



An
Bord
Pleanála

Inspector's Report

ABP-318926-24

Development

60 houses and 39 apartments, commercial building with childcare facility, office hub and a retail/restaurant unit, associated car parking, signage and service area. 4 vehicular access points from existing access road and new internal access roads; Car parking (224 no. spaces), motorcycle parking, bicycle parking, bin storage and recycling banks; Landscaping, public open spaces, childrens play area and boundary treatments and associated site works and services

Location

Roxborough Manor, Mulgannon, Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20230488

Applicant(s)

Colm Neville Construction Unlimited Company

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Lindsey Ryan, on behalf of Residents
of Mulgannon

Observer(s)

None

Date of Site Inspection

27th November 2024

Inspector

Matthew McRedmond

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Appendix 1 – Form 1: EIA Pre-Screening & Form 2: Preliminary Assessment

1.0 Site Location and Description

- 1.1. The appeal site is located approximately 1km south west of Wexford Town Centre to the east of the Mulgannon Road. The main entrance to the existing site is via the Mulgannon Road with the remainder of the site located to the rear/east of Roxborough Manor and Manor View housing estates. There is another existing housing estate, Hillcrest, located to the north of the site. The subject site represents phase 3 and 4 of the completed Roxborough Manor Estate which represents phases 1 and 2. The site is approximately 5.47 ha in area and is irregular in shape. The gradient of the site falls from the west to the east of the site generally. ESB pylons (38 kv) and telephone power lines traverse the site. The site is currently in agricultural use with some piles of rubble close to existing roads at Roxborough Manor. There are existing hedgerows bounding the site with some scrub growth throughout.

2.0 Proposed Development

- 2.1. The proposal comprises the construction of 99 residential units, childcare facility, office hub, retail/restaurant unit 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 proposal was updated, including, upgrade of the access to Mulgannon Road and revised layout of units 58-99 to facilitate upgrade to the internal road. The total number of residential units was not amended. The following key details are noted:

Site Area	5.47 ha (3.7ha excluding the commercial hub and surface water drainage areas)
No of units	99 no. (39 own door duplex apartments; 60 houses) 39 x 3 bed duplex units (2-3 storeys) 43 x 3 bed houses

	17 x 4 bed houses Houses are a mix of single and 2-storey, detached, semi detached and terraced
Other Uses	Childcare facility- 454m ² Office Hub – 293m ² Retail/Restaurant Unit – 362m ²
Density	27 units/hectare
Car Parking Provision	224 spaces (of which 51 are associated with the childcare facility, office hub and retail/restaurant unit)
Vehicular entrance	New entrances (4no.) from existing Roxborough Manor access road. Pedestrian link to 'The Rocks' to the east proposed at FI stage
Usable Open Space	16.7% (stated) – 6,180m ²
Phasing	<u>This is the third and fourth phase of an existing housing estate (181 units) to the south (ABP Ref. 85.237980)</u>

3.0 Planning Authority Decision

3.1. Decision

On the 21st December 2023, Wexford County Council granted permission for the proposed development, as amended at FI stage. The permission was subject to 30no. standard, residential development conditions. Condition 24 requires the construction of the creche to be ready for use, prior to the first 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 close to a number of amenities and schools. A link to 'The 3 Rocks' Park would be beneficial and should be requested by way of further information (FI).
- The proposed density at 27uph is a little under the optimum 35uph but is considered acceptable.
- Houses and rear gardens all exceed minimum area requirements. Adaptable housing units (28no.) exceeds the minimum requirements (20%) for this dwelling type.
- Boundary wall to the north should be increased through FI from 2 metres to 2.5 metres.
- Standard parking requirements have been met with 2 spaces per unit provided on curtilage. FI is required in relation to EV charging spaces – 1 per dwelling required.
- The proposed apartments are consistent with the core strategy. Unit mix (all 2-bed apartments), floor areas, dual aspect requirements and ceiling heights are all acceptable under the terms of the Apartment Design Guidelines.
- The proposed public open space (6,180sqm) broken into 6 pockets around the development is considered acceptable.

- 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:

- Details of traffic light junction agreed through phase 1 and 2 and payment made to Wexford CC. Link Road designed to DMURS link road standards. Existing access road upgraded to include pedestrian and cycle facilities.
- A condition on Uisce Eireann agreements in relation to water and wastewater was requested.
- Ecological Impact Assessment submitted that shows no significant impacts on wildlife. Precautionary measures to reduce potential impacts are recommended.
- Details of bin storage provided.
- A proposed pedestrian path to the Three Rocks Park was provided.
- EV charging point details provided for residential units and visitor spaces.
- Revised boundary treatment including wall height. Proposed change results in amendments to B House type at northern boundary with Hillcrest.
- Details around surface water attenuation ponds agreed with the Planning Authority.

3.2.3. The submitted further information was considered significant by the Planning Authority and was advertised to the public.

Planning Authority Response

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.

- Executive Roads Technician – Recommended grant of permission with conditions.
- Health Service Executive – Possibly anthrax burial location within the site. Site should not be disturbed due to anthrax risk. Adequate pedestrian facilities should be provided. Service interruptions should be kept to a minimum. Noise levels should not exceed background levels by more than 10db(A). Infestation survey should be undertaken. Universal design principles should be applied. Adequate ventilation should be provided. A suitable hardstanding area for storage of waste should be provided. Grease traps to be fitted on all waste water pipes. Adequate potable water supply should be ensured.

3.3. Prescribed Bodies

- 3.3.1. Department of Housing, Local Government and Heritage – Recommended that further information be requested but a full AIA has been submitted by the applicant and the Department recommends conditions on any grant of permission.
- 3.3.2. Uisce Eireann – Recommend further information on diversion agreement, permission required from third party to divert public sewers.

3.4. Third Party Observations

A number of submissions were made by third parties at initial application stage and at Significant FI stage when the application was re-advertised and submissions sought. The main issues raised in third party submissions can be summarised as follows:

- Impact on security of properties at Hillcrest – Minimum 2.5m wall requested.
- Traffic impacts on Mulgannon Road.
- Road connection to Rosslare Road via Rocklands should be provided.
- Duplex/3-storey units unsuitable at this location.
- Density is excessive.

- Proposed mixed uses are not necessary given Tesco and local café 1km away. No requirement for additional creche.
- Concerns about safety of storm water attenuation pond.
- Impact of development on mature trees in hedgerow queried.
- AA Report incorrect as there are 2 bat species in area.

4.0 Planning History

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

Wexford CC Ref. W2010/012 (ABP Ref. PL85.237980) – Permission granted for 183no. residential units and creche as part of Phase 1 and 2 to the south and west of subject proposal.

Wexford CC Ref. 20230844 (ABP Ref. 318497-23) – Permission for 6no. 2-storey dwellings at the location of a previously approved creche under W2010012, at the adjoining lands to the west of the subject proposal. This application is currently on appeal to An Bord Pleanala.

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 within 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. **Development Plan**

Wexford County Development Plan 2022-2028

5.3.1. 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

- 5.3.2. 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:
- 5.3.3. *“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

- 5.3.4. *Allocate significant population growth to the town to contribute to the development of a centre of scale.*
- 5.3.5. 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

- 5.3.6. 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

5.3.7. 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.

5.3.8. 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

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

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

5.3.10. 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.

5.3.11. 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 which is 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.

- 5.3.12. 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.

5.4. 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 1km east of the site.
- The Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), approximately 1km east of the site.

5.5. EIA Screening

Having regard to the nature of the proposed development comprising the demolition of an existing dwelling and the construction of an apartment development on a brownfield site, in 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

In the Third-Party Appeal, the following grounds are submitted:

LAP/SPAs & SACs

- No LAP for Wexford Town. This is compounded by SPA's and SAC's within 15km of the site.
- Details of the Archaeological report in relation to Anthrax burial sites are contested. Potential anthrax burial ground on the site which could lead to significant impacts. This has impacts on the adequacy of the AA submitted and the possibility of effects on European Sites. The EclA submitted at FI stage did not result in an updated AA screening report leaving a potential lacuna in the application documentation.
- Inconsistencies in the Natura 2000 sites listed in the AA screening undertaken by the applicant and the Planning Authority.
- The EclA did not take account of most recent and up to date planning permissions in the area. Ecological survey work was also undertaken at inappropriate times and reported presence of bat and owls on site were not recorded.
- An EIA should have been provided due to the potential impacts on European sites and the Anthrax burial sites on the subject lands.
- The Construction Environmental Management Plan does not provide details of how eucalyptus will be dealt with on site and also refers to watercourses when there are none on site.

Design Details

- Subject site is not well drained and liable to water logging, which has an impact on existing properties.
- Orientation of dwellings and commercial units not appropriate for solar panel installation.

- The proposed density is too high for this location and additional parking should be provided in this context.
- Shortage of social infrastructure including schools and GP's. Site is located too far from local schools to encourage walking.
- The rear gardens of houses 10 and 11 will be overlooked by the adjacent apartments.
- The submitted planning report is deficient as the 12 urban design principles were not addressed, accurate analysis of market demand for office space in Wexford was not provided, no reference to the regenerating eucalyptus on site.
- Inappropriate dwelling mix proposed based on the basis of too many 3-bed units and too many apartments.
- Insufficient landscaping details are provided in the application, particularly in relation to the issue of Eucalyptus planting.

Traffic & Transport

- Traffic and Transport assessment underestimates the predicted level of traffic and associated impact on the area, which already experiences traffic delays at Mulgannon Road.
- Insufficient car parking spaces proposed.
- Location of proposed creche gives cause for concern on traffic safety.

Creche

- The creche should be located at the site of the granted permission W2010012. A number of technical and public realm factors have not been addressed in the proposed creche design.
- Conflicting permissions for the creche building which has not been built. Possible enforcement issues in this regard, and 'past failure to comply' should apply due to the non-build of this permitted creche.

Other Matters

- An additional site notice should have been erected at the proposed entrance to Rocks Park.
- Date of Irish Water letter and granting of additional development in the interim
- Issues in relation to legibility and cataloguing of information on Wexford County Council website.

6.2. Applicant Response

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

Preamble

- The submitted appeal on behalf of the Residents of Mulgannon are not substantiated with numerous residents distancing themselves from the appeal.

LAP/Zoning

- The subject proposal is consistent with the Wexford County Development Plan 2022-2028 (WCDP) and the Compact Settlement Guidelines (2023) and is located closer to Wexford Town centre than the already completed development (ABP Ref. 237980).
- The application was subject to a rigorous assessment by the Planning Authority before deciding to grant permission, including identifying the need for significant housing development to meet population needs of this Level 1 Key Town.
- As there is no current Local area Plan for Wexford Town, all planning applications will be assessed under the provisions of the WCDP, particularly the core strategy, until a new town plan is adopted. Wexford is the main, Key Town in Wexford, with significant investment in a range of infrastructure and services that all support the need for residential development at this location. The subject site is considered to be a Tier 1 pocket of land as it is fully serviced, within the existing footprint of the town, has good infrastructure for active travel and connections to the Town Centre.

- Housing provision should not be delayed on foot of current GP shortages which is a nationwide problem. The CDP provides a comprehensive context for planning future development of Wexford Town including education facilities. A range of facilities and services are within convenient walking distance of the subject site.

SACs/SPAs

- The submitted AA Report deals with the Habitats Directive, while the ecological report is a site-specific assessment. The appellants submission conflates these two issues and does similarly with EIA. The relevant assessments were undertaken by qualified experts and are appropriate for the analysis of the subject site. References to urban features such as residential, roads etc. is an observation on existing urban development context and is not mitigation. Provision of bat boxes and localised bird surveys prior to construction works is not compensation but is a recommendation on best construction practices.
- The wide ranging appeal grounds contain a significant amount of misinformation including in relation to issues on Anthrax and Eucalyptus. Issues relating to Eucalyptus are not relevant to the planning merits of the proposal as forestry and woodland management are subject to licencing, outside the planning system.
- Detailed and thorough investigation of the subject site for the burial of anthrax effected livestock was comprehensively addressed on the earlier phase 2 development of this site. This report fully satisfied the Local Authority that there were no such burial sites on the lands in question. The subject lands were outside the ownership of the farm that was affected in 1911, and the possibility of cattle burial has been ruled out.

Design Details

- Overlooking is a feature of urban and suburban residential living and sustainable densities. The reference to 22m overlooking distances is WCDP is redundant and irrelevant.

- Urban design criteria are addressed in the architectural design and planning context reports. Office Hub developments are in demand since Covid.
- The proposed unit mix is consistent with the requirements of the WCDP and achieves higher densities than the traditional 3-bed format, a mix of typologies and greater efficiency of serviced land.
- The design and application for development of the creche is justified and is based on modern standards of design and efficiencies. Past non-compliance is a High Court function and not a matter for ABP.
- Orientation of buildings can accommodate solar panels, contrary to the Third-Party appeal grounds.
- The proposed density is appropriate for this location given national and local planning context. WCC assessed this site as 'edge of centre' and found the density to be appropriate in this context.

Traffic & Transport

- The appeal details in relation to traffic and transport are not supported and are contradictory by promoting car use and increased parking provision while also questioning the level of car trips assessed and the impact on existing traffic delays. The subject proposal is designed in accordance with DMURS including all roads, paths and cycle lanes, including the creche vicinity. DMURS post date and supersede the DCYA Guidelines referred to by the applicant.
- The proposed parking provision and promotion of active travel modes go hand in hand and has been justified in consultation with WCC.
- Link road alignment is being reviewed with Wexford CC and adequate lands have been reserved for same.

Creche

- The design and application for development of the creche is justified and is based on modern standards of design and efficiencies. Past non-compliance is a High Court function and not a matter for ABP.

- The development of the site of the creche will address issues of drainage, which is currently caused by surrounding development (high kerbs etc.) and absence of drainage provisions.
- The revised creche location is considered more viable, as the previous permitted version could not secure a tenant.

Other Matters

- The RFI response clarifies matters relating to connections to existing privately owned drainage infrastructure and upgrades to Uisce Eireann (UE) assets which are standard practice in terms of connections. UE recommended a grant of permission with conditions.

6.3. Planning Authority Response

No response received.

6.4. Observations

No observations received.

6.5. Further Responses

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
- Traffic and Transportation
- Ecology

- Anthrax/Eucalyptus
- Other Issues

7.2. Matters of Appropriate Assessment were also raised in the appeal, and I will assess this matter separately in Section 8.

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. It is stated by the applicant in their response to the appeal that the development is in accordance with the requirements of the National Planning Framework which supports compact growth and the requirements of the Wexford County Development Plan which identifies Wexford as a Key Town with a target of 652 units in the lifetime of the plan.

7.3.2. The appeal furthermore questions the need for the proposed creche to serve the existing and proposed development on the basis of the provision of existing and permitted childcare facilities within the village.

7.3.3. I consider the points raised in turn as follows.

7.3.4. Zoning and Core Strategy

7.3.5. 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.

7.3.6. The appeal site is located in the general area of Mulgannon, approximately 1km southwest of Wexford Town Centre. The site is approximately 5.47ha in area and is proposed to accommodate 99no. residential units. In a plot at the western boundary of the landholding, adjoining the existing estate, it is proposed to accommodate a creche and other uses.

7.3.7. 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.”*

7.3.8. 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.

7.3.9. 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 99 units and mixed-use development is significant and the site is served by connections to existing services including footpath connections to the town centre. I further note that the principle of the development of residential use at this location has previously been established through permitted and constructed phases 1 and 2.

7.3.10. 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:

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.

7.3.11. In responding to the grounds of appeal the applicant refers to the Core Strategy and the Level 1 Key Town status of Wexford Town. The applicant submits the fact the site is not zoned does not mean residential development cannot be considered. 2,174 units or 62 ha of residential development land has been allocated to Wexford

Town in the CDP. Permitted and constructed development adjoining the subject site is also referred to in the application response to establish the residential principle at this location and that the subject proposal is an infill development between existing residential that was developed under the Wexford Town and Environs Development Plan 2009-2015.

7.3.12. The site forms phase 3 and 4 of the 181no. units constructed at Roxborough Manor, 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 the town centre. I therefore consider the principle of 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.

7.3.13. Principle of Proposed Creche

7.3.14. The appeal questions the requirement for the proposed creche to serve the development and outlines that the facility is unjustified in terms of previous permissions for a creche at this location (Ref. W2010/012 and as extended under ref. 20171297). The appeal outlines that the area is already at capacity for social infrastructure and the creche should have been constructed at this stage.

7.3.15. At the outset, I note that the principle of a creche at the location proposed was accepted under the PA Ref. W2010/012 and 20171297 wherein permission was granted for 181 no. residential units together with a childcare facility. The subject application seeks to complete the unimplemented elements of this permission including the creche, which has been redesigned and relocated to provide for modern standards. The application documentation outlines that the proposed creche will accommodate 75 no. children.

7.3.16. 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.

7.3.17. 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. The existing and proposed residential development within the Roxborough Manor (Total 286no. dwellings) is of a scale which would support the proposed creche facility. I consider the principle of the proposed creche to be acceptable in this regard.

7.3.18. 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 is mixed use, providing for the creche, an office hub and a potential retail or café unit as well as linkages to the wider area. 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, and do not consider the proposal would place significant pressure on existing facilities within a Town that is identified for significant growth and investment.

7.3.19. Creche Siting and Design

7.3.20. 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 traffic safety. The proposed creche is located within the western area of the subject site, which would leave it at the centre of the overall wider development constructed and proposed, with access directly to Mulgannon Road 60m to the west.

7.3.21. 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.

7.3.22. 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.

7.3.23. The appeal raises concerns in relation to the safety of the traffic environment around the creche building and that the originally permitted creche is more suitable and should be constructed in the short term to ensure provision of services to residents.

7.3.24. The third-party appeal references the *Early Learning and Care setting: Site Location, Approach and Design* document by the Department of Children and Youth affairs (DCYA). The appeal notes that turning radii are not shown on drawings, narrowing of carriageway is not provided and footpaths are 2m in width when the DCYA document recommends 2.4m footpaths.

7.3.25. The applicant submitted that DMURS standards post-date and supersede the DCYA guideline documents, and the proposed development has been designed to be consistent with these standards. I note the report from the Local Authority Roads section that raise no objection to the final design and recommended a grant of permission, subject to conditions.

7.3.26. Having reviewed the proposed layout and the mix of uses proposed at the subject site, the proposed development is appropriately designed to be consistent with DMURS to provide an integrated street network. Footpath widths are acceptable at the minimum 2m in width as specified in DMURS, road widths are appropriate at 6m

in width, which is less than the 6.5m maximum recommended in DMURS. Adequate traffic calming is provided through the provision of reduced road widths, with pedestrian crossings also provided for added pedestrian movement safety. 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 roads are appropriately designed to be consistent with DMURS standards.

- 7.3.27. The Planning Authority included in Condition 24 of the grant of permission, a requirement for the creche to be constructed and in 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.

Creche Parking

- 7.3.28. The appeal raises concern in relation to parking arrangements for the proposed creche. The proposed parking spaces are dedicated and are located alongside the parking spaces for other uses such as the office hub and restaurant/retail unit away from the main circulating roads within the proposed development, which is consistent with Childcare Guidelines recommendations for off-street parking.
- 7.3.29. The submitted parking details illustrate the provision of 29 no. parking spaces. This is consistent with the requirements of the Wexford County Development Plan which requires 1 space per 4 children (19no.) and 1 space per employee (13no. required, 10no. proposed). I refer to the report from the Roads Section in Wexford County Council which outlines that the proposed parking is acceptable.
- 7.3.30. The proposed parking spaces are appropriately located adjacent to the creche building to allow for convenient drop off and pick up. The proposed road layout is designed to DMURS standards as set out under in the submitted documentation, which allows for safe movement of vehicles within the mixed-use portion of the site.
- 7.3.31. I consider that there is sufficient parking proposed for the creche site and within the overall estate to accommodate the creche of the scale proposed and the creche is acceptable as part of the overall development of this site.

7.4. Density, Design and Layout

- 7.4.1. The appeal submits 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.
- 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.
- 7.4.4. Density
- 7.4.5. The appeal outlines that the density of the proposal at 27 units per ha is too high for this area and additional land should be provided for increased car parking.
- 7.4.6. The proposed development which includes the development of 99 no. dwellings on a 3.7 ha developable area yields a density of 27 units per ha. While the proposal is less than the recommended 30uph minimum in the Compact Settlement Guidelines, reference to context is appropriate as stated in Section 3.0 of the guideline document.
- 7.4.7. Given the need to respond to the existing built form in the area, particularly the low density residential at Hillcrest to the north, I consider that the proposed density is in accordance with national and local policy and is acceptable at this location.
- 7.4.8. Residential Development Design and Layout

- 7.4.9. The third-party appeal sets out some issues with the layout and design of the proposal that are primarily related to overlooking of houses 10 & 11 by the proposed apartments, and the orientation of dwellings 01-09, 028-030 & 068-078 and the commercial units.
- 7.4.10. Having reviewed the layouts as referenced, the separation distance between the proposed apartments and houses 10 and 11 is not relevant as these units are connected to each other in a perpendicular layout and therefore separation distances do not come into consideration. The apartments provide for no windows that directly overlook these houses or rear private amenity areas and I therefore consider that no issues of overlooking arise in the units identified. In relation to the orientation of dwellings, I consider the south facing 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.

7.4.11. Unit Mix

- 7.4.12. The proposal includes a mix of detached, semi-detached and terraced 3 and 4 bed units. 2-bed duplex apartments are also proposed. The appeal outlines that the proposal represents the overprovision of 3-bed units. 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.
- 7.4.13. 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.
- 7.4.14. Having regard to the mix of 2, 3 and 4-bed units, the range of single and 2-storey and detached, semi-detached, terraced and duplex 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

- 7.4.15. On an overall basis, I consider that the development of the site would enhance the residential amenity of the area particularly for existing residents in the immediate

vicinity of the proposed residential site where additional amenities and services would be provided and the next phases of this residential area are completed. The proposal will complete the estate, provide additional childcare facilities within the development in accordance with Development Plan requirements, be complemented by other uses including an office hub and retail/restaurant unit, complete the internal road network and provide an appropriate interface with existing properties which is consistent with Objective TV01 of the County Development Plan.

7.5. Drainage

Overview

- 7.5.1. The third-party appeal submits that groundwater is present throughout the site, which has an impact on the drainage of adjoining properties. I note from the submitted documentation that there are no watercourses on the subject site.
- 7.5.2. 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 first party response to the appeal, the applicant submits that all drainage will be adequately provided as part of the proposed development.
- 7.5.3. The Stormwater Management Plan drawing shows the layout for the proposed stormwater pipe network and connection to a proposed attenuation pond which runs to the southeast of the application site.

Surface Water Drainage

- 7.5.4. The applicant proposes to provide a surface water attenuation pond to collect water from roofs and hard surface. This attenuation pond will have a capacity load of 1,194m³. A bio-diversity pond is also proposed at the entrance to the site that will have a capacity of 1,020m³. The bio-diversity pond will treat water from the already constructed area of phase 1 and 2 as well as the proposed development.
- 7.5.5. 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 and operational prior to the occupation of the development. 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.

7.6. Traffic and Transportation

- 7.6.1. A number of access and transportation related issues are raised within the grounds of appeal. The appeal outlines that the Traffic and Transport Assessment (TTA) does not provide an adequate assessment of likely traffic volumes as a result of the subject proposal and that car parking requirements have been calculated incorrectly.
- 7.6.2. Access to the Roxborough Manor Estate is currently provided from the Mulgannon Road. The appeal site is located predominantly to the east of the existing estate. Access to the proposed residential units will be provided via the extension of existing residential roads.
- 7.6.3. Wexford County Council's Roads Department did not raise any concern in relation to traffic flows and traffic management associated with the proposed development or the methodology used to assess forecast traffic volumes and recommended a grant of permission subject to conditions. The Local Authority Further Information request sought additional information about the proposed access junction to the site and connections to Rosslare Road to the west. The applicant confirmed they met with the Planning Authority to confirm a traffic light junction has been contributed to financially under separate permissions and that appropriate space has been preserved for a new link road within the blue line boundary of the site.
- 7.6.4. Having regard to the submitted TTA and the scale of the development (99 no. residential units, office hub, retail/restaurant unit and creche) the proposed parking provision and the location of the site within an established residential development I consider the total number of trips put forward in the TTA document of 1,068 over a 24 hour period to be a fair prediction of future traffic volumes as a result of the subject proposal. Peak hour traffic movements for the retail element and the residential units are noted as the highest amongst the proposed land uses, and I consider this to be consistent with general trends for traffic generation in mixed use developments based on typical traffic generation rates. Appropriate growth factors have also been integrated into predicted traffic figures.

- 7.6.5. Furthermore, the submitted junction analysis illustrates that the access junction to the site and other associated public junctions – Heathfield/Golf Course Junction, Mulgannon Road/Cromwellsfort Roundabout and the Distillery Road T-Junction – are significantly below the 1.00 RFC that illustrates junction capacity and therefore have appropriate capacity to accommodate the forecast traffic flows. PiCADY junction analysis was used to assess this capacity, and this is a TII approved software package that is widely used in standard practice.
- 7.6.6. 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.
- 7.6.7. Having regard to the foregoing, I consider the submitted transport and traffic analysis to be acceptable and that future traffic flows associated with the proposed development have been appropriately assessed and will not have a significant impact on the existing road network.

7.7. Ecology

- 7.7.1. The appeal claims that the Ecological Impact Assessment (EclA) submitted by the applicant is inadequate and has knock on effects on the legitimacy of the Appropriate Assessment (AA) and need for an EIA.
- 7.7.2. The applicant sets out that the EclA, AA and EIA all have different purposes and are not necessarily inter-related.
- 7.7.3. I have undertaken an assessment for EIA separately and refer to section 5.5 in this regard. Section 8.0 of this report addresses Appropriate Assessment.
- 7.7.4. I note the details of the EclA submitted and the survey work undertaken in January, August and September 2023 and these followed the Fossit habitat survey format. Potential habitats for badger, foxes, bats and hedgehogs were noted on site. A number of these species were recorded in the 2km desk study of the site and bat species were observed commuting and foraging within the proposed site during the bat activity survey. Although activity levels for identified species are considered to be low, a number of precautionary mitigation measures are proposed for invasive flora

species, badgers, breeding birds and bats are put forward by the applicant including the undertaking of pre-commencement surveys.

7.7.5. The main impacts relate to direct habitat loss of dry meadows, grassy verges, scrub and recently felled woodland, which are all considered to be of low significance.

7.7.6. 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. The submitted EcIA includes sufficient data to illustrate the ecological context of the site and recommends appropriate mitigation pre-commencement of development to ensure all protected species that are potentially present on site are adequately preserved.

7.8. Anthrax/Eucalyptus

7.8.1. The appeal submits details in relation to the potential for anthrax burial sites within the red line boundary. The applicant provides that a detailed analysis of potential anthrax burial sites was undertaken as part of the Phase 1 and Phase 2 development of the site.

7.8.2. I note the applicant submission, that the subject lands were not in the ownership of the affected farm in 1911 at the time of the herd culling that led to the possible burial of herd carcasses on the adjoining lands. This matter of contaminated land was raised in previous appeals for lands to the south. I note the Board included a specific condition (No. 4 of Ref. PL85.237980 and No. 6 of PL26.226631) which required that prior to the commencement of any development on the lands, that a workplace health and safety plan would be submitted to the planning authority for consultation with the Health and Safety Authority and a Waste Management Plan would be submitted to the planning authority for consultation with the Department of Agriculture and Food.

7.8.3. I note also the submission of the HSE on the proposed development, which reiterates the potential for anthrax burial sites on the subject site. Based on the submission of the HSE and the absence of any detailed survey information in this regard in relation to the subject site, and applying an abundance of caution, I recommend that a condition be included with any grant of permission to ensure appropriate precautions are undertaken to remove all doubt in relation to the potential for anthrax burial sites at the subject site.

7.8.4. The third-party appeal raises a concern in relation to the planting and potential regrowth of Eucalyptus plants at the subject site. The third party submits that the Eucalyptus plant has a strong invasive potential. With the clearance of the site as part of standard construction works the majority of existing vegetation would be removed, therefore, I do not consider that Eucalyptus will form a legitimate threat to environmental quality at this location and requires no further consideration.

7.9. Other issues

7.9.1. The third-party appeal raises a number of procedural issues generally in relation to the application. These issues relate to the number and location of site notices, availability and legibility of information from the Planning Authority, and non-compliance with previous permissions.

7.9.2. 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. Validation and enforcement are not matters for the Board and I do not propose to address these issues in 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 99no. residential units, a creche, an office hub, a retail/restaurant unit and all other associated site development works. The greenfield site is at Roxborough Manor, Mulgannon and is to the southwest of Wexford Town.
- 8.1.6. An Appropriate Assessment screening report was submitted with the application. The purpose of this report is to examine the development for possible impacts on the integrity of the Natura 2000 network. Details are given of the sources of the data, having examined the available files and online sources of information for the local Natura 2000 sites.
- 8.1.7. The Appropriate Assessment Screening Report was prepared by the applicant in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.

European Sites

- 8.1.8. The AA Screening notes that there are 12no. European Sites within 15k boundary of the site comprising of four SPAs and eight SACs. These are shown listed on Table 1 of the Screening Report and are as follows:

- 1) Slaney River Valley SAC (site code:000781)
- 2) Wexford Harbour and Slobs SPA (site code: 004076)
- 3) Raven Point Nature Reserve SAC (site code: 000710)
- 4) Screen Hills SAC (site code: 000708)

- 5) Long Bank SAC (site code: 002161)
- 6) Tacumshin Lake SAC (site code: 000709)
- 7) Carnsore Point SAC (site code: 002269)
- 8) Lady's Island SAC (site code: 000704)
- 9) Blackwater Bank SAC (site code: 002953)
- 10) The Ravan SPA (site code: 004019)
- 11) Tacumshin Lake SPA (site code: 004092)
- 12) Lady's Island Lake SPA (site code: 004009)

8.1.9. Table 5-1 provides an initial screening of European Sites within the Zone of Influence of the Project. All the identified European Sites have been screened out by the applicant due to the absence of any potential connectivity with any of these SACs or SPAs. No impact pathways link the project to any of these European Sites occurring in the wider area surrounding the project site.

8.1.10. The closest designated site to the Application site is the Slaney River SAC, which is 1km to the east. There are no watercourses within the application site and no hydrological connections between the site and any Natura 2000 sites. An attenuation pond is proposed to the south of the proposed development that will prevent contaminants from entering the ground and surface water. As there is no pathway for contaminants from the application site to enter the SAC/SPA, there is no likelihood for significant effects.

8.1.11. The AA screening report provides that the habitats present within the application site are not suitable for supporting the qualifying bird species of any of the SPAs listed. The grassland present within the site is subject to disturbance from surrounding development and is too small to provide foraging habitat for wetland and waterbird species.

Assessment of likely Effects (Direct/Indirect)

8.1.12. Due to the lack of connectivity from the application site. No further assessment of the Natura 2000 sites within 15km of the study area is necessary. No effects for the Natura 2000 sites will occur as a result of the proposed development.

In-Combination Effects

8.1.13. The Screening Report notes that there are a number of proposed developments in the area immediately surrounding the subject site. It is submitted that as the proposed development will not have any significant effects upon any Natura 2000 sites, for the purposes of this assessment it is therefore confirmed no likely cumulative effects will occur upon any Natura 2000 site as a result of the proposed development in combination with any surrounding permitted plans or projects.

Screening Statement Conclusion

8.1.14. This concludes that the AA Screening Report has resulted in a finding of no Significant Effects relative to the identified European sites and as such a Stage II Appropriate Assessment and preparation of a Natura Impact Statement (NIS) is not required. It is noted that no measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Conclusion – Stage I AA

8.1.15. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project based on objective information, it has been concluded that the project individually or in combination with other plans and projects would not be likely to give rise to significant effects on any other European site, due to the absence of any connectivity between the subject site and European Sites within 15km of the subject site. No evidence of any qualifying species associated with Natura 2000 Sites within the Zone of Influence was observed within the application site boundary and habitats within the site are considered unsuitable for supporting species within Natura 2000 sites. In view of the absence of any significant impacts, a stage 2 Appropriate Assessment (and submission of a NIS) is therefore not required.

8.1.16. Recommendation

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

9.0 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.

10.0 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 24th 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 mitigation and monitoring measures outlined in the plans and particulars including the Ecological Impact Assessment (EclA) 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 EclA 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>Prior to the commencement of development,</p> <p>(a) a workplace Health and Safety Plan shall be submitted to the planning authority for consultation with the Health and Safety Authority, and</p> <p>(b) a Waste Management Plan shall be submitted to the planning authority for consultation with the Department of Agriculture and Food.</p> <p>Reason: In the interest of public health.</p>
4.	<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 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>
5.	<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>
6.	<p>The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks associated with the development. Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation.</p> <p>The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.</p> <p>Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required.</p>

	<p>All resulting and associated archaeological costs shall be borne by the developer.</p> <p>Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest.</p>
7.	<p>The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Archaeological Assessment Report. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.</p> <p>Reason: To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest</p>
8.	<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>
9.	<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>
10.	<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 8th 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>
11.	<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>
12.	<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>

13.	<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>
14.	<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>
15.	<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>
16.	<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>
17.	<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 acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the</p>

	<p>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>
18.	<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>
19.	<p>The construction of the development shall be managed in accordance with a Construction Environment Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of the intended construction practice for the proposed development, including measures for the protection of existing residential development, hours of working, traffic management during the construction phase, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
20.	<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 July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and</p>

	<p>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>
21.	<p>Site development and building works shall be carried only out 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>
22.	<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>
23.	<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, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering</p>

	<p>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>
24.	<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

28th November 2024

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-318926-24		
Proposed Development Summary	Construction of 99no. residential units, creche, office hub, retail/restaurant unit and all ancillary site works		
Development Address	Roxborough Manor, Mulgannon, 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	State the Class here.	Proceed to Q3.
No	✓		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	N/A	EIA Mandatory EIAR required
No	✓	Class 10 (b) (i)	Proceed to Q4

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Proposed 99 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- 318926-24	
Proposed Development Summary	Construction of 99no. residential units, creche, office hub, retail/restaurant unit and all ancillary site works	
Development Address	Roxborough Manor, Mulgannon, 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>	99 unit residential and mixed use 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>	99 unit residential and mixed use development is not out of context at this urban location and will not result in any cumulative considerations.	No.

<p>Location of the Development</p> <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>Site is adequately removed from the Slaney River SAC and the Wexford Harbour and Clobs SPA and is adequately setback from protected structures in the vicinity to minimise any potential impacts.</p>	<p>No.</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)