal Districts by maximising their*

strategic location advantages to attract employment and population growth, developing their services and functions and protecting and enhancing their town centres, public realm and heritage and environmental quality making the towns high quality sustainable places to work, live and visit.

- *Objective TV01: To ensure, through our planning processes and investment decisions, that we create liveable, vital, diverse, inclusive, resilient towns and villages.*

Volume 2 - Development Management Objectives

- 5.4.7. Section 4.1 of the Development Plan relates to Childcare Facilities and outlines the following:

The Planning Authority will have regard to Childcare Facilities: Guidelines for Planning Authorities 2001, the Child Care (Preschool Services) Regulations 2006, We Like This Place: Guidelines for Best Practice in the Design of Childcare Facilities 2005, and the following in the assessment of proposals for childcare and educational facilities:

- Suitability of the site for the type and size of facility proposed.
- Availability of indoor and outdoor play space.
- Local traffic conditions.
- Access, car parking and drop off facilities for staff and customers.
- Nature of the facility (full day care, sessional, after school, etc.).
- Number of children to be catered for.
- Intended hours of operation.
- Impact on residential amenity.

- 5.4.8. The indicative standard is one childcare facility, accommodating 20 children, for approximately 75 dwellings. This standard may be modified in any particular case where there are significant reasons for doing so. Criteria that may be taken into account in such an assessment include the existing geographical distribution of childcare facilities and the emerging demographic profile of the area

5.4.9. Car parking standards are set out within Table 6.7 of Volume 2 of the Development Plan. The following are of relevance:

- House – 2 per house
- Apartment – 1 per apartment
- Creche/Childcare – 1 space per 4 children plus 1 space per 1 employee

5.4.10. Section 3.12.1 relates to Mix of Dwelling Types and outlines that the overall dwelling mix in residential schemes should provide for a balanced range of dwelling types and sizes to support a variety of households. The mix of house types and sizes should provide far greater diversity than the traditional 3-bed semi-detached type housing development.

5.4.11. The Plan outlines that the design and layout of individual dwellings should provide a high-quality living environment for future residents. Designers should have regard to the targets and standards set out in the Quality Housing for Sustainable Communities Guidelines, DEHLG (2007) with regard to minimum room sizes, dimensions and overall floor areas when designing residential accommodation. All houses must accord with or exceed the minimum floor area standards set out in Table 3-4 of Vol. 2 which is 80sqm for 2-bed, 92sqm for 3-bed dwellings and 110sqm for 4-bed dwellings. Dwellings should also be designed to provide adequate room sizes that create good quality and adaptable living spaces. The Planning Authority may consider deviations from these floor area requirements, however, at minimum the floor areas must comply with the minimum set out in the Quality Housing for Sustainable Communities Guidelines.

5.4.12. Section 3.12.2 of the Wexford County Plan which relates to the provision of a minimum of 20% of dwellings in new residential developments of five dwellings or more are Lifetime Homes, suitable to accommodate or are adaptable to provide accommodation for people with disabilities and older people.

5.5. Natural Heritage Designations

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

- The Slaney River Valley Special Area of Conservation (Site Code: 000781), approximately 1.4km east of the site.
- The Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), approximately 1.6km east of the site.

5.6. EIA Screening

Having regard to the nature of the proposed development comprising the development of 56 residential units and a creche, at the edge of an established urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See completed Form 1 and 2 at Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

There were two Third-Party Appeals received, with the following grounds submitted:

No LAP

- No LAP for Wexford Town and site is therefore not zoned. This is compounded by SPA's and SAC's within 15km of the site. Stormwater discharges to an existing watercourse on site – The Pembroke – via the attenuation pond and discharges ultimately to Wexford Harbour.
- Substantial infrastructural deficit in the existing area tied to the lack of zoning. The development of the site would be premature pending the approval of an LAP for the area.
- The proposed development does not adequately address previous reasons for refusal at this site under Reg. Ref. 20211560. The only difference is increased density and access from Starvehall Lane instead of Coolballow Lane.

- Key objectives of the Wexford Town and environs Development Plan 2009-2015 have not been delivered, including masterplan, upgrading of road junctions and provision of an inner relief route.
- The proposal is not in keeping with the proper sequential development of Wexford Town.

Appropriate Assessment and Ecological Report

- Ecological Report should have been provided given proximity to European Sites.
- All qualifying interests of Wexford Harbour and Slobbs SPA and Slaney River Valley SAC are not listed in the AA.
- Due regard is not given to the impacts of discharging to the existing watercourse on site – The Pembroke.
- All planned and permitted developments have not been adequately considered in the AA screening report.
- Details of temporary construction compound should have been provided given watercourse discharge to the SPA.
- Given proximity to SAC and SPA and discharge via the watercourse on site, an EIA should have been prepared and submitted with the application. The removal of hedgerow is also not adequately assessed in terms of biodiversity.

Traffic and Transport

- The link from Ard Uisce to the proposed development is not consented to by the owners management company, will result in the loss of green areas and was never envisaged in any permitted phases of the Ard Uisce development.
- Lack of sustainable transport options in the area and upgrade of facilities for PT, walking and cycling.
- The proposed development is premature due to lack of adequate infrastructure including road network. Starvehall Lane is of limited width with no cycle/footpaths and cannot accommodate the proposed level of traffic including construction traffic.

- Access through Ard Uisce is inappropriate given the 5m road width, which is not to DMURS standards. The proposed route through Ard Uisce could potentially become a rat run. Additional traffic and pedestrians will reduce levels of amenity in the existing Ard Uisce estate.
- A Traffic Impact Assessment would have been beneficial.
- Starvehall Lane links to the junction with Coolballow Lane and Sinnottstown Lane, which is a dangerous junction and would be worsened by the subject proposal traffic volumes.
- No details provided on how construction traffic will be managed on the local road network.
- Insufficient car parking proposed and overreliance on private car in general.

Water Services

- Uisce Eireann indicate upgrade works are required to the foul sewer network to prevent pollution events, with no indication given as to when the upgrades will occur. If all developments in the area proceed, there will not be sufficient capacity in water infrastructure.
- The foul sewer is located within private lands, making access and maintenance complicated.
- Water supply connection at Starvehall Lane is contrary to the Uisce Eireann advice to connect at Coolballow Road.
- Stormwater drainage at existing roads is already insufficient and leads to road flooding. The existing drainage ditch “of about 4 foot square” has not been referenced in the application, although the access road will traverse its path.
- The site is prone to water logging and the proposed development must be considered in relation to flood risk. Reference to agricultural levels of run off is inaccurate given the hard surfaces proposed in place of existing scrub and grassland.
- Potential for flood issues to properties at Coolballow Road if attenuation pond malfunctions.

- Insufficient details provided on maintenance of attenuation pond and safety measures for protection of children.

Other Services

- No public lighting or footpaths serve Starvehall Lane, rendering it hazardous for pedestrians. The proposed development is premature pending the delivery of necessary infrastructure.

Creche

- Provision of creche is not appropriate given the absence of local amenities and public transport.
- Along with issues in the design in terms of overlooking from proposed apartments and houses, the play area adjoining proposed houses could result in noise impacts on future residents.

Design Details

- Orientation of dwellings not appropriate for future solar panel installation.
- Proposed density of 35dph is too high in context of 15-30 dwellings per hectare recommended in the Wexford Town and Environs Development Plan 2009-2015 and the existing density of 15.29 units per hectare at Ard Uisce.
- The proposed apartments at block B and houses 81 and 82 will overlook the creche play area. Units 42-46 will be overlooked by apartment block A and B. The required 22m separation distance in the Wexford CDP is referenced.
- Mix is inappropriate in context of 25% 2-bed, 30% 3-bed and 30% 4-bed as set out in the County Development Plan for schemes of 25 or more units. 32% 2-bed, 32% 3-bed and 35% 4-bed are proposed.
- The proposed road layout is haphazard and was never envisaged as part of the Ard Uisce Road layout.
- The proposal will result in the loss of public amenity green space at Ard Uisce. The second attenuation pond proposed at FI stage will also reduce the level of amenity at the subject site.

- Insufficient details on boundary treatments provided and delineation of access to Ard Uisce.

Lack of Amenities

- With other developments permitted in the area there is inadequate amenities in this area to support another residential development. Any journeys to shops or schools will need to be by private car.

Other Matters

- Insufficient site notices provided and details on application form questioned including letters of consent for connection to Ard Uisce, mapping of hedgerow to be removed, not provided, and lack of detail on apartment layouts.
- Inaccuracies in the planning report submitted by the applicant including proximity of site to public transport which is 2.7 miles from the site, reference to enhanced opportunities for walking and cycling which is not the case as the road is narrow and unsafe, and reference to a 'zoned' site, which the subject site is not.
- No reference to pylon on site in the submitted documents.
- Attenuation pond is proposed on an existing wayleave.

6.2. Applicant Response

The applicant provided a response to the grounds of appeal, which contained the following main points:

Preamble

- The subject proposal is in full compliance with the provisions of the Wexford County Development Plan 2023-2029 and is accessible to the wider area via bus and cycle transport as well as been proximate to a range of amenities.
- The proposed scheme is well designed, ensuring appropriate quality of living to future residents and provides access and permeability to the surrounding area.

LAP/Zoning

- While the subject site is not zoned due to the absence of an adopted LAP, the lands were zoned for residential under the Wexford Town & Environs Development Plan 2009-2015, which has now lapsed. The subject proposal complies with the sequential growth of Wexford as set out in a separate attachment to their response.
- In the separate 'Sequential Land Use Zoning Justification Report' the applicant sets out that the existing and future developments planned in the area will provide key infrastructure for the proposed development. This includes the new SETU College Campus, Wexford Youths Football Stadium and new roads (including an inner relief road that will traverse the site) along with existing parks and schools.
- Precedent for considering a site that is not zoned was referenced under ABP Ref. 316019-23.
- The subject proposal is consistent with the Wexford County Development Plan 2022-2028 (WCDP) and provides residential development on a sequential basis.
- The proposal is appropriate for the area and is sensitively located at the edge of town, at an appropriate distance from the town centre including various amenities and facilities such as schools and shops.

Site Drainage and Foul

- Attenuation pond is appropriate and above ground storage is becoming a common feature in residential developments.
- Reference to agricultural run off rates is quantified by 20L/sec which is more than the 1 in 100 year storm run off from the proposed development which is 19.1L/sec. The proposed hydrobrake will control this flow and hardstanding surface run off rates are not relevant due to the functionality of the hydrobrake.
- The outflow culvert has been measured to estimate the capacity at 113L/Sec.
- An appropriate letter from Uisce Eireann on confirmation of feasibility has been received and no reference to pollution events are included.

- The existing foul sewer will run underneath the attenuation pond and will not be impacted by the development.
- Connections to water supply will be by agreement with Uisce Eireann.
- Any existing drains will be culverted or piped as necessary at the access junction to Starvehall Lane. Rain gardens are proposed along the proposed access road to ensure no additional run off is created.

Density

- The Planning Authority should have regard to Guidelines for Planning Authorities Sustainable residential Development in Urban Areas (Cities, Towns and Villages) when considering density. The Wexford CDP also encourages densities of at least 30 units per hectare at Outer Suburban Greenfield sites.
- The proposed density of 35 dwellings per hectare is considered appropriate in the context of Government Guidelines and Wexford CDP.

Traffic & Access

- The proposed access strategy for the site was considered acceptable by Wexford County Council, including access to Starvehall Lane. The planned inner relief road was also referenced and is at notice to treat stage for the Compulsory Purchase Order (CPO).
- The proposed road network was designed in accordance with DMURS and is consistent with Objective TV30 of the Wexford CDP. The provision of permeability and connection to Ard Uisce is appropriate and will provide sustainable linkages.
- Adequate lighting and footpaths are provided through Ard Uisce so Starvehall Lane is not relied on for pedestrian safety.
- Appropriate car parking numbers are provided within the development.
- Any green space lost as a result of connection to Ard Uisce is not considered usable and the existing estate has been designed to cater for a future connection.

- Adequate sightlines can be provided at the proposed entrance/exit at Starvehall Lane.
- The safety concerns at the Coolballow road/Starvehall Lane junction are not substantiated by an Garda Siochana or Wexford CC.

Other Matters

- There is a lack of creche facilities in the area and the subject proposal is appropriate in this context.
- Question 24 of application form is not uploaded due to confidentiality purposes.
- Construction management details can be agreed by way of condition.

6.3. Further Responses

6.3.1. A number of third-party responses to the applicants response to the appeal were provided. The summary issues noted are as follows:

- The justification report submitted confirms the lands are unzoned and not in accordance with the sequential development of Wexford Town.
- Issues with AA have not been addressed.
- The referenced bus services including bus stop 13 and bus route WX1 Drinagh Loop do not exist. Inadequate amenities in the area generally, particularly in light of potential future phases of development.
- Attenuation ponds in green areas make these spaces unusable and unsafe for children. Management of attenuation pond is also not confirmed.
- Issues with flood risk and inundation of local roads have not been addressed.
- The reference to removal of embankments in the appeal response is to provide sightlines and not widen Starvehall Lane to provide cycle or footpaths.

- Starvehall Lane will remain an unsafe space for pedestrians and cyclists, particularly those who wish to travel to Sinnottstown Lane. Construction traffic will worsen the traffic environment at this location.
- The main access point to the proposed development is questioned. Access via Ard Uisce will lead to loss of green space and increased traffic safety concerns.
- Additional parking is required for the creche based on the number of employees.
- Issues with application form and land ownership raised again.
- Concerns in relation to pollution events remain relevant based on Uisce Eireann letter. Dating and acceptance of the Uisce Eireann letter, 1 day after the submissions deadline is questioned.
- The proposal should be refused permission in the absence of appropriate social and physical infrastructure including new roads in the area.

6.4. Planning Authority Response

A site description and planning history was provided. The Planning Authority state that the development is located on lands that are Level 1 Key Towns – Wexford Town where there is significant growth targeted. The land was previously zoned medium density residential under the Wexford Town and Environs Plan 2009, which is expired. The application falls to be determined under the Wexford CDP 2023-2029. The Planning Authority respectfully requests the Council decision to be upheld.

6.5. Observations

None received.

7.0 **Assessment**

7.1. Having reviewed the details and appeal documentation on the file, the submissions made, having inspected the site, and having regard to relevant local and national policy and guidance, I conclude that the main issues are the following:

- Principle of Development
- Density, Design and Layout
- Drainage and water services
- Traffic and Transportation
- Ecology
- Other Issues

7.2. Matters of Appropriate Assessment were also raised in the appeal, and I will assess this matter separately in Section 8. EIA has already been addressed at section 5 of this report.

7.3. **Principle of Development**

7.3.1. The appeal raises concern in relation to the principle of the proposed residential development in the absence of a Local Area Plan for Wexford Town. The application documents submit that the development is in accordance with the requirements of the National Planning Framework which supports consolidated growth and the requirements of the Wexford County Development Plan which identifies Wexford as a Key Town with a target of 657 units in the lifetime of the plan.

7.3.2. The appeal also raises issues in relation to the suitability of the proposed creche. I will address each matter in turn.

Zoning and Core Strategy

7.3.3. The Wexford County Council website states that the Wexford & Environs Development Plan 2009-2015 (as extended) has now expired. The site is not zoned within the current CDP and the Wexford Town Local Area Plan is pending. Core Strategy and Settlement Objective CS15 refers to the requirement to prepare an LAP. Therefore, the principle of the development shall be considered on its own merits, and in accordance with the Wexford County Development Plan 2022-2028.

- 7.3.4. The appeal site is located in the general area of Starvehall and Coolballow, approximately 2.8km southwest of Wexford Town Centre. The site is approximately 3.18ha in area and is proposed to accommodate 82no. residential units with an access road from Starvehall Lane. At the centre of the proposed development site, it is proposed to accommodate a creche.
- 7.3.5. Wexford Town is a Level 1 – Key Town within the Wexford County Settlement Strategy as set out within Table 3.2 of the Wexford County Development Plan 2022-2028. Lands within Level 1 settlements are not zoned within the Development Plan. Objective CS15 of the Development Plan seeks: *“To prepare new local area plans for Wexford Town, Enniscorthy Town and New Ross Town and to ensure all future local area plans are prepared in accordance with the relevant aspects of the Development Plan Guidelines for Planning Authorities (2007), the Local Area Plan Guidelines for the Planning Authorities (2012) and all other relevant Section 28 Guidelines or any updated version of these guidelines.”*.
- 7.3.6. The Development Plan sets out the following guidance for future development within Level 1 centres:
- Given the extent of existing and planned investment, the town will continue to be the county’s primary settlement for residential and economic growth.
- 7.3.7. In addressing the above guidance, I note that the Core Strategy of the Wexford County Development Plan has been allocated significant growth for Level 1 settlements to contribute to the development of a centre of scale. I note the subject proposal for 82units and a creche is significant and the site is served by connections to existing services including footpath connections to the town centre via the adjoining Ard Uisce Estate. The main vehicular access to the development will be from Starvehall Lane. The lack of facilities for pedestrians and cyclists along that road connection are noted. I will consider that matter further under a separate heading. However, I further note that the principle of the development of residential use at this location has previously been established through permitted and constructed developments immediately adjoining the site to the north and northeast.
- 7.3.8. The third-party appeal raises concern in relation to the principle of the development of a site for residential development which is outside the planning context of an approved LAP. I refer to the requirements of Objective CS04 of the Wexford County

Development Plan 2022-2028 in this regard which seeks the development of underutilised land within the existing built-up footprint as detailed below:

- 7.3.9. Objective CS04: To achieve more compact growth by promoting the development of infill and brownfield/ regeneration sites and the redevelopment of underutilised land within the existing built up footprint of existing settlements in preference to greenfield lands and to identify infill, brownfield and regeneration sites when preparing Local Area Plans, Settlement Plans and settlement boundaries.
- 7.3.10. In the application documents, the applicant refers to the Core Strategy and the Level 1 Key Town status of Wexford Town. The applicant submits that 2,174 units has been allocated to Wexford Town in the CDP. Permitted and constructed development adjoining the subject site is also referred to in the application documents that residential development is appropriate at this suburban location.
- 7.3.11. The site forms a natural extension to permitted and constructed residential developments at Ard Uisce, and the principle of residential development has therefore already been established at this location. The Core Strategy identifies Wexford Town for significant Growth in the lifetime of the County Development Plan with 2,174 units allocated, and identifies objectives for compact growth and development within the existing footprint of settlements. I consider the proposed development to fit within this projected growth and is appropriately located in proximity to Wexford Town. While the lack of footpaths and facilities for cyclists at Starvehall Lane are noted, I will consider matters of transport and traffic separately. In terms of principle of development, I therefore consider the proposed residential development to be acceptable subject to consideration of other matters raised in the appeal, which are addressed in further sections of this report.

Principle of Proposed Creche

- 7.3.12. The appeal questions the suitability of the proposed creche to serve the development proposed, as well as other permitted developments in the area including Roxborough Manor and later phases of the Ard Uisce Development. The appeal outlines that the proposed creche will be contrary to sequential development principles.
- 7.3.13. I refer to the Development Management guidance set out within Section 4.1 of the Wexford County Development Plan which relates to Childcare Facilities. The Plan

outlines that the indicative standard is one childcare facility, accommodating 20 children, for approximately 75 dwellings. This provision is in accordance with the guidance set out within the Childcare Facilities: Guidelines for Planning Authorities 2001.

- 7.3.14. The Wexford County Development Plan outlines that this standard may be modified in any particular case where there are significant reasons for doing so. In this instance the applicant is proposing to provide a childcare facility in accordance with Development Plan guidance. I see no significant reasons for deviation from the proposed requirement. I do not consider it to be necessary to address the shortfall, or otherwise, of childcare facilities in other developments in the area.
- 7.3.15. I note the reference within the appeal to the lack of capacity within the existing schools and other services in this area of Wexford Town. In considering the point raised, I note that Wexford Town, as a designated Level 1 settlement within the Wexford County Settlement Strategy, is envisaged for significant residential growth. The proposed development proposes a creche to accommodate the needs of future residents. I consider this an appropriate strategy for a residential development of this scale, that would both avail of and contribute to services in the local area. I consider the subject proposal would provide for the appropriate location for a creche in this residential area, within a Town that is identified for significant growth and investment.

Creche Siting and Design

- 7.3.16. The appeal raises concern in relation to the siting, design and layout of the proposed creche. It is stated that the creche is poorly designed and lacking in terms of privacy as a result of overlooking from adjoining apartments. The proposed creche is located generally within the central area of the subject site, with access directly to the access avenue to Starvehall Lane to the west.
- 7.3.17. Section 4.1 of the Development Plan outlines that the Planning Authority will have regard to Childcare Facilities: Guidelines for Planning Authorities 2001, the Child Care (Preschool Services) Regulations 2006, We Like This Place: Guidelines for Best Practice in the Design of Childcare Facilities 2005, and the following in the assessment of proposals for childcare and educational facilities:
- Suitability of the site for the type and size of facility proposed.

- Availability of indoor and outdoor play space.
- Local traffic conditions.
- Access, car parking and drop off facilities for staff and customers.
- Nature of the facility (full day care, sessional, after school, etc.).
- Number of children to be catered for.
- Intended hours of operation.
- Impact on residential amenity.

7.3.18. The above criteria reflect those set out within the Childcare Facilities: Guidelines for Planning Authorities 2001. Section 3.3.1 of the Guidelines identify suitable sites for childcare facilities including new and existing residential areas which can provide outdoor play areas and have space for off-street parking. This is reflected in the development management criteria set out within the guidance and WCDP which sets a standard of a childcare facility for development over 75 houses.

7.3.19. The appeal raises concerns in relation to overlooking of the creche play area by the apartments in Block B and by the upper rear windows of houses 81-82. Noise impacts on these proposed units was also referenced in the appeal.

7.3.20. Having reviewed the proposed layout at the subject site, the proposed development is appropriately designed to allow privacy to be maintained. Units 81 and 82 are setback 13 metres from the boundary with the creche play, which is sufficient to minimise overlooking opportunities and is adequately removed from the play area whereby noise impacts would not be likely to be significant. Any impacts would be limited in nature and predominantly during the daytime which I consider acceptable in the context of a development of this nature. The apartments at upper floors in Block B, above the creche, are also noted. As referenced in the Childcare Guidelines, childcare facilities are a regular feature in residential areas, neighbourhood centres and City and Town Centres. Outdoor play areas feature in each of these scenarios. I do not consider the issue of overlooking of the creche play area from upper floor apartments to be a significant issue in this instance. I consider that the provision of a creche to serve the estate is acceptable and in accordance with development management requirements of the Wexford County Development

Plan and that the outdoor play area is designed and located to be consistent with relevant standards.

- 7.3.21. The Planning Authority included in Condition 4 of the grant of permission, a requirement for the creche to be constructed and ready for operation prior to the first occupation of any dwelling in the proposed development. I consider this to be a reasonable condition to ensure the timely provision of services to future residents and recommend a similar condition is included in any grant of permission.

7.4. Density, Design and Layout

- 7.4.1. The appeal documents submit that the proposed density is too high for this location, additional car parking should be provided, and the proposal should be more consistent with surrounding development types.
- 7.4.2. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (referred to herein as 'Compact Settlement Guidelines') were adopted in 2024 and now supersede the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009. Objective TV01 of the CDP seeks to ensure, through our planning processes and investment decisions, that we create liveable, vital, diverse, inclusive, resilient towns and villages. Objective TV30 also encourages links to existing developments where enhanced accessibility, particularly for walking and cycling is provided.
- 7.4.3. The appeal site falls within the definitions of Key Town – Suburban/urban extension, as per Table 3.5 (Areas and Density Ranges Key Towns and Large Towns) of the Compact Settlement Guidelines. Table 3.5 notes that suburban areas are the low-density car-orientated residential areas constructed at the edge of the town, while urban extension refers to greenfield lands at the edge of the existing built-up footprint area that are zoned for residential or mixed-use (including residential) development. It is a policy and objective of the Compact Settlement Guidelines that residential densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations.

Density

- 7.4.4. The appeal outlines that the density of the proposal at 35 units per ha is too high for this area and additional land should be provided for increased car parking.

- 7.4.5. The proposed development which includes the development of 82 no. dwellings on a 2.37 ha developable area yields a density of 35 units per ha. The proposed density is therefore within the recommended density range in the Compact Settlement Guidelines.
- 7.4.6. I therefore consider that the proposed density is in accordance with national and local policy and is acceptable at this location.

Residential Development Design and Layout

- 7.4.7. The third-party appeal sets out issues with the layout and design of the proposal that are primarily related to overlooking as discussed under the sections above, and the orientation of dwellings.
- 7.4.8. Having reviewed the layouts as referenced, the layout of all units provide dual and triple aspect orientations that will allow for adequate levels of sunlight. In relation to the orientation of dwellings, I consider the design and orientation of the buildings to be appropriate to maximise the benefits of solar gain, sunlight and daylight, with adequate roof space being available for the installation of solar panels if necessary.

Unit Mix

- 7.4.9. The proposal includes a mix of 2-bed, 3-bed and 4-bed units. The appeal outlines that the proposal represents a departure from the recommended unit mix of 25% 2-bed, 30% 3-bed and 30% 4-bed. I refer to the guidance set out within Section 3.12.1 of the Wexford County Development Plan which outlines that the overall dwelling mix in residential schemes should provide for a balanced range of dwelling types and sizes to support a variety of households. The mix of house types and sizes should provide far greater diversity than the traditional 3-bed semi-detached type housing development.
- 7.4.10. The applicant has made a case for the proposed unit mix outlining that it provides a range of unit types and sizes in accordance with Development Plan policy. The proposed apartment element provides 50% 1-bed units (13no.) and 50% 2-bed, 4 person units (13no.). This complies with SPPR 1 of the Apartment Guidelines in relation to unit mix.

- 7.4.11. Having regard to the mix of 2, 3 and 4-bed units, and the range of semi-detached, terraced and apartment units, I consider the proposed unit mix is appropriate in this instance and consistent with the requirements of Section 3.12.1 of the CDP.

Conclusion

- 7.5. On an overall basis, I consider that the development of the site is acceptable as the design and layout is appropriate, additional amenities and services would be provided, and additional residential unit supply would be provided in line with Core Strategy requirements. The proposal will link effectively with the surrounding area, provide additional childcare facilities within the development in accordance with Development Plan requirements, and provide an appropriate interface with existing properties which is consistent with Objective TV01 and TV30 of the County Development Plan.

7.6. Drainage and Water Services

Overview

- 7.6.1. A third-party appeal submits that groundwater is present throughout the site, which has the potential to impact on the drainage of adjoining properties. Additional issues in relation to connection capacity on Uisce Eireann infrastructure and maintenance of attenuation pond were raised.
- 7.6.2. The description of development/project details includes for drainage infrastructure and a stormwater attenuation pond, along with all other associated and ancillary development and works above ground level. In the further information response to the Planning authority, a second attenuation pond was proposed at the north east of the subject site, to add to the original proposed at the southern boundary of the site.
- 7.6.3. The Drainage Appraisal and associated drawings (Sewer Layout, Watermain Layout) shows the layout for the proposed stormwater pipe network and connection to a proposed attenuation pond which runs to the south of the application site. At FI stage, the applicant included an additional attenuation pond in the northern open space area, to serve a future phase 2 residential development.

Surface Water Drainage

- 7.6.4. The applicant proposes to provide a surface water/storm water attenuation pond to collect water from roofs and hard surface. This attenuation pond will have a

maximum discharge of 19.1L/sec through the hydrobrake in the watercourse. There was a discharge of 58L/sec observed during a storm event. The culvert at Coolballow Road is given as having a 113L/sec capacity. The sum of a heavy storm at 58L/sec, with a maximum discharge from the attenuation pond of 19.1L/sec gives a total of 77.1L/sec which is well below the capacity of the culvert.

7.6.5. The applicant further provided photographic evidence during separate storm events of surface water at Coolballow Road, but no evidence was observed of the culvert blocking or overflowing where it flows under this road.

7.6.6. I note that Surface Water drainage is to be discharged to the local surface water network at the site and the use of SuDS is included as well as attenuation tanks as shown on the drawings and as proposed in the documentation submitted. I further note that Wexford County Council raised no issues in relation to the capacity of the local network to accommodate the subject proposal and recommended conditions to ensure the attenuation pond is constructed to taking in charge standards. I am therefore satisfied that an appropriate drainage strategy is proposed by the applicant to address any issues of surface water logging as they currently exist.

Uisce Eireann Connections

7.6.7. A third-party appeal submits that the Uisce Eireann confirmation of feasibility (COF) states that upgrade works are required to the foul sewer network, that water connection is recommended to the south, and not Starvehall Lane as proposed by the applicant, and no indication has been given for a timeline of any necessary upgrade works.

7.6.8. I note standard practice of Uisce Eireann is to issue a COF as part of the planning process, with a connection agreement to follow if a grant of permission is forthcoming. I do not consider it necessary to depart from this standard procedure and note that final details of required upgrade works, payments and connection points can be agreed between the applicant and Uisce Eireann without compromising the overall design of the development or the proper planning and sustainable development of the area. The grant of permission from the Planning authority did not include the recommended condition from the Environment Section in relation to an Irish Water connection agreement. I consider it reasonable to include a suitable condition in this regard if the Board are minded to grant permission.

7.7. Traffic and Transportation

- 7.7.1. A number of access and transportation related issues are raised within the grounds of appeal. The appeal outlines a Traffic and Transport Assessment (TTA) should have been submitted to gain a full understanding of vehicular traffic impacts in the surrounding area and that connection to the site via Starvehall Lane is inappropriate as adequate footpaths and cycle facilities are not provided along this link.
- 7.7.2. Access to the site will be primarily from the Starvehall Lane entrance to the site, from the west. The site is located to the west of the existing Ard Uisce development and a road connection to this estate is also provided in the subject proposal.
- 7.7.3. Wexford County Council's Roads Department did not raise any concern in relation to traffic flows and traffic management associated with the proposed development and recommended a grant of permission subject to conditions. The Local Authority Further Information request sought additional information about cycle paths, footpaths and pedestrian access including path widths. The applicant confirmed they have provided appropriate path widths of 2m and raised table junctions are provided to remove the requirement for dropped kerbs, thereby improving the pedestrian environment in the proposed development.
- 7.7.4. Table 6-1 of Volume 2 of the Wexford County Development Plan states that residential developments in excess of 200 dwellings require a mandatory Traffic and Transport Assessment. Traffic to and from a development, exceeding 10% of the traffic flow on the adjoining road also require a TTA. The subject proposal does not exceed the 200-unit threshold. Having regard to the submitted details and the scale of the development (82 no. residential units and creche) the proposed parking provision of 174 spaces including 10 for the creche, and the location of the site within a wider residential area, I consider that a high number of vehicular trips will not result from the subject proposal.
- 7.7.5. The suggestion in the appeal to provide an additional quantum of car parking in the overall development is contrary to national policy in relation to reducing car dependency and as set out in the Compact Settlement Guidelines, car parking should be minimised in new developments in order to manage travel demand and I consider this to be adequately provided for in the subject proposal with appropriate cycle paths and footpaths provided.

- 7.7.6. I consider the Starvehall Lane entrance to the site will act as the main vehicular entrance to the subject site. Traffic calming measures at Ard Uisce including reduced road widths and speed bumps are sufficient to discourage Ard Uisce being used as a primary access point or 'rat run' as referred to in appeal submissions. Should Ard Uisce be used as a pedestrian/cyclist link, this can be considered a positive for activity levels and passive security in the area.
- 7.7.7. I note the lack of pedestrian and cyclist facilities at Starvehall Lane currently. I do not consider that the subject proposal is reliant on pedestrian or cycle access via Starvehall Lane, however I note the Planning Authority included two separate conditions requiring a contribution to improve public roads and community facilities in the area. I consider this an appropriate mechanism to address identified shortfalls of facilities in the area that would benefit more than the subject proposal and recommend suitable similar conditions be attached to any grant of permission in this regard.
- 7.7.8. Having regard to the foregoing, I consider the submitted details to be acceptable and that future traffic flows associated with the proposed development will not have a significant impact on the existing road network, that adequate road connections and pedestrian/cyclist facilities are provided within the proposed development site to allow connection to the wider area and adjoining lands in future if necessary.

Land Ownership/Access Permission

- 7.7.9. The Third-Party Appeal is concerned that the permission for access to and via Ard Uisce is not clearly defined and has not been consented to by the management company of Ard Uisce themselves. They provide that no agreements have been made with them on the use of common areas within the estate, the impacts on green spaces as a result of the proposal, and as such the drawings submitted to the Planning Authority in support of the application are incorrect and therefore invalid.
- 7.7.10. It must be noted that the issue of validity of the application as submitted is within the remit of the Council rather than the Board. The subject proposal illustrates a connection to the existing Ard Uisce road network and the submitted drawings illustrate alterations on the Ard Uisce side of the red line boundary to provide this connection including road widening and provision of footpath connections. I note from my visit to the site that a single lane extension to the existing road at Ard Uisce

extends to the boundary fence with the subject site, so some level of future connection has been facilitated in this regard. Therefore, I do not accept that a significant quantum of green space requires removal or will be lost as a result of the subject proposal and a connection is acceptable.

7.7.11. It is of note that the issue of ownership/encroachment is a civil matter and I do not propose to adjudicate on this issue. I note here the provisions of s.34(13) of the Planning and Development Act: *“A person shall not be entitled solely by reason of a permission under this section to carry out any development”*. Under Chapter 5.13 ‘Issues relating to title of land’ of the ‘Development Management - Guidelines for Planning Authorities’ (DoECLG June 2007) it states the following: *“The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution in the Courts...”*. The applicant has submitted sufficient evidence of ownership to submit the subject application. I refer the Board to the application form submitted with the application in this regard.

7.7.12. Given the evidence presented on the appeal file, it remains open to the Board to grant permission on this issue as the applicant has adequately provided folio information confirming title and any encumbrance related to the subject site, which do not present any impediments to the proposed development.

7.8. Ecology

7.8.1. The appeal claims that the absence of an ecological report has knock on effects on the legitimacy of the Appropriate Assessment (AA) and need for an EIA.

7.8.2. I have undertaken an assessment for EIA separately and refer to section 5.6 in this regard. Section 8.0 of this report addresses Appropriate Assessment.

7.8.3. I note the details of the Appropriate Assessment screening report submitted with the application. A baseline ecological study was undertaken to identify the type of vegetation on site – improved agricultural grassland, scrub, hedgerows and buildings and artificial surfaces. Bats were considered the only Annex IV species that could potentially exist at the site and the footprint of the development is not considered significant for Eurasian Otter or bats.

- 7.8.4. No issue with a potential to impact negatively on adjoining protected areas for natural heritage is identified in the submitted Appropriate Screening report. The assessment found that the proposed development did not have the potential to adversely impact on the conservation objectives of the Wexford Harbour and Slobbs Special Protection Area or the Slaney River Valley Special Area of Conservation, primarily due to separation distances
- 7.9. The submitted details includes sufficient data to illustrate the ecological context of the site and recommends 'Environmental Safeguards' as opposed to mitigation measures, as no negative impacts have been identified that need to be mitigated. These Environmental Safeguards can be considered standard best practice construction management practices and include storage of fuels in bunded areas, no concrete lorry washing on site that can drain into surface water and disposal of waste oils. Having regard to the foregoing, and the limited ecological value of the subject site, I consider the information submitted by the applicant in relation to Ecology to be appropriate in this instance and do not consider this an adequate reason for refusal. I have undertaken a separate appropriate assessment in Section 8.0 of this report.
- 7.10. **Other issues**
- 7.10.1. The third-party appeals raise a number of procedural issues generally in relation to the application. These issues relate to the number and location of site notices, incomplete application form, and legality of the proposed connections.
- 7.10.2. Issues associated with validation of applications and provision of appropriate information, as raised by the appellant are noted. However, any issues with the validation of applications and compliance with previous permissions on site are a matter for the Planning Authority. As with legal matters related to land ownership and consent as discussed above, validation and enforcement are not matters for the Board and I do not propose to address these issues in this report.
- 7.11. **Overall Assessment Conclusion**
- 7.11.1. Having regard to the grounds of appeal in relation to the principle of the subject proposal, traffic and transportation issues, drainage and water services to the site, Ecology and various design details, I do not consider any of the issues raised to be of a material consequence to the overall suitability of the subject proposal at this

location. The subject proposal provides a range of unit types in a legible layout that includes a detailed landscaping plan including use of the attenuation ponds as an attractive feature within the site. The design of the proposed dwellings, utilising modern construction materials and contemporary appearance is appropriate at this location and consistent with the established built form at Ard Uisce. Considerable pedestrian and cycling facilities are provided within the site and the proposed creche will add a useful local service to the area. I therefore recommend that the application be granted permission as further detailed in Section 9 and 10 of this report.

8.0 AA Screening

8.1. Stage 1 - Screening

Compliance with Article 6(3) of the Habitats Directive

- 8.1.1. The requirements of Article 6(3) related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.
- 8.1.2. In accordance with the obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a European site; there is a requirement on the Board, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is 'screening'.

Screening for Appropriate Assessment - Test of likely significant effects

- 8.1.3. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s).
- 8.1.4. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites

Project Description

- 8.1.5. In summary the proposed development is for the provision of 82no. residential units, a creche, and all other associated site development works on a site of 3.18ha. The greenfield site is at Starvehall and Coolballow and is to the southwest of Wexford Town. Site preparation work and construction works will require extensive ground clearance and excavations with the removal of hedgerows that currently cross and bound the site.
- 8.1.6. The proposed development will be connected to a public water, surface water and foul sewer network. Attenuated surface water will outfall from the proposed development to the Pembroke stream which is located to the north and east of the development site. This stream flows to the east of the site and joins the Wexford Harbour approximately 2 km downstream.
- 8.1.7. A baseline ecological study of the site was undertaken as part of the Appropriate Assessment with no protected species recorded. No invasive plant species were recorded on the site.
- 8.1.8. The application site itself is characterised by agricultural grassland, scrub, hedgerows and buildings and artificial surfaces. The Pembroke stream was identified on the site with connections to the Wexford Harbour and Slob's Special Protection Area and the Slaney River Valley Special Area of Conservation approximately 2km downstream.

European Sites

- 8.1.9. Two European sites are potentially within a zone of influence of the proposed development (Table 1 below).

European Site (code) and distance from proposed development	List of Qualifying interest/Special Conservation Interest	General Conservation Objectives	Connections (source, pathway receptor)	Considered in further screening Y/N

Slaney River Valley SAC 000781 c.1.4km east	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculus fluitans and Callitriche-Batrachium vegetation [3260]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion alba) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>	To maintain or restore the favourable conservation condition of the Annex I habitats(s) and/or the Annex II species for which the SAC has been selected.	There is source – pathway-receptor connectivity between the proposed development and the Slaney River Valley SAC This is within the southern and eastern part of the site and the SAC is hydrologically connected.	Yes
--	---	--	---	-----

<p>Wexford Harbour and Slobs SPA</p> <p>004076</p> <p>c.1.6km to east</p>	<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Bewick's Swan (<i>Cygnus columbianus bewickii</i>) [A037]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p>	<p>To maintain or restore the favourable conservation condition of the bird species for which the SPA has been selected.</p>	<p>There is source – pathway – connectivity between the proposed development site and the Wexford Harbour and Slobs SPA. This is within the site and is hydrologically connected.</p>	<p>Yes</p>

	<p>Oystercatcher (Haematopus ostralegus) [A130]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Sanderling (Calidris alba) [A144]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Lesser Black-backed Gull (Larus fuscus) [A183]</p> <p>Little Tern (Sterna albifrons) [A195]</p> <p>Greenland White-fronted Goose (Anser albifrons flavirostris) [A395]</p> <p>Wetland and Waterbirds [A999]</p>			
--	---	--	--	--

8.1.10. I note that the applicant considered a further eleven sites in a wider area (within 15km) including the following:

- Raven Point Nature Reserve SAC (site code: 000710)
- The Raven SPA (Site code: 0004019)
- Screen Hills SAC (site code: 000708)
- Long Bank SAC (site code: 002161)
- Tacumshin Lake SAC (site code: 000709)
- Carnsore Point SAC (site code: 002269)
- Lady's Island SAC (site code: 000704)
- Blackwater Bank SAC (site code: 002953)
- Saltee Islands (site code: 0000707)
- Tacumshin Lake SPA (site code: 004092)
- Lady's Island Lake SPA (site code: 004009)

8.1.11. The applicant rules these out for further examination due to distance and lack of ecological connections. No other viable pathways are identified for these SACs and SPAs as they are upstream of the point of the subject site. I agree with the applicant that these sites can be removed from further consideration due to distance upstream of any possible emission and dilution effect

8.1.12. A potential pathway (for surface water discharge) is identified to the Slaney River Valley SAC (Site code 000781) and the Wexford Harbour and Slobs SPA (Site code 004076) via the Pembroke Stream which discharges into Wexford Harbour via the Kerloge Pond.

Likely Impacts of the Project (alone or in combination with other plans and projects)

8.1.13. As the proposed application site is not located within or adjacent to a European site there will be no direct impacts and no risk of habitat loss, fragmentation or any other direct impact.

8.1.14. With regard to indirect impacts, in relation to construction pollutants, in a worst-case scenario (e.g. a period of very high rainfall) it is possible that surface water runoff from the construction site could carry pollutants to the Pembroke stream, which

would provide a potential hydrological pathway to the Slaney River Valley SAC and the Wexford Harbour and Slobbs SPA.

8.1.15. However, there are a number of factors that would prevent 'likely significant effects' on the SAC or SPA.

8.1.16. Any runoff from the site would have to flow over at least 50 m of agricultural land to reach the Pembroke stream, which would provide a high degree of filtration. Any runoff reaching the stream would then be diluted by approx. 2 km of intervening watercourse prior to reaching Wexford Harbour, and subsequently by the considerable volume of flowing water in the estuary.

Likely significant effects on the European sites in view of the conservation objectives

8.1.17. The qualifying interests of the SAC and SPA (estuarine / intertidal habitats and birds) are considered to have relatively low sensitivity to suspended sediments or other pollutants, and their conservation objectives would not be compromised in the event of a minor release.

8.1.18. I have also considered operational impacts and potential of pollutants entering the surface water network.

8.1.19. Any unattenuated runoff reaching the stream would be diluted by approx. 2 km of intervening watercourse prior to reaching Wexford Harbour, and subsequently by the considerable volume of flowing water in the estuary. The qualifying interests of the SAC and SPA (estuarine / intertidal habitats and birds) are considered to have relatively low sensitivity to suspended sediments or other pollutants, and their conservation objectives would not be compromised and there would be no changes in ecological functions due to construction related emissions or disturbance. Standard best practice construction methodologies as outlined in the submitted Construction and Demolition Waste Management Plan including silt control measures and dust management.

8.1.20. The Ecological information presented by the applicant shows clearly the current land use is not suitable for any regular use by SCI wintering waterbirds of the SPA. No wintering birds were recorded during the ecological survey of the site and the site was not identified as a suitable habitat. There will be no direct or ex-situ effects on

wintering water birds or breeding terms from disturbance during construction or operation of the proposed development.

In Combination Effects

8.1.21. In combination impacts have been considered and the risk of in combination impacts with the Ard Uisce residential development can be ruled out.

8.1.22. No mitigation measures are required to come to these conclusions. I consider the provision of the surface water attenuation and oil/petrol interceptor a standard measure to prevent ingress of pollutants from surface water during the operation phase and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SAC or SPA.

Overall Conclusion – Screening Determination

8.1.23. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on the Slaney River Valley SAC and the Wexford Harbour and Slobs SPA or any other European site, in view of the Conservation Objectives of those site and Appropriate Assessment (and submission of a NIS) is not therefore required.

8.1.24. This determination is based on:

- The scale of the development on fully serviced lands
- Distance from and weak indirect connections to the European sites
- No ex-situ impacts on wintering birds
- Possible impacts identified would not be significant in terms of site-specific conservation objectives for the Slaney River Valley SAC and the Wexford Harbour and Slobs SPA and would not undermine the maintenance of favorable conservation condition or delay or undermine the achievement of restoring favorable conservation status for those qualifying interest features of unfavorable conservation status.

8.1.25. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

9.0 Recommendation

9.1. I recommend that permission be granted, based on the following reasons and considerations and subject to the following conditions.

10.0 Reasons and Considerations

Having regard to the provisions of the Wexford County Development Plan 2022-2028, the planning history of the site, the location of the appeal site within and adjacent to an established residential estate, to the nature, scale, design and density of the proposed development, it is considered that, subject to compliance with conditions set out below, the proposed development would be acceptable in terms of layout and design and would not seriously injure the residential or visual amenities of the area or properties in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 27th day of November 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.</p> <p>Reason: In the interest of clarity.</p>
----	---

2.	<p>The Environmental Safeguards outlined in the plans and particulars including the Appropriate Assessment (AA) Screening Report relating to the proposed development, shall be implemented in full or as may be required in order to comply with the following conditions. Where any mitigation measures set out in the AA or any conditions of approval required further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.</p> <p>Reason: In the interest of protecting the environment, the protection of European sites and biodiversity and in the interest of public health.</p>
3.	<p>(a) Prior to the commencement of any house in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all houses permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated, to the satisfaction of the planning authority, that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47</p>

	<p>agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good in accordance with the 'Regulation of Commercial Institutional Investment in Housing Guidelines for Planning Authorities', May 2021.</p>
4.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>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.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
6.	<p>The proposed creche building will be constructed in accordance with the submitted plans and shall be completed and ready for use prior to the first occupation of the proposed dwellings.</p> <p>Reason: In order to ensure the satisfactory development of the open space areas, and their continued use for this purpose.</p>

7.	<p>The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be contoured, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the Planning Authority on the 23rd day of May 2023. This work shall be completed before any of the dwellings are made available for occupation unless otherwise agreed in writing with the planning authority and shall be maintained as public open space by the developer until taken in charge by the local authority.</p> <p>Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.</p>
8.	<p>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.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
9.	<p>Prior to the commencement of the housing element of the proposed development, the proposed access road from the development site to Starvehall Lane shall be constructed in accordance with the plans submitted.</p> <p>Reason: To ensure site access during construction with the provision of required sightlines in the interests of traffic safety.</p>
10.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p>

	<p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
11.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
12.	<p>The developer shall enter into water supply and wastewater connection agreements with Uisce Eireann, prior to commencement of development. A Confirmation of Feasibility for connection to the Irish Water network shall be submitted to the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of public health.</p>
13.	<p>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.</p> <p>Such lighting shall be provided prior to the making available for occupation of any residential unit.</p> <p>Reason: In the interests of amenity and public safety.</p>
14.	<p>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.</p> <p>Reason: In the interests of visual and residential amenity.</p>
15.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives</p>

	<p>acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
16.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
17.	<p>The construction of the development shall be managed in accordance with a final 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.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
18.	<p>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</p>

	<p>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.</p> <p>Reason: In the interest of sustainable waste management.</p>
19.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Saturdays inclusive, 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.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
20.	<p>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.</p> <p>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.</p>
21.	<p>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,</p>

	<p>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.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
22.	<p>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.</p> <p>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.</p>

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.

Matthew McRedmond
Senior Planning Inspector

12th December 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-318917-24		
Proposed Development Summary	Construction of 82 residential units and a creche.		
Development Address	Starvehall/Coolballow, Drinagh, Wexford, Co. Wexford.		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	Tick if relevant. No further action required
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	Tick/or leave blank	Class 10 (b) (i) – Part 2	√
No	Tick or leave blank		Tick if relevant. No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes	Tick/or leave blank	State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required
No	√		Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	Tick/or leave blank	Proposed 82 unit development does not meet or exceed 500 dwelling threshold	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 318917-24	
Proposed Development Summary	Construction of 82 residential units and a creche, with all associated site works	
Development Address	Starvehall/Coolballow, Drinagh, Wexford, Co. Wexford.	
<p>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.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment.</p> <p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	82 unit residential and creche development is not out of context at this urban location and will not result in any significant waste or pollutants.	No.
<p>Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	82 unit residential and creche development is not out of context at this urban location and will not result in any cumulative considerations.	No.
Location of the Development	Site is adequately removed from the Slaney River SAC and the Wexford	No.

<p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>Harbour and Slobs SPA and is adequately setback from protected structures in the vicinity to minimise any potential impacts.</p>	
Conclusion		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p> <p>v</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)