



An
Bord
Pleanála

Inspector's Report

ABP-319275-24

Development

Construction of 20 residential units over two apartment blocks 3-4 storeys in height and all associated site works. A Natura Impact Statement (NIS) accompanies the application.

Location

The Knock, Bishopswater, Wexford Town, Co. Wexford

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20231489

Applicant(s)

Bawn Developments Limited

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party v. Decision

Appellant(s)

Bawn Developments Limited

Observer(s)

Pam Morris
Helen Murphy
Bernard Byrne
Angie Malone

Charlie Delaney
Maria Brennan
Stephanie Fenelon
Miriam Hills
Cillian Byrne
Sandra Murphy

Date of Site Inspection

27th January 2025

Inspector

Catherine Dillon

1.0 Site Location and Description

- 1.1. The subject site is a green field backland site located approximately 1km to the south west of Wexford Town centre. The site slopes in a north to south direction with a central plateau area. The existing ground level at the north of the site is 27mOD (Malin) falling to 15.7mOD (Malin) at the south eastern corner of the site. There is an open watercourse which extends along the southern boundary known as Bishop's Water stream (also known as the Horse River) and flows in an easterly direction towards Wexford harbour. The subject site is circa 7m above the river along the full width of the site.
- 1.2. The site is positioned to the north and rear of property Nos. 3-11 Alvina Brook, a row of single storey semi-detached houses fronting Distillery Road. The western boundary of the site abuts the rear gardens of two storey houses in Bishop's Park Upper (Nos. 25-28) and the side and rear gardens of the houses in Bishop's Park (Nos 13-15) to the east, the latter which are positioned approximately 2m lower than the subject site. The northern embankment rises steeply by c.6m above the central section of the site to front onto St. Aidan's Crescent, which comprises two storey dwellings. There is a detached dwelling (Crescent Lodge) to the north west boundary of the site fronting St. Aidan's Crescent.
- 1.3. A 3m wide entrance along Distillery Road provides an access into the site and culverts over the watercourse and connects Distillery Road to St. Aidan's Crescent via pedestrian steps.
- 1.4. There are a number of trees within the site and there is dense shrubbery along the river bank and western boundary. The eastern boundary has a high boundary wall separating the site from the two storey properties in Bishops Park.
- 1.5. Distillery Road is a regional road (R733) with a 50km/h speed limit which connects the town centre with the N25 bypass on the western outskirts of the town. There is a signalised pedestrian crossing immediately to the west and a bus stop immediately to the east of the existing entrance into the site along Distillery Road.
- 1.6. The site has a stated area of 0.48 hectares and would include the side garden of No. 3 Alvina Brook which currently abuts the western entrance into the site.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 20 apartment units comprising two individual blocks of apartments. The proposed construction is envisaged to consist of piled foundations with some local excavations for services and plant. The following tables summarise the key elements of the proposed development

Table 1- Key Figures

Site Area (Gross)	0.48 hectares
Dwelling units	20
Density	42hrh
Building Height	3 and 4 storeys
Gross floor area	1737m ²
Block 1	717m ²
Block 2	1020m ²
Dual Aspect	15 dual/triple aspect 5 x 1 bed single aspect
Part V	20% - 4 units
Open Space/Amenities	848m ² (18%)
Car parking spaces	13 spaces
Bicycle parking spaces	42 spaces

Table 2 – Apartment Unit Mix

	1 bed	2 bed
Block 1 (8 units)		
Ground floor	1 x Type B= 50.7m ² 1 x Type C = 54m ²	1 x Type A = 76.7m ²
First floor	1 x Type D = 53m ²	2 x Type A = 76.7m ²
Second floor		1 x Type E = 80.9m ² 1 x Type A = 76.7m ²
Block 2 (12 units)		
Ground floor	1 x Type B= 50.7m ²	1 x Type A = 76.7m ² 1 x Type C = 54m ²
First floor	1 x Type D = 53m ²	2 x Type A = 76.7m ²
Second floor	1 x Type D = 53m ²	2 x Type A = 76.7m ²
Third floor	1 x Type D = 53m ²	2 x Type A = 76.7m ²
% of total	35%	65%

Block 1

- 2.2. This block would be 2/3 storeys in height and located on the north western side of the site and would accommodate 8 apartments. It would have an overall height of 12.7m (to ridge) and width of 24m with the front elevation facing south. It would be set back c.10m from the western boundary and stepped back at the third floor level on this elevation reducing to two storeys. It would be between 9-11m from Crescent Lodge's boundary to the north, and c.25m from the southern boundary with the Alvina Brook dwellings.

Block 2

- 2.3. This block would be four storeys in height and located on the north eastern side of the site and accommodate 12 apartments. It would be four storeys in height on the southern side and two storeys in height along St.Aidan's Crescent (north side) due to

the land levels within the site. It would have an overall height of 16.1m (to ridge) from the ground floor along the south elevation and a width of 24m. This block would be set in between c11-18m from the eastern boundary, 20.3m from the southern boundary and c.14m from the front boundary of the houses along St.Aidan's Crescent. An element of the land would be filled along the northern boundary to provide a level access into Block 2 from St.Aidan's Crescent.

- 2.4. A gabion wall is proposed between both blocks along the northern embankment.
- 2.5. Each apartment would have a private amenity area in the form of a ground floor terrace or balcony ranging from 5-8 m² in area.
- 2.6. The existing opening onto Distillery Road from the site would be widened to 10m and include the side garden of No. 3 Alvina Brook on the western side of the Distillery Road opening. It is proposed to use this access as a vehicular access to accommodate 7 car parking spaces within the central area of the development. In order to facilitate the new access and egress road it is proposed to extend the existing Bishop's Water stream culvert by approximately 18m upstream of the existing culvert inlet. Six on street parking spaces are proposed along the frontage of Block 2 along St.Aidan's Crescent.
- 2.7. The existing pedestrian steps linking Distillery Road with St.Aidan's Crescent would be reconfigured on the site closer to the eastern boundary.
- 2.8. It is proposed to connect the development to the existing foul and surface water sewer located in Distillery Road and the existing watermain at St. Aidan's Crescent.
- 2.9. The planning application was accompanied by the following:
 - Engineering planning report,
 - DMURs compliance statement,
 - Visual Impact Assessment and Design Assessment,
 - Flood Risk Assessment,
 - Ground Investigation report,
 - Archaeological Impact Assessment,
 - Landscape Details and Tree survey,

- Natura Impact Statement, and
- Outline Construction Environmental Management Plan.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 14th February 2024, the Planning Authority issued a Notification of Decision to Refuse Permission for the proposed development, for the following reasons:

1. Having regard to the scale of the buildings proposed and the characteristics of the site and adjoining properties, the proposed development would have a significantly detrimental visual impact on the character of the area and an over dominant visual impact affecting the amenities of adjoining residential properties. As such, the proposed development would be contrary to Section 5.10.1 and objectives TV44 and TV 52 of the Wexford County Development Plan 2022 to 2028 and to the proper planning and sustainable development of the area.
2. The proposed extent of culverting of an open stream required to facilitate the access to the proposed development would be contrary to Section 9.11.10 and Objective FRM19 of the Wexford County Development Plan 2022 to 2028 and to the proper planning and sustainable development of the area.
3. The surface water management arrangements for the proposed development do not adequately include sustainable urban drainage design principles and measures which promote the attenuation and infiltration of surface water generated on the site. As such, the proposed development would be contrary to Section 9.11.11, and Objective SWM01 of the Wexford County Development Plan 2022 to 2028 and to the proper planning and sustainable development of the area.
4. The proposed design of the access road from Distillery Road would adversely affect the safety of pedestrians using the footpath on that road. As such, the proposed development would be contrary to Volume 2 Section 6.2.6 of the Wexford County Development Plan 2022 to 2028, and to the proper planning and sustainable development of the area.

5. The proposed arrangements for refuge storage are considered inadequate having regard to the likely number of residents in the proposed development. As such, the proposed development would be contrary to Volume 2 Section 3.12.6 of the Wexford County Development Plan 2020-2028 and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. The Planner's report dated 9th February 2024, 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 to the application. The assessment included the following points of note:

- Site was zoned for residential use in the expired Wexford Town Environs Plan 2009, the application was therefore determined under the current policies and objectives of the Wexford County Development Plan 2022-2028.
- It is noted within the report that the northern part of the site is in the ownership of the Council.
- The character of the area is primarily residential in nature and, infill type development within established urban areas is encouraged in Council and regional/national policy. Principle of an appropriately designed residential development considered acceptable as the site lies within the CSO defined built up area.
- Notes the existing pedestrian pathway across the site appears to be well used and a development on the site would enhance the natural surveillance of this pedestrian link.
- Site does not have a significant biodiversity value, and the development of the site would include new landscaping to enhance its biodiversity potential.
- Notwithstanding the principle of a residential development on the site is considered acceptable, the development proposed on the site is not considered to be appropriate having regard to the characteristics of the site and the immediate area.

- There would be significant adverse visual impacts on neighbouring residents and the area generally associated with the scale of the proposed buildings and the backland type position of Block 2, the development would be higher than the adjoining single storey buildings along Distillery Road and it was considered the development would not make a positive contribution to the neighbourhood.
- The buildings are positioned such that direct overlooking into adjoining properties can be avoided.
- CDP policies on housing mix do not apply to developments of less than 25 units.
- A riparian zone of around 10m on the northern side of the water course has been shown to be retained and there would be space for new planting and potential opportunities for biodiversity in a redevelopment of this site.
- Development could connect to the public foul and public water facilities.
- Overall car parking provision of 13 spaces and play area are considered acceptable given the site's proximity to amenities. Development would generally be in compliance with Apartment Guidelines and SPPRs.
- Proposed bin storage areas within each block appear to be relatively small given the number of apartments proposed.
- A further information request or conditions could be attached regarding contaminated land and archaeology issues.
- Site lies within Flood Zone C, however the proposed surface water management system for the development does not adequately include SuDs principles to promote attenuation and infiltration of surface water generated on the site.
- Proposed 18m culverting of the stream would be contrary to County Development Plan Objective FRM19. Acknowledge it maybe possible to redesign the access, reducing the extent of culverting required, subject to the development being reduced.

- Notes stormwater networks and rainwater management are being considered in the preparation of the new Wexford Town Local Area Plan and the Horse River and Distillery Road area will form part of those considerations.
- Safety matters relating to the proposed gabions and the steep bank to the stream could be addressed by way of further information request and or conditions if permission were granted.
- Universal access for the proposed apartments is considered satisfactory.
- The planner's report concludes that a lesser extent of development with more sustainable surface water management arrangements would be more appropriate for the site.
- The Senior Executive planner commented given the constraints of the site, as per Planner's report, the proposed development represents an overdevelopment and domineering proposal that does not fit in well with the existing residential area.

3.2.2. Other Technical Reports

Roads Department (report dated 15/1/2024): This report recommended further information on the following summarised grounds:

- Applicant to consider incorporating SuDs to promote attenuation and infiltration of surface water generated within the site and ensure no flooding of the site or adjacent property.
- Development to be designed in accordance with DMURS and CDP Taking in Charge policy.
- Address possible hazardous situation in relation to Gabion walls and RC walls.
- Proposed barrier across entrance to be removed to allow for safer and easier access for maintenance of stream within bounds of site.
- Applicant to demonstrate on plans that the existing pedestrian footpath along the R-733 is given priority over any new vehicular access to development. Existing pedestrian use of the public footpath should not be diminished in any way by new junction design.

- Detailed plans indicating the location, type, and size of drainage pipes at foot of RC walls on site.
- Adequate temporary car parking accommodation shall be provided on the site for use of employees engaged in construction works on the site.
- Markings and signage to be carried out in accordance with 2019 Traffic Signs Manual.

Senior Executive Scientist Environment (report dated 17/1/2024): Recommends grant planning permission subject to conditions regarding; pre-archaeological testing, water and wastewater connection agreement with Irish Water, restrictions on noise levels and dust emissions.

Housing Department (report dated 22/12/23): Part V Agreement in principle in place, dated the 28th of February 2023, for the transfer of 4 units. Part V liability calculated at 20%.

Chief Fire Officer (report dated 12/2/2024): A Fire Safety Certificate application is required for each apartment block to be submitted to the Building Control Authority.

3.3. Prescribed Bodies

- 3.3.1. **Uisce Éireann (report 20/12/23):** No objection to the proposed development subject to conditions.

3.4. Third Party Observations

- 3.4.1. Thirteen individual submissions were received and a submission on behalf of the residents of Bishops Park, to the planning application. The main issues raised are similar to those set out in the third party appeal.

4.0 Planning History

- 4.1. No relevant planning history.
- 4.2. I note there were a number of planning permissions which have since expired relating to this site for redevelopment in the 1980's.

5.0 Policy Context

5.1. Wexford Town & Environs Development Plan 2009-2015 (as extended)

- 5.1.1. The site lies within the boundary of the Wexford Town and Environs lands and was zoned for medium density residential development within this Town Plan. This Plan identified 20 masterplan zones within the boundary of the Town and Environs Plan of which the subject site lies within masterplan zone 12 and is referred to as the Wexford Park, St.Aidan's, Pineridge, Pinewood/Summerhill masterplan zone. It was envisaged that the masterplan zones would not be developed until the necessary physical and social infrastructure was in place. This Plan states for Zone 12, that subject to the provision of adequate social infrastructure there are no restrictions on the phasing of future developments in this area.
- 5.1.2. It is noted on the Wexford County Council website that this Plan has now expired.

5.2. Wexford County Development Plan 2022-2028

- 5.2.1. Wexford County Development Plan (CDP) came into effect on 25th July 2022. The current Wexford CDP 2022-2028 did not include land use zonings for Wexford Town and its surrounding area, with the intention that a spatial planning framework for the town would be set out in a new Wexford Town and Environs Local Area Plan (LAP) that would be adopted within the lifetime of the CDP and include land use zonings for the area.
- 5.2.2. In November 2023, Wexford County Council commenced the preparation of a new Local Area Plan (LAP) for Wexford Town, and this is currently at Pre-Draft Stage. Once the draft LAP is finalised it will be placed on public display and a public consultation period was envisaged to take place during Q3 in 2024. I note in the SEA for this Pre-Draft LAP, that the subject site is contained within this LAP lands.
- 5.2.3. Wexford Town is a Level 1 Key Town within the settlement hierarchy of the county. Table 3-4 of the current CDP Core Strategy allocates a population increase of 45% to 29,273 persons from 2016 to 2040 for the town. Table 3-4 of the Core Strategy outlines a population allocation of 3,194 persons from 2021-2027 for the town, with 2,174 housing units to be provided within the same period and 652 of these, to be

delivered within the built-up area with an average density of 35 units per hectare.

The following Core Strategy objectives are of note:

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 CS15 concerns the preparation of new local area plans, including for Wexford Town.

Objective CS19 concerns ensuring that Wexford Town continues as a driver of economic growth and prosperity for the region and county.

Wexford Town Strategic Objectives WT01, WT02, WT03, WT04, WT05, WT06, WT07, WT08, WT09 and WT10, concerning regeneration, infrastructure delivery, tourism and sustainable development to support growth.

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

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

Objectives SH01-6: These objectives relate to new residential developments being at an appropriate scale, density and quality and that they contribute to and represent sustainable neighbourhoods, and are in accordance with the NPF, RSES and the Core Strategy and the Settlement Strategy in the Plan.

Objective SH15: To ensure the density of residential development is appropriate to the location of the proposed development having regard to the benefits of ensuring that land is efficiently used and in accordance with the Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual-A Best Practice Guide (DEHLG, 2009) and subject to compliance with normal planning and environmental criteria and the development management standards in Volume 2.

5.2.6. Chapter 5- Design and Place-making in Towns and villages

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

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

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

Objective TV 36: Promotes inter alia utilising opportunities to develop infill, backland and brownfield development.

Objective TV43 To adopt a presumption in favour of the development of infill and brownfield sites and to apply flexibility in the application of development management standards allowing for the achievement of performance standards for issues such as the protection of adjoining residential amenities, privacy, light and amenity.

Objective TV 44: To ensure the scale of infill development reflects the location of the site and the characteristics of the settlement. The Council will consider the scale of infill development having regard to the need to make efficient use of centrally located sites and the prevailing scale in the area. The Council will encourage development which intensifies the use of the land to at minimum the intensity of adjoining uses but optimally, subject to the appropriate protection of amenities of adjoining residences to a higher intensity.

Objective TV 52: To facilitate development incorporating higher buildings (i.e. buildings that exceed the contextual prevailing height) where it has been adequately demonstrated that the development complies with the assessment criteria set out in Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (DHPLG 2018).

5.2.7. Chapter 9- Infrastructure Strategy-

Section 9.11.10 Development Management

Objective FRM07: To ensure that all future development proposals comply with the requirements of the Planning System and Flood Risk Management –Guidelines for Planning Authorities (DEHLG and OPW, 2009) and Circular PL2/2014, in particular through the application of the sequential approach and the Development Management Justification Test. In this regard, the Planning Authority will apply the precautionary principle and will screen all proposals for flood risk and will pay particular attention to lands within, along the edge or adjacent to Flood Zone A or B.

Objective FRM14 To require the use of sustainable drainage systems (SuDS) and nature-based solutions to minimise and limit the extent of hard surfacing and paving and require the use of sustainable drainage and nature-based techniques where appropriate, for new development or for extensions to existing developments, in order to reduce the potential impact of existing and predicted flooding risks, to improve water quality, enhance biodiversity and green infrastructure and contribute to climate mitigation and adaptation.

Objective FRM18 requires the creation of riparian buffer zones between all watercourses and any future development in accordance with IFI guidance.

Objective FRM19: To only consider proposals for the culverting/piping of streams and watercourses where these works are absolutely necessary and appropriate. Inland Fisheries Ireland (IFI), National Parks and Wildlife (NPWS) and the Office of Public Works (OPW) will be consulted, where appropriate.

Section 9.11.11 Surface Water Management

Objective SWM01: To require the application of SuDS in accordance with the CIRIA SuDS Manual 2015 and any future update of this guidance, or other best practice guidance as may be specified or required by the Council. The application of SuDS should prioritise the use of appropriate nature-based solutions where possible. All proposals should include a commensurate drainage assessment used to design the surface water management system for the site, and this assessment should outline the drainage design considerations/strategy in line with the flood risk, surface water

management and climate change requirements and objectives of the County Development Plan and the County Strategic Flood Risk Assessment in Volume 11.

Chapter 10 Environmental Management:

Objective WQ15 To ensure that development permitted would not negatively impact on water quality and quantity, including surface water, ground water, designated source protection areas, river corridors and associated wetlands, estuarine waters, coastal and transitional waters.

5.2.8. Volume 2- Development Management Manual

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

Sections 2, 3 and 4 of this volume relate to residential development standards. Section 3.12.6 relates specifically to refuse storage standards.

Sections 6 and 8 relate to transport and water management respectively. Section 6.2.6 relates to the siting and design of access/egress points. Table 6-7 provides car parking rates for developments. Proposals for the provision of electric vehicle charging points on 20% of new car parking spaces and infrastructure to provide for the installation of charging points on the remainder of the parking spaces.

5.3. Regional Policy Context

Regional Spatial and Economic Strategy for the Southern Region (RSES) 2022-2032.

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

RPO 11 Key Towns: This policy outlines in points (a-l), that Local Authorities are supported in targeting growth of more than 30% for each Key Town subject to

capacity analysis and sustainable criteria, and the appropriate level of growth is to be determined by the Core Strategy of Development Plans.

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

5.4. National Planning Policy Context

National Planning Framework, Project Ireland 2040 (NPF)

- 5.4.1. 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.
- 5.4.2. The NPF contains several policy objectives that articulate the delivery of compact urban growth as follows:
- NPO 3 (a) aims to deliver 40% of all homes nationally, within the built up footprint of existing settlements.
 - 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.
 - NOP 6 regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets that can accommodate changing roles and functions.
 - 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.

5.5. Section 28 Ministerial Guidelines

5.5.1. Several national planning guidelines are applicable to the proposed development. The relevant guidelines include the following:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (Compact Settlement Guidelines, 2024)

These guidelines place a renewed focus on the renewal of existing settlements and on the interaction between residential density, housing standards and quality urban design and placemaking to support sustainable and compact growth

Applicable policies include:

- Table 3.5 sets out density ranges for Key Towns and large Towns, which requires net residential densities in the range 30-50 dph (net) to be generally applied at suburban and urban locations of Key Towns as identified in the RSEs.
- Section 3.4: guides that density ranges set out in Section 3.3 should be considered and refined, generally within the ranges set out, based on consideration of centrality and accessibility to services and public transport; and considerations of character, amenity and the natural environment.
- The specific planning policy requirements (SPPR) for housing standards are as follows:
- SPPR 1 – Separation Distances which requires a minimum of 16m between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level.
- SPPR 2 – Minimum Private Open Space for Houses which requires a minimum of between 20m² (1 bed) to 50m² (4+ bed) dependant on number of bedrooms in a house.
- Policy and Objective 5.1 which requires a public open space provision of between 10%-15% of net site area. A higher range may be applicable in sites that contain

significant heritage, landscape or recreational features and sites that have specific nature conservation requirements.

- SPPR 3 – Car Parking which restricts the maximum rate of car parking provision for residential development in intermediate locations to 2 no. spaces per dwelling (exclusive of visitor spaces).
- SPPR 4 – Cycle Parking and Storage which requires a general minimum standard of 1 no. cycle storage space per bedroom (plus visitor spaces), a mix of cycle parking types, and cycle storage facilities in a dedicated facility of permanent construction (within or adjoining the residences).

Other Guidelines

5.5.2. The following Section 28 - Ministerial Guidelines and other policy documents are also considered of relevance to the proposed development.

- Nature Based Management of Urban Rainwater and Urban Surface Water Discharges A National Strategy 2024.
- Design Standards for New Apartments, Guidelines for Planning Authorities - July 2023 (Apartment Guidelines).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities (2009)

5.6. Natural Heritage Designations

5.6.1. The site is a backland site in an urban area and is not located within any designated site. The nearest European Sites are as follows:

- Wexford Harbour & Slobs SPA (site code: 004076), 1.2km to the east.
- Slaney River Valley SAC (site code: 000781), 1.3km to the east.
- Raven Point Nature Reserve SAC (site code: 000710), 6km to the north east.
- The Raven SPA (site code: 00419), 6km to the north east.
- Screen Hills SAC (site code: 000708) 8.6km to the north east.

6.0 EIA Screening

- 6.1.1. Having regard to the criteria set out in Schedule 7, and in particular the nature of the proposed development comprising 2 blocks of 20 apartments on a backland site, in an established urban area where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for an environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. See completed Form 1 and 2 in Appendix 1.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. A First Party appeal has been submitted by Ian Doyle Planning Consultant for and on behalf of the Applicant, Bawn Developments Ltd. The submission includes a Landscape Design Report from Lawlor Landscapes, specifically in relation to refusal reason nos.1 and 3. A revised access road layout has also been submitted in relation to refusal reason no.4. The grounds of appeal can be summarised as follows:

Refusal reason 1- Visual impact on the character of the area and over dominant impact on residential amenity

- The CDP does not define perimeters for over dominant development. In the absence of definable parameters, it is subjective, and opinion based that the development will be over dominant, affecting the amenities of adjoining residential properties.
- The ratio of the height of the proposed buildings relative to the distance to the existing surrounding development is such that there is no potential for overshadowing/loss of light or overlooking. The development therefore cannot be considered to be over dominant.
- Notes there are no protected structures or views within close proximity to the site. The site is not located within an architecturally sensitive area.

- Considers the views from Distillery Road are the most vulnerable given that this is a main thoroughfare to the town centre. However, the revised landscaping proposals which indicate a proposed 2m high berm and planting along the top of the riverbank, would prevent overlooking of the rear of Alvina Brook and limit views from Distillery Rd.
- The roof profile of the proposed development and associated ridge height will not exceed the height of the existing buildings along St. Aidan's Crescent when viewed from Distillery Rd.
- Section 5.10.1. and TV 44 of the CDP encourages infill which accommodates compact growth and regeneration, subject to the appropriate protection of amenities of adjoining residents to a higher density. Both national and local policies support the reuse of infill backland sites for higher density development.
- The proposed development has a density of 42 units per hectare, which is considered appropriate for a town centre location.
- Building heights in the area range from single to three storeys. The proposed development at its tallest is 4 stories. However, the level difference from the north boundary to the southern boundary, together with existing development on higher ground along the northern boundary, create a receiving environment capable of absorbing the development without it being unduly prominent in terms of the surrounding streetscape and without unacceptable impacts on the amenities of existing surrounding properties.
- Represents the appropriate reuse of a brownfield/ backland site and has been optimally designed to exploit the level difference and provide for a higher density than that of the surrounding development.
- Notes the site is within walking distance of the Town Centre, bus stops are located on Distillery Road with regular services to locations throughout the town.
- The proposal would contribute to the existing streetscape at St. Aidan's Crescent, where it will appear similar to existing surrounding 2 storey dwellings in terms of massing, scale and bulk.

- The proposed 20 units are broken into two blocks and the design of the fenestration and position of balconies breakdown the elevations, which do not appear monolithic.
- The proposal maintains and improves the existing pedestrian access north-south through the site connecting St. Aidan's Crescent to Distillery Rd.
- The design is modern and contemporary when compared to its surroundings. Other contemporary buildings close by include Chelsea House and the Tesco Building, both located on Distillery Road.
- The extent of separation distance to existing properties diminishes potential for overshadowing and loss of light.
- The design of the proposed apartments are in accordance with the relevant apartment design guidelines in terms of access to light and ventilation.
- All apartments avail of high levels of daylight and direct sunlight na designed in accordance with the Apartment Guidelines.

Refusal reason 2- Culverting of stream

- Application did not propose a new culvert but rather an extension to an existing culvert and it is considered minor and necessary to provide the vehicular access into the site.
- The Site Specific Flood Impact Report did not raise any flooding issues as a result of the proposed extension of the culvert.
- If the Board are of the opinion that the culvert should not be extended an alternative is proposed with the appeal replacing the existing culvert with a bridge (Drawing No. P803-Rev P1 refers). Respectively request the Board to condition this layout.

Refusal reason 3- Surface Water Management

- Revised surface water management proposals submitted as part of the appeal (Drawing No.P0806-Rev1 & P815-Rev1 refer).
- The extent to which SuDs can be applied are limited due to the hydrological connection of the of the river to the Slaney Valley SAC .

- Proposing additional measures which include enhanced soakways to include 2 localised depressions for surface water storage with emergency outflow to the surface pipe network and 2 tree pits to manage inflow to local gullies.

Refusal reason 4- Design of access road from Distillery Road

- A revised pedestrian crossing submitted at the entrance to include a raised table at the crossing point and tactile paving incorporated to offset a greater distance from the junction with Distillery Road and is DMURs complaint.

Reason for Refusal 5- Refuge storage arrangements

- Each block provides a bin storage area measuring 10.4m², where 3no. 1100L communal wheelies bins can easily be accommodated and accessed within each bin store.
- The area of bin storage for Block 2 can be increased by 4m² (layout plan submitted), Block 1 is more than adequate.

Other issues identified in planner's report

Safety

- Additional planting is proposed at the top and bottom of the gabions and retaining walls to limit and discourage access.
- The removal of the proposed barrier along the entrance to allow maintenance to the Horse River as recommended by the area engineer, is not proposed by the applicant for safety reason.

Biodiversity

- Additional planting has been incorporated into the revised landscaping proposals along the riparian river buffer in the interest of biodiversity as suggested in planner's report.

7.2. Planning Authority Response

No response received.

7.3. Observations

- 7.3.1. A total of 10 observations were received and were lodged by Pam Morris, Helen Murphy, Bernard Byrne, Angie Malone, Maria Brennan, Stephanie Fenelon, Miriam Hills, Cillian Bryne and Sandra Murphy and from Charlie Delaney on behalf of the residents of Bishop's Park Upper on the following summarised grounds:

Infrastructure

- Inadequate sewage capacity to accommodate additional loading.
- Potential to damage existing drainage on site and put a strain on drainage in the area and impact on the river.
- Surface water management of the site.

Road safety, traffic & parking

- Safety risk of vehicular access to pedestrians & road users at Distillery Road, and non-compliance with TII and DMURs guidance.
- Insufficient sightlines for access given its proximity to bus stop, pedestrian crossing and entrance to Bishop's Park.
- No footpaths for future occupiers.
- Traffic assessment assumes traffic speeds are low/ no traffic data.
- Traffic analysis should include pending development in the area.
- Exacerbate congestion along Distillery Road.
- Proposed yellow box will impact on queuing time for residents in Bishop's Park.
- Insufficient car parking for development & for construction workers.

Visual Impact & character of area

- Overdevelopment and out of character with the surrounding area.
- Development will appear prominent when viewed from surrounding area.
- Area has potential to be an ACA.
- Impact on 2 houses on NIAH list in Bishop's Water (NIAH Ref: 15507025).
- Site formed open space area for Bishop's Park development.

Flooding

- Southern part of Horse river in Flood Zone B, justification test required.
- Past flood events in the area not recorded in Flood Assessment.
- Use of soakaways will impact on flooding to surrounding dwellings- increase water table in the area.
- Past flooding events on the site and proposed culverting of stream will exacerbate flooding issues downstream.

Land stability

- Difficulties with foundations for Bishops Park in the past which prevented planned construction.
- Subsidence is an issue
- Site not suitable for excavation and foundation setting.

Environment

- Land contaminated as previously used as an industrial waste ground for Pierce's foundry.
- Potential impact on health of future residents due to industrial waste emissions.
- Impact on river due to tree removal along bank and Wexford Harbour SPA.
- Loss of existing biodiversity and birds.
- Flooding of lands/soakaways/removal of vegetation will contaminate river.
- Pollution/noise/dust & rodent infestation.
- Impact of piling not referred to in NIS.

Residential Amenity

- Loss of privacy and overlooking from windows and balconies-22m separation distance is not achieved.
- Landscaping would take too long to grow and would not overcome overlooking/loss of privacy issues due to site levels.
- Noise and disturbance from traffic and future residents.
- Loss of urban green space.

- Loss of view.
- Artificial light spillage at night and no light analysis carried out.
- Noise/Vibrations from development during construction and when occupied.
- Playground would attract anti-social behaviour.
- Impact on retaining wall to Bishop's Park.
- No sunlight or shadow analysis carried out.

Fire & residents' safety

- Fire safety issues relating to evacuation from upper storeys and access arrangements for fire engines unclear.
- Proximity to stream and proposed wall/fence would be inadequate to prevent children gaining access to the stream.
- Home zone area not safe for children.

Zoning

- Site is not zoned for residential development and should remain as open space.
- Land formed part of the open space area for the Bishop's Park development.
- Was zoned as 'Recreational Open Space' in 1983 zoning map.

Site Notices

- Inconsistencies regarding the date of the erection of the notices.
- Ambiguity in address of site.

Other issues

- Devaluation of property.
- Proposed staircase is not suitable for wheelchair users.
- Inadequate refuse storage arrangements.
- No Building lifecycle report submitted.
- Area engineer raised issues re the height /fall of Gabion walls.

7.4. Further Responses

7.4.1. Department of Housing, Local Government & Heritage (dated 15/5/2024)

responded to the appeal following notification from ABP on 15/5/2024 on following summarised grounds:

- NIS does not appear to make specific reference to mitigation measures in relation to the modification of the existing culvert over the Horse river watercourse, which is hydrologically connected to the Slaney River Valley SAC and Wexford Slobs & Harbour SPA.
- NIS does not make specific reference to mitigation measures in relation to the proposed landscaping works along the edge of the Horse river watercourse.

8.0 Assessment

8.1. Preliminary

8.1.1. The Applicant proposes a number of amendments as part of the appeal which are as follows:

- Additional landscaping (2m high berm) on top of the river bank (13 trees increased to 18) and planting on the river slope.
- Revised surface water management proposals to include 2 bioretention areas and two tree pits.
- Raised crossing table at the proposed entrance onto Distillery Road.
- Replacing the culvert with a bridge if considered an option by the Board.
- Increased bin storage area for Block 2.

These amendments are addressed where relevant in the assessment below.

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

- Principle and location of the development,
- Character of the area, density, scale and form,
- Residential amenity,
- Culverting of watercourse, flooding and proposed bridge,
- Surface water management on the site,
- Traffic safety and quantum of car parking
- Refuse storage area,
- Other matters, and
- Appropriate Assessment.

8.2. Principle and location of development

- 8.2.1. Third parties have raised an issue that the site is not zoned and that it should remain as open space. The current Wexford County Development Plan 2022-2028 does not include land use zonings for Wexford Town and its surrounding area, with the intention that a Wexford Town and Environs Local Area Plan (LAP) would be adopted within the lifetime of the CDP and include land use zonings for the area. I note there is currently a pre-draft LAP for Wexford town and that the subject lands are included within this pre- draft LAP area. However, there is no current specific zoning objective for the subject site, and the principle of the proposed development shall therefore be considered on its own merits, and in accordance with the current CDP and relevant national policies.
- 8.2.2. Wexford Town is one of 14 Key Towns designated within the Regional Spatial Economic Strategy (RSES) for the southern region. The strategy for Key Towns within the RSES is to support consolidation within, and close to the existing built-up footprint. In line with RPO 11 of the RSES Local Authorities are supported in targeting growth of more than 30% for each Key Town subject to capacity analysis and sustainable criteria. Wexford town is the largest town in the county and targeted investment in transport links, water services and other infrastructural facilities make it appropriate for continued focused growth.

- 8.2.3. The CDP's Core Strategy provides for a population allocation of 3,194 persons and a housing supply target of 2,174 units for Wexford Town from 2021-2027, with at least 652 of those units being delivered within the existing built-up footprint. The Core Strategy also identifies a requirement for 62.11ha of residential zoned land to facilitate this housing target on infill and greenfield land such as the subject site.
- 8.2.4. A third party has stated the subject site was to be used as an open space area for the Bishop's Park development. However, from the details submitted by the third party the Bishop's Park development was permitted in the 1980's. I note the drawings as submitted by the third party indicates the subject site was 'open space', however it is not evident that it formed part of the Bishop's Park development as there are no linkages or garden openings onto the subject lands on the drawings submitted. I note from the planner's report an element of the site is owned by the Council, and consent was granted by the Council to make the planning application. The planner's report states the subject lands were zoned for medium residential development in the now expired Wexford Town and Environs Development Plan 2009. I therefore conclude that the lands would not result in the loss of existing open space for the Bishop's Park development.
- 8.2.5. Third parties make reference to structures on the National Inventory of Architectural Heritage (NIAH) close to the site. The site is not located within an Architectural Conservation Area and there are no protected structures within the site. There is a recorded protected structure within the County Development Plan (CDP Ref: WBCO 213), a well house, on the southern side of Distillery Road to the east of the site. However, given the separation distance from the subject site, I do not consider the proposed development would impact on the setting of this protected structure.
- 8.2.6. I note there is a postbox on a wall to the east of the proposed entrance into the site which is on the NIAH register (NIAH Ref: 15507023) which has a regional rating for its artistic value. The proposed entrance into the site would not impact on the position of this postbox which is on a boundary wall outside the red line boundary of the subject site.
- 8.2.7. Beyond the site's entrance to the east along Distillery Road are a terrace of workers' houses associated with Pierce's Ironworks Foundry which are regionally rated in the NIAH (NIAH Ref: 5507009-21) for their architectural merit. Third parties make

specific reference to a NIAH listed property (NIAH Ref: 15507025), which is a dwelling house on the southern side of Distillery Road to the west of the subject site in the Bishop's Water development with a regional rating for its architectural and social interest. This property was designed in 1950 and is one of a terrace forming part of a group of 128 houses in Bishop's Water and represents the mid twentieth domestic built heritage of the town. Neither of the aforementioned properties listed on the NIAH register are adjacent to the site, and I therefore do not consider the development would impact on the architectural integrity of these properties.

- 8.2.8. The Archaeological Impact Assessment submitted with the planning application indicates there are unlikely to be any recorded archaeology on the site. However, in the event of planning permission being granted a condition would be attached requiring a pre archaeological assessment to be carried out.
- 8.2.9. The site is located within the Lowlands Landscape Character of the county in the CDP which is identified as having a higher capacity to absorb development without it causing significant visual intrusion although care still needs to be taken on a site by site basis, particularly to minimise the risks of developments being visually intrusive. Having regard to the subject site's proximity to Wexford town centre, an identified Key Town within the RSES, I consider subject to all other criteria being met the principle of a residential development on the site is considered acceptable and would be in accordance with national and local policies for compact growth.

Conclusion

- 8.2.10. The subject site is a greenfield backland site located within 1km of Wexford town centre and is close to established public amenities such as schools, shops and a nearby bus stop with connections to the town's amenities. There are a number of objectives within the CDP which supports the utilisation of backland and serviced infill sites such as the subject site to support consolidated growth within and close to the existing built-up footprint of Wexford town centre.

8.3. Character of the area

- 8.3.1. Refusal Reason No. 1 of the Planning Authority considered the development would have a detrimental impact on the character of the area because of its dominant visual impact on the amenities of the adjoining residential occupiers and would be

contrary to Objectives TV44 and TV52 of the CDP. Objectives TV44 and TV52 of the CDP outlined in detail in Section 5.1 above, generally support infill development, subject to its scale and the protection of residential amenity. I note the planner's report made particular reference to the scale of Block 2 on the single storey properties in Alvina Brooks. Third party observations consider the proposed development is an overdevelopment of the site by reason of its scale and height and would be out of character with the surrounding area.

- 8.3.2. The first party considers the impact of the development would be limited and considers that the most vulnerable views of the development would be from Distillery Road. The revised landscaping which would include a 2m high berm and additional planting along the river bank to the rear of Alvina Brook and along the eastern boundary onto Bishop's Park would in the applicant's opinion, reduce this impact further. The applicant accepts the roof profile of the development would be visible above the properties in Alvina Brook but the ridge height would not exceed the ridge height of the properties in St.Aidan's Crescent when viewed from Distillery Road, and the development would not therefore have a detrimental impact on the character of the area and would integrate well in terms of building height. Furthermore, the applicant considers the development would not be over dominant in terms of its impact on the adjoining residential properties as there is no potential for overshadowing/loss of light or overlooking, due to the separation distances of the development from neighbouring properties.
- 8.3.3. I would not concur with the applicant's view that a development being out of character with an area is an entirely subjective view, and that both national and local policy requires compact urban growth to be counter balanced with seeking to restore and enhance the character of an area which includes amenity, natural heritage, biodiversity and environmental quality of the receiving environment, as all of these aspects contribute to the character and place making of an area. I therefore will now assess the impact of the development on the surrounding area by reason of its density and scale which enables an assessment to be made regarding the visual impact on the surrounding area.

Density

- 8.3.4. Both national and local policy objectives seek to achieve more compact growth in towns and cities with a greater proportion of development at higher densities in central and accessible locations. This objective is reinforced in the Compact Settlement Guidelines, however these guidelines specify density ranges should be refined based on consideration of centrality and accessibility to services and public transport, and consideration of character, amenity and the natural environment. With respect to the subject site, given the nature of the location, I consider the density for the site would fall within Table 3.5 (Areas and Density Ranges for Key Towns and Large Towns) of the aforementioned Guidelines. However, I consider the subject site falls within the suburban/urban extension category rather than town centre/ urban neighbourhood category, given the site's distance to the town centre and the availability of a bus route close by. However, I do not consider the site falls within a suburban area categorised as low density car-orientated residential areas constructed at the edge of the town. Although the subject site would fall within some of the suburban elements, I consider it falls within an urban extension to the town centre which 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.
- 8.3.5. Table 3.5 (Areas and Density Ranges Key Towns and Large Towns) of the Compact Settlement Guidelines, notes an appropriate density for suburban/urban extension for Key Towns within a range 30 dph to 50 dph (net) shall generally be applied at such locations. The density of the proposed development would equate to 42dph which is within the mid range for a suburban/urban extension as recommended in the guidelines.
- 8.3.6. I consider that the density proposed is acceptable in terms of ensuring the efficient use of serviced lands close to the town centre and that it is in compliance with regional and national policy and guidance. Although centrality and accessibility have a significant bearing on density, the guidelines state it is necessary to ensure that the scale of development at all locations responds to the receiving environment in a positive way and does not result in a significant negative impact on character, amenity or the natural environment.

Scale

- 8.3.7. The prevailing scale of development in the immediate vicinity of the subject site comprises predominantly low density two storey, semi-detached or terraced houses on medium sized plots, centered around green areas with front and rear gardens and off street parking. The subject site itself has a number of mature trees and has a garden character. The single storey semi-detached cottages in Alvina Brook immediately to the south of the site along Distillery Road are the exception to the prevailing scale of houses in the immediate area. Although these properties are not protected structures, I consider they have a vernacular character and the subject site provides a verdant backdrop to these cottages and disrupts to a large extent the ridge line of the houses along St. Aidan's Crescent to the north. The existing pedestrian link within the site provides a strong pedestrian connection from St. Aidan's Crescent to Distillery Road and to the houses in Bishop's Park to the south of this road, and the primary school to the east of St. Aidan's Crescent. I consider the character of the immediate area is essentially that of a relatively fine grained pattern of streets and paths. The constraints on the site include the sharp changes in levels and the site being higher than Distillery Road to the south and the river to the south.
- 8.3.8. I note the first party makes reference to Chelsey House and the Tesco building to the south east of the site fronting Distillery Road being of a higher scale. However, I do not consider these buildings to be within the vicinity of the site and could not be considered as part of the site's overall context or character, as the subject site is a backland site and is removed from these buildings.

Block 1

- 8.3.9. Block 1 would be 3 storeys in height with an overall width of 24m and would be set back 13m from the rear flank wall of Crescent Lodge (at its closest point) to the north. This block would sit below Crescent Lodge and the orientation and angle of this house is such that it would not directly overlook Block 1. I do not consider this block would have a dominant impact on the outlook from Crescent Lodge.
- 8.3.10. This Block would be set back 10m from the boundary with Nos. 27 and 28 Bishop's Park to the west. It has been designed so that it would be two storeys (7.5m high) with a flat roof for the most part in height along its western elevation with an overall depth of 13.8m. Although this block would increase in height to three storeys (12.7m

high), I consider the design and stepping up of the block away from the Bishop's Park boundary reduces its bulk along its western elevation. The two properties in Bishop's Park next to the western boundary of the site have rear garden depths of 12m, and this coupled with the proposed development being 22m from the main rear wall of these houses, I consider a two storey block along this elevation with a separation distance of 22m would not appear overly dominant on this part of the site.

8.3.11. Although this block would be visible from the rear of House No.14 Bishops Park and to a lesser extent No.15 Bishop's Park to the east, given the separation distance I do not consider this block would appear overly prominent from the rear of these properties.

8.3.12. The boundary of the houses in Alvina Brook would be c.25 from Block 1 to the south. House Nos. 8-10 Alvina Brook would directly face onto this block for its full width. Although some of the dwellings in Alvina Brook have had additions added to the rear they are essentially single storey houses with small rear gardens (c.7m). This building would extend for two/three storeys for a width of 24m increasing to a height of 12.7m when viewed from the rear gardens of these houses. Although a three storey block would not reflect the prevailing character of the area, I consider this block would not appear overly dominant when viewed from the rear of Alvina Brook given the separation distances and the overall height being 2/3 storeys.

Block 2

8.3.13. The northern boundary to the subject site is c. 8m above the ground floor level of the Alvina Brook houses, however it is set back c43m from the rear boundaries of these dwellings and the houses along St. Aidan's Crescent are set back a further 15m. As outlined in the preceding paragraph the rear garden areas to these cottages are small. Although I acknowledge the proposed blocks would not be higher than the ridge line of the houses in St.Aidan's Crescent, nevertheless, Block 2 which would have an overall height of 16m and would be set back c.23m from the rear boundaries of Alvina Brook, and would therefore be much closer to these properties than the houses in St.Aidan's Crescent. A four storey block with an overall width of 24m at this distance from these dwellings would have an overly imposing and overbearing impact, particularly when compared to the existing northern embankment when viewed from the relatively small gardens to these single storey properties.

- 8.3.14. Although St.Aidan's Crescent is set back from Distillery Road, due to its height above this road it is still visible from certain viewpoints along Distillery Road. Block 2 would have a ridge height of 7.8m above the ridge height of the cottages in Alvina Brook and would be c.100mm lower than the ridge height of the St.Aidan's Crescent properties. I consider Block 2 would appear more dominant than Block 1 when viewed from the rear of the houses in Alvina Brook, and would be more visible and prominent from Distillery Road and appear incongruous next to the Alvina Brook houses when viewed from Distillery Road and the surrounding area. This would be exacerbated by the width of the overall block and the central 'bonnet'/ hipped roof design.
- 8.3.15. The proposed development would require the existing access onto Distillery Road to be increased by an overall width of c.10m which would increase the existing gap to Distillery Road and expose the site from Distillery Road compared to the existing situation. The proposed development would introduce 2 three/four storey blocks that would exceed the height of the properties in the surrounding area on this backland site. I note the first party's view that the proposed revised landscaping would screen the development from the rear of Alvina Brook and from the intermittent views along Distillery Road. However, in order to develop the site, the tree survey submitted with the planning application indicates that 19 existing trees would be removed and therefore any new landscaping would take time to establish. I therefore do not consider the impact of the development from the surrounding properties would be diminished by the proposed landscaping particularly during the winter months.
- 8.3.16. Although Block 2 would be wider than the narrow frontage widths of the houses in St.Aidan's Crescent the proposed elevational treatment would break the overall width and bulk of this block along its frontage with its use of render and vertical detailing. I consider this element of the development makes optimum use of the site's topography and is in character with the scale of the properties along St.Aidan's Crescent and could continue the terrace along this section of the site. I also consider the two storey element of this Block onto St.Aidan's Crescent reflects the established character of this road.
- 8.3.17. Block 2 would be positioned c.2-3m above the ground floor level of No. 13 Bishop's Park to the east and set in c.17m from the shared boundary and project c.13.8m beyond the main rear wall of this house at a height of 13m to the eaves. I consider

this block would appear imposing and overbearing when viewed from the rear of this property being c.16m high and projecting c.13.8m beyond its main rear wall.

Conclusion

- 8.3.18. I acknowledge backland developments have a role to play in delivering housing. However, this is a backland site where the established pattern and character of development in the area comprises modest single and two storey terraced or semi detached dwellings on medium plots with active frontages. The surrounding character is that of a fine grained environment and the proposed development being backland in nature would not be subservient or reflective of the existing development in the immediate vicinity of the site, particularly when viewed from Alvina Brook, Distillery Road and Bishop's Park by reason of its scale, height and overall width and bulk.
- 8.3.19. I consider the scale of the two blocks would appear incongruous on this backland site and would be higher than the prevailing properties immediately adjoining the site. The First Party's visual impact study indicates the development would be visible from Bishop's Park to the west and east and above Alvina Brook from Distillery Road. Objectives TV44 and TV52 of the Wexford County Development Plan seeks to ensure the scale of infill development reflects the location and character of its surrounding area. I consider the development of this site would be more appropriate for a smaller development with reduced block heights that reflect the local character. A development which would be reduced in height and address the proposed connecting pedestrian access through the site would offer an improved public realm to this pedestrian walkway. I therefore conclude the introduction of two, 3 /4 storey blocks on this backland site does not reflect the established urban grain in the area and would appear incongruous on a backland site and out of character with the surrounding area by reason of its dominant scale and bulk.

8.4. Residential amenity

- 8.4.1. Refusal reason No.1 of the Planning Authority makes reference to the development affecting the amenities of adjoining residential properties by reason of its scale which I have assessed in section 7.3 above. However, third party observers have raised a number of specific residential amenity concerns including overlooking, loss of

privacy, overshadowing, increase in anti-social behaviour, and noise and disturbance as a result of the development. No adverse impacts in terms of these issues were referenced in the planner's report.

Overlooking/loss of privacy

Block 1

- 8.4.2. Block 1 would be located 22m from the rear of Nos. 27 and 28 Bishops Park to the west. This block would have a number of windows on its western elevation serving 2 bedrooms and a kitchen and dining room on the ground floor, a living room, kitchen and 2 bedrooms on the first floor and a dining room on the second floor. A balcony is proposed on this elevation for the apartment on the first floor. SPPR 1 of the Compact Settlement Guidelines provides for a separation distance of 16m being appropriate between opposing windows serving habitable rooms, in an urban setting. I therefore consider Block 1 would meet this standard and would not impact on the privacy or result in overlooking of the properties to the west.
- 8.4.3. The northern elevation of this block would be positioned between 9- 13m from the northern boundary and 13m at its closet point, to the detached dwelling known as Crescent Lodge to the north. The layout of Block 1 would be such that there would be no principal windows directly overlooking the rear windows to Crescent Lodge. I therefore consider Block 1 would not impact on the privacy to this dwelling.
- 8.4.4. This block would be set back over 30m from the rear elevation to the properties in Alvina Brook to the south. As such I consider there would be no impact on the privacy to these properties given the set back of this block from the southern boundary and it would be in accordance with SPPR1 of the Compact Guidelines.

Block 2

- 8.4.5. This Block would be located at the eastern end of the site and would have a two storey northern frontage onto St.Aidan's Crescent increasing to four storeys on the southern side (rear) of the block. The block would be set back c.23m from the frontage of the houses along St.Aidan's Crescent, and c.26m from the rear elevation of the dwellings (at closest point) in Alvina Brook. The principle windows and

terraces would primarily be located on the southern elevation to this block but would be set back c.20m from the rear boundary with the dwellings to the south.

- 8.4.6. Block 2 would be positioned c.19m from gable wall with No. 13 Bishop's Park. It is proposed to have bedroom, kitchen and terraces on the eastern elevation to this block. There would be no direct overlooking from this block onto windows in Bishop's Park but the block would overlook the rear garden of No.13 Bishop's Park. However, the separation distances are in accordance with the Compact Settlement Guidelines in this regard.
- 8.4.7. I am cognisant this site is currently an open expanse of green space when viewed from the rear of Alvina Brook and from the properties in Bishop's Park. Although I acknowledge there would be a heightened perception of being overlooked from the rear balconies and side balconies from the blocks onto neighbouring properties, the separation distances from the development to neighbouring properties are generally reasonable having regard to Volume 2 section 2.6 of the Development Plan. Moreover, SPPR 1 of the Compact Settlements Guidelines states that when considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained.
- 8.4.8. SPPR 1 also states that there shall be no specified minimum separation distance at ground level or to the front of houses, duplex units and apartment units in statutory development plans and planning applications shall be determined on a case-by-case basis to prevent undue loss of privacy. In this regard, I do not consider that there will be any direct overlooking from any of the units.

Reorientated pedestrian steps

- 8.4.9. The orientation of the pedestrian link from Distillery Road to St.Aidan's Crescent maintains the pedestrian permeability and promotes passive surveillance within the site. I note the steps would be positioned closer to the eastern boundary c.3m (at their closest point) to the side of No. 13 Bishop's Park. However, I do not consider this would significantly reduce the privacy to this property as pedestrians would not be inclined to linger on the steps of the site. I would recommend in the event that

planning permission is granted that the revised steps are implemented prior to the blocks being occupied to ensure this pedestrian access is maintained at all times.

Overshadowing/loss of light

8.4.10. The proposed development was not accompanied by a sunlight and daylight analysis, however the Compact Settlement Guidelines state Planning Authorities do not need to undertake a detailed technical assessment in relation to daylight performance in all cases, and it should be clear from the assessment of architectural drawings whether an undue impact would arise, and planning authorities may apply a level of discretion in this regard.

8.4.11. The two blocks would be located to the north of the site. I consider given the orientation of the development and separation distances from the adjoining properties as described above, the development would not unduly result in overshadowing or a loss of light to the properties in the immediate vicinity, as the development would be generally to the north of Alvina Brook and would be set in from the east and west boundaries. It is considered that the open space within the site would achieve adequate levels of sunlight.

Increase in anti-social behaviour

8.4.12. Third party observers refer to the development increasing anti-social behaviour on the site. This is a backland site and by its very nature does not have a high degree of natural surveillance. I consider a residential development on this site and the inclusion of the pedestrian steps along the eastern end of the site would enhance the passive surveillance of the site.

Noise & Disturbance

8.4.13. The proposed development would accommodate 20 units, with 6 car parking spaces located along St. Aidan's Crescent and 7 within the development itself. Third parties have raised concerns regarding noise and disturbance from traffic and future residents. There is currently a level of traffic noise associated with Distillery Road and the site is also used as pedestrian link and according to third party observers as an open space area by residents and dog walkers. I would not consider the use of the rear of the site by 7 vehicles and future residents playing in the open space area

would result in a significant amount of noise and disturbance to warrant a refusal on this ground.

- 8.4.14. In my view the main impact that would arise to the amenities of this area from a noise and disturbance aspect would result from the removal of trees, site excavation and general works associated with the construction phase. During this phase, the works would inevitably result in noise, dust, building debris, and vibration. There is also the potential for obstruction of traffic movements along Distillery Road.
- 8.4.15. However, such nuisance would be of a temporary nature and would be required to be carried out in compliance with standard codes of practice through to agreement of the Construction & Environmental Management Plan and a Waste Management Plan.
- 8.4.16. It is also standard planning practice to include conditions that seek to minimise such impacts in the event of a grant of permission with these including restriction of times and days for construction activities. As such it is my view that the concerns raised on this matter can be appropriately dealt with by way of appropriate condition and where non-compliance with any condition attached to a grant of permission occurs this is an enforcement matter for the Planning Authority.

Conclusion

- 8.4.17. Overall, I am satisfied that the proposed development would not seriously impact on the surrounding residential amenity in terms of overlooking/ loss of privacy, overshadowing, loss of light or noise. The proposed scheme would accord with the SPPR regarding separation distances outlined in the Compact Settlement Guidelines, and any noise and disturbance would be of a temporary nature during the construction works and would be controlled through planning conditions.

8.5. Culverting of water course, flooding and proposed bridge

- 8.5.1. The second reason for refusal by the Planning Authority relates to the culverting of Bishop's Water watercourse (also known as the Horse River) to facilitate the vehicular access, being contrary to Section 9.11.10 and Objective FRM19 of the CDP. This objective specifically states 'proposals for the culverting of watercourses will only be considered where they are absolutely necessary and appropriate and Inland Fisheries Ireland (IFI), National Parks & Wildlife (NPWS) and the Office of

Public Works (OPW) will be consulted where appropriate.’ The first party in their appeal submission state it is the applicant’s preference to extend the culvert as initially proposed but have provided an alternative scheme in the appeal submission which would replace the culvert with a bridge.

- 8.5.2. The first party in their submission note there was no response received from the OPW following consultation by the P.A on the planning application and I note there is no reference in the planner’s report regarding a response from the NPWS or the IFI. Nevertheless, in the event of planning permission being granted any alteration to the hydraulic regime of the existing watercourse by way of the proposed extended culvert or bridge may require consent from the OPW and any changes must not exacerbate flood risk.
- 8.5.3. The applicant’s initial proposal included demolishing part of the existing culvert over the existing access and providing a new culvert approximately 18m in length with similar dimensions to tie in with the existing Bishop’s Park culvert on the eastern boundary. I note the Bishop’s Water river is culverted further up and downstream of the subject site and flows in an easterly direction towards the Slaney River Valley SAC.
- 8.5.4. The first party consider the works minor and its design would match that of the existing culvert. Whilst I appreciate the proposed culvert would not extend for the full length of the water course along the southern boundary, nevertheless I do not consider the proposed 18m long culvert to be minor works. In the planner’s report to the development, they raise concerns regarding the existing surface/storm water system in Distillery Road area being under strain and subject to recent flood events at times of heavy rain. It is also stated within this report that town wide surface/storm water networks and rainwater management are being considered in the new Wexford LAP and the Horse River and Distillery Road area generally will form part of these considerations.
- 8.5.5. Third party observers have raised concerns regarding flooding on the site and past flood events near or close to the site which would be exacerbated by the culverting of the watercourse. I consider it necessary therefore to assess whether flooding is an issue on the subject site and in the immediate vicinity, to assess the impact of the proposed culvert and alternative bridge proposal.

Flooding

- 8.5.6. The Wexford CDP SFRA for the county indicates severe flooding occurred in Wexford Town on 27th October 2004 along the main street of the town centre and connecting streets but this did not extend to the subject site. Floodmaps.ie (accessed 13/5/2025) indicates there has been no historical or reoccurring flooding events recorded within or near the immediate vicinity of the site. GSI groundwater mapping indicates no areas of predictive or historical groundwater or surface water flooding located within or near the vicinity of the site and that the site is underlain by Made Ground.
- 8.5.7. A Site Specific Flood Risk Assessment (SSFRA) was submitted with the planning application which indicates the site does not fall within a Flood Zone A (1 in 100 year) or B (1 in 1000 year) fluvial flood zone.
- 8.5.8. The CFRAMs flood maps indicate a predictive 1 in 10 year (10%AEP) fluvial flood event encroaches the southern boundary of the site next to the Alvina Brook dwellings (i.e along the Bishop's Water watercourse). Some limited areas of the southern boundary of the site fall within the predictive mid-range for the 1 in 100 year and 1 in 1000 year tidal flood event, allowing for climate change. In the SFRA for the CDP a limited area of the southern boundary falls within Flood Zone B. However, no development is proposed along this area of the site and a 10m riparian zone would be retained.
- 8.5.9. I note the P.A were satisfied that the proposed development is not expected to result in an adverse impact on the hydrological regime or increase flooding elsewhere and that the development as proposed was appropriate from a flood risk assessment perspective. I note the SSFRA submitted with the proposal considers the hydraulic performance of the stream would not be impacted by the proposed extended culvert and there would be no development close to the southern end of the watercourse.
- 8.5.10. However, the subject site which is essentially a green field site that slopes steeply in a north to south direction (average gradient 1 in 4) towards the Bishop's water stream, an open water channel watercourse adjacent to the southern boundary of the site. Given the sloping nature of the site there will be an element of cutting (3,600m³) and fill (912m³) and the removal of c.19 existing trees to accommodate the development. The southern part of the Bishop's water watercourse has been

identified within the SFRA of the CDP as falling within a Flood Zone B and therefore in accordance with the flood management guidelines a precautionary approach should be applied where necessary and the development should be designed with careful consideration so that future occupiers and existing occupiers are not subject to unacceptable risks. Whilst I acknowledge the development itself is not on a flood zone and therefore the justification test as specified in the flood guidelines is not required in this instance, I consider given the southern part of the Bishop's water river lies within flood zone B, the sloping nature of the site, removal of existing trees and the element of cut and fill proposed, the development could impact on the surface water regime of the site and therefore impact on the river in terms of surface water run off.

- 8.5.11. Although the surface water management of the site is covered in Section 7.6 of this report, I consider the development of this site given its existing greenfield/made ground nature and the land along the south boundary of the site next to the river is subject to flooding, it is important that any future development does not exacerbate the existing surface/storm water system in Distillery Road area which is currently identified as being under strain, in the event of a severe rainfall event which could result in an increase in surface water run off which would impact on the Bishop's Water river.
- 8.5.12. The SSFRA assesses the potential of secondary and residual flood risk of the proposed development due to the potential surcharge or blockage of the Bishops Water culvert. The hydraulic analysis model of the existing culvert indicates that if 50% of the culvert inlet becomes blocked the culvert would become surcharged, but overtopping of the culvert is not predicted to occur. The proposed extended culvert therefore, is not expected to result in any adverse impact to the existing hydrological regime.
- 8.5.13. I note there is no hydraulic gauge immediate to the site and given the site's location close to the town centre and a number of outstanding planning applications in the immediate vicinity, I am not satisfied that the existing culvert has been assessed as to whether it has been designed for conditions to account for future or impending developments in the area and future climate change conditions. I therefore consider the extension of the culvert in the event of a heavy rainfall event could impact on the flow of the river.

8.5.14. I do not consider the SSFRA has calculated the impact of the change in morphology of the site as a result of the development, from a sloping greenfield site to a developed site with associated infrastructure, and whether the culvert is capable of accommodating the development. The further culverting of this stream albeit 18m in length could have an impact on the hydraulics upstream of the culvert.

Proposed bridge

8.5.15. As an alternative to the proposed extension to the culvert the applicant in the appeal submission proposes a bridge over the watercourse to facilitate the vehicular access. The existing culvert section would remain unchanged, and the applicant invites the Board to condition the application accordingly. The details as submitted indicate the bridge would extend for an overall width of 5m beyond the existing culvert with a 1.1m high parapet upstand along its western boundary. It is not clear from the drawings what type of bridge is proposed but it would appear it would be supported by concrete beams across its span.

8.5.16. I consider a bridge over the watercourse would be a better alternative to extending the culvert, particularly as the existing surface and storm water system in the Distillery Road area is currently under strain as it would have less of an impact on the flow of the water course, in the event of heavy rainfall and the existing culvert becoming blocked.

8.5.17. However, I have a number of concerns regarding the introduction of the proposed bridge and the lack of detail regarding its structure, particularly with regards to its construction and impact instream on the watercourse. I would also question the need to retain the existing culvert on the site as its removal would provide a more sustainable approach and enhanced opportunity to improve the environmental performance of the existing river. An Bord Pleanála consulted the IFI and NPWS as part of this appeal. No response was received from the IFI but a response was received from NPWS regarding the mitigation measures in relation to the modification of the existing culvert and bridge and its impact on the Slaney River Valley SAC. I will discuss this aspect of the proposal in Section 8 in detail below.

Conclusion

8.5.18. To make the redevelopment of this site viable from Distillery Road the widening of the access is required, which inevitably means crossing the watercourse.

Nevertheless, the southern part of the site according to the CDP SFRA is subject to flooding (lies within Zone B). I am also mindful of the site's topography and the site comprising of Made-Ground and that the proposed development would result in further hardstanding on the site which could result in an increase in surface water seepage currently not experienced on the site. I therefore consider the use of a bridge rather than a culvert is a preferable option to maintain the natural state of the watercourse, thereby avoiding the risk of flooding through a blockage and also maintaining the access to the stream for maintenance etc. if needed. I also note in the event the river floods the properties to the south (Alvina Brook) would be impacted as there is no riparian zone to these properties as their gardens abut the river bank.

8.5.19. However further details are necessary regarding the proposed bridge, such as foundation and piling details, and surface water attenuation at the access before a decision could be made on this element of the development. Although I note ultimately the installation of a culvert or construction of a bridge at the site may require consent from the OPW, I consider there is a significant degree of uncertainty with regards to the bridge details submitted by way amendments to this appeal.

8.6. Surface water management on the site

8.6.1. Refusal reason No. 3 of the Planning Authority decision relates to the inadequate sustainable urban drainage proposals to attenuate the surface water on the site. The SuDs strategy and surface drainage layout submitted with the planning application indicates 3 soakaway areas connected to the proposed surface water drainage leading onto Distillery Road. Third parties have raised concerns regarding the potential to damage the existing drainage on site and the development putting a strain on the existing drainage infrastructure in the area. I note the surface water for the proposed development would connect to the public drainage system. The Roads Section of the P.A raised concerns regarding the SuDs measures submitted as part of the planning application seeking additional measures such as rainwater gardens, swales, permeable surfaces and some form of attenuation.

- 8.6.2. The first party in their grounds of appeal consider the extent to which SuDS can be utilised on site is limited due to its proximity to the river which is hydrologically linked to the Slaney River Valley SAC. It is stated by the first party that the original proposal included permeable paving, soakaways to manage run off from roofs and an oversized pipe network to accommodate water storage and hydrobrakes to control flow to the public network. The engineering report submitted with the planning application states alternative SuDS measures were discounted such as green roofs and rainwater harvesting tanks on a number of grounds namely; difficulty of access, residual risk of falling from a height, and that it was not technically or economically viable.
- 8.6.3. An amended proposal has been submitted with the appeal to include two bioretention areas with an emergency out flow to the surface water pipe and two tree pits. There have been no further details submitted in relation to the suitability of the additional SuDS measures as submitted with the appeal as to how these additional attenuation measures would cater for the pre development flows of the greenfield site.
- 8.6.4. I consider the proposal does not clearly demonstrate that capacity exists to accommodate run off levels in excess of the existing green-field rates, given the nature of this steeply sloping site and proposed level of hardstanding including the installation of Gabion walls and reinforced concrete walls and impermeable hardstanding areas around the two blocks. On the day of my site inspection, I noted a significant level of surface water collected at the top of St.Aidan's Crescent, which may have been as a result of a burst pipe or due to heavy rainfall. Nevertheless, I am concerned given the level of fill proposed along St.Aidan's Crescent to accommodate the development, the difference in levels between the subject site and St.Aidan's Crescent, the overall extent of cut and fill, and the removal of the existing trees on the site have not been addressed in the engineering report and for the surface water drainage measures.

Conclusion

- 8.6.5. The lands are currently on a steeply sloping greenfield backland site in close proximity to the Bishop's Water watercourse which is hydrologically connected to the Slaney River Valley SAC. The proposed development would result in a significant

amount of hardstanding, and in overall terms there could be an increase in run off from the site compared to the existing use which has not been addressed in the engineering report. Whilst the subject lands are not subject to flooding, the adjoining watercourse is and there is a significant drop in levels from the north to the south, and the development would result in the loss of an existing predominantly green space area to absorb the future surface run off. The application does not provide details that the proposed drainage system would replicate the same runoff characteristics for the re-development condition of the site.

- 8.6.6. I consider there is a general lack of SuDS measures, and it has not been demonstrated that the proposed bioretention areas are large enough to ensure the disposal of surface water complies with the requirements of the planning authority for such works and services. The inclusion of additional SuDS measures, submitted as part of this appeal, have not been rationalised or justified in terms of their capacity as to whether they are appropriate for the site.
- 8.6.7. Although I note the first party considers further SuDS measures could be implemented as part of the scheme by way of a condition, I am not satisfied the applicant has provided sufficient information to demonstrate that all surface water could be intercepted on site and the proposed development would not result in an increase in surface and storm water compared to the existing greenfield rate. Given the existing surface and storm water are under strain in the area and are subject to be upgraded as indicated in the P.A's planner's report, this being a greenfield backland site in close proximity to the rear of residential properties and at a higher level than the properties to the south east of the site, I do not consider this refusal reason could be satisfactorily overcome by a condition.

8.7. Traffic safety & quantum of car parking

Traffic safety

- 8.7.1. Reason No. 4 of the P.A refusal of planning permission related to the safety of pedestrians using the footpath along Distillery Road junction on the grounds it is not compliant with Volume 2 Section 6.2.6 of the CDP, which relates to the siting and design of access/egress points. I note the Council's Road Department do not object in principle to the proposed access road but would require a raised crossing table at

the new entrance to be designed in accordance with DMURS which seeks to give priority to pedestrians and cyclists and that the carriageway of the public road was not to be raised or lowered where the access way meets it.

- 8.7.2. I note the third party observers submissions with respect to the traffic impact and the requirement of a TTA for the development, inadequate sight lines, and non-compliance with DMURS and inadequate parking for the development.

Need for a Traffic & Transport Assessment (TTA)

- 8.7.3. An engineering report and DMURs compliance statement were submitted as part of the planning application. The proposed development would not meet the criteria for a mandatory or advisory threshold requirement for a Traffic and Transport Assessment (TTA) as outlined in Tables 6-1 and 6-2 of the CDP.
- 8.7.4. Given the size of the development and the proposed level of trips associated with the development on a daily basis, I do not consider the proposal warrants a TTA. I note the development would serve 7 car parking spaces which would access onto Distillery Road, a regional road where the current speed limit is 50k/ph. I acknowledge the existing access onto Distillery Road from the site is not used as a vehicular access at the moment and during construction the level of vehicular activity would increase for a short-term period. However, I do not consider the proposed development warrants a trip generation analysis or data surveys of the capacity along the R733 to accommodate the proposed development due to the low level of parking provision and number of units proposed. I therefore consider the proposed development would not have a significant impact in vehicular traffic terms within the area.

Layout of site entrance

- 8.7.5. The existing access into the site would be widened by incorporating the side garden of No.3 Alvina Brook. The proposed access onto Distillery Road would have a set back of 2m with 45m sightlines in each direction, which complies with Section 6.6.2 of the CDP where the speed limit is less than 60k/ph and is DMURs complaint where speeds are slow.
- 8.7.6. The first party has submitted a revised layout as part of the appeal to include a raised table at the crossing point and the tactile paving has been offset to allow a

greater distance for vehicles from the junction with Distillery Road. I also consider this provides a safer crossing for pedestrians and cyclists using the existing footpath along Distillery Road and asserts a degree of priority for pedestrians and cyclists over vehicles.

- 8.7.7. I also note there is a bus stop to the east and a pedestrian crossing to the west of the proposed entrance, which I consider has a reducing effect on travel speeds close to the proposed vehicular access. Furthermore, the raised table crossing at the entrance would slow vehicles entering and leaving the site from and onto Distillery Road and the yellow box junction would provide a calming effect on vehicular speed along Distillery Road, as it will make drivers more cautious along this stretch of road. I therefore consider the revised junction is acceptable and compliant with both the CDP and DMURs standards. I therefore consider refusal reason no. 4 has been overcome by the first party.

Car parking

- 8.7.8. The Apartment Guidelines are non-prescriptive in terms of car parking standards other than to note that planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard in intermediate urban locations. The guidelines further state on urban infill schemes on sites of up to 0.25 hectares, car parking may be relaxed in part or whole, on a case by case basis, subject to overall design quality and location.
- 8.7.9. The proposed development would provide a total of 13 car parking spaces for 20 apartments. Third parties consider the car parking provision is insufficient. The Wexford CDP sets out car parking standards in Table 6-7 of the Development Management Manual, as a maximum of 1 space per apartment, with no parking required in a town centre location or for visitor parking. In my view, the standards set out in Table 6-7 in the CDP with respect to parking are maximum standards and reflect SPPR 3 of the Compact Settlement Guidelines which further promotes more sustainable travel choices in developments such as increased bicycle parking, the use of car hubs and reduced car parking in sites close to urban centres.
- 8.7.10. In the Apartment Guidelines for suburban/urban locations served by public transport or close to town centres or employment areas, and particularly for housing schemes with more than 45 dwellings per hectare, planning authorities must consider a

reduced car parking standard and apply an appropriate maximum car parking standard. The proposed development would provide 42 bicycle parking spaces and would compensate for the lower level of car parking provision for the development. I therefore consider the car parking for the proposed development is adequate, particularly with regards to the proximity of the town centre, nearby amenities, and a bus stop on the eastern side of the Distillery Road access. I also note the Planning Authority had no objections to the parking provision for the development.

Construction Traffic

8.7.11. I consider the mitigation measures proposed in the Construction & Environmental Management Plan (CEMP) would overcome issues raised by third parties regarding construction traffic to a large extent as it includes measures regarding the storage of construction materials, road maintenance, incident complaints, training and awareness of staff, signage and compliance with the relevant regulatory authorities. Furthermore, I consider the works would be temporary in nature.

8.7.12. In the event of planning permission being granted a construction traffic management plan would be agreed by the Planning Authority to ensure all construction traffic parking is off street.

Conclusion

8.7.13. The appeal site is located within a reasonable walking distance from Wexford town centre and to a number of bus routes. I do not consider 20 units with a total of 13 spaces would significantly increase traffic volumes in the area or endanger public safety by reason of a traffic hazard.

8.7.14. I am satisfied that a development of the scale proposed at this site can be accommodated within the existing road network. I consider the proposal would not give rise to a traffic hazard or be seriously injurious to the amenity of those in the immediate area of the site. In the event of a grant of permission, appropriate conditions would address associated impacts.

8.8. Refuse storage area

8.8.1. Reason refusal No.5 related to the proposed development having inadequate refuse storage provision and being contrary to 3.12.6 of the CDP. Section 3.12.6 of the

CDP refers to refuse storage facilities complying with Section 4.8-4.9 of the Apartment Guidelines. Whilst these guidelines do not detail particular refuse storage space requirements for each apartment in a development, it is stipulated refuse facilities shall be accessible to each apartment stair/ lift core and designed with regard to the projected level of waste generation and types and quantities of receptacles required, and there should be adequate provision for the temporary storage of segregated materials prior to deposition in communal waste storage.

- 8.8.2. I note in the original plans submitted Blocks 1 and 2 would both have separate bin storage areas on the ground floor equating to 10.4m² and the drawings indicate the storage area could accommodate 3 x 1100litre bins. Given a standard household wheelie bin is 240 litres I would consider this would be adequate for the proposed development. I note the applicant in their appeal response have provided an increased storage area for Block 2 by 4m², by reducing the bicycle storage area, which would enable 5 x 1100litre wheelie bins to be stored in the refuse storage area.
- 8.8.3. The application was not accompanied by a waste management plan with regards to the specific operational arrangements in respect of the waste from the development once the apartments are occupied. I consider the internal layout of the development would preclude a refuse vehicle entering the site to collect waste. However, in the event of planning permission being granted a condition could be attached requiring the future Management Company to prepare a waste control strategy for the development with regards to the collection of the waste from the site, prior to commencement to be agreed with the Planning Authority.

Conclusion

- 8.8.4. I consider it is important that the future occupiers of the apartments have a separate facility to store segregated waste in an area outside their apartment for organic and dry recyclable waste. I consider the location of the bin storage areas for both blocks is acceptable and would be accessible for all apartments. I would therefore recommend in the event that planning permission is granted the proposed extended refuse storage area for Block 2 is provided and details of the ventilation of the storage areas are provided and a waste management strategy for the collection of the waste is agreed by the planning authority, prior to the commencement of the development.

8.9. Other issues

Inadequate infrastructure to accommodate additional loading

- 8.9.1. Third parties have raised concerns regarding the capacity of the existing waste and water infrastructure to cater for the proposed development.
- 8.9.2. Table 9-5 of the CDP indicates it is planned to upgrade the public sewer waste water network along Distillery Road to facilitate growth and address existing capacity issues by increasing the capacity of the wastewater network entering the existing Wastewater Treatment Plant. This table indicates the project is expected to be either commenced, progressed or completed during the 2020-2024 period. I assessed Uisce Eireann's wastewater treatment capacity register (13/5/2025) and it states there is capacity within the network and that a WWTP project is planned/underway for Wexford Town.
- 8.9.3. I also accessed Uisce Eireann's Water Supply Capacity Register (13/5/2025) for Wexford Town and noted there is potential capacity available to meet 2033 population targets and that a Level of Service (LoS) improvement is required for the Town. The register states capacity constraints exist and additional analysis of Pre-connection Enquiries and Connection Applications will be undertaken as required by Uisce Eireann on an individual basis considering their specific load requirements.
- 8.9.4. I note Uisce Eireann commented on the planning application and had no objections to the development and confirmed that connection to the existing water and wastewater networks is feasible for the development. They recommend in the event of planning permission being granted the applicant enters into a connection agreement with Uisce Eireann for water and wastewater, and the development be completed in accordance with their Code of Practice.

Invasive species

- 8.9.5. Third parties have raised the issue of possible significant effects arising from the presence of Japanese Knotweed on the site. The landscape plan states Japanese Knotweed was identified in the south west area of the site and will be fenced off in line with specifications in the management plan before any construction activity begins. There is no specific eradication plan submitted as part of the proposed development, however the NIS and CEMP state an eradication plan has been

initiated by the landscape company and will include regular herbicide treatment of the Knotweed. I am satisfied that the management and removal of the Japanese Knotweed can be addressed by way of a Management Plan. However, given the Knotweed's location close to the watercourse, I would recommend in the event of planning permission being granted a condition is attached requiring the submission of a Knotweed Eradication Plan prior to the commencement of development.

Loss of biodiversity

- 8.9.6. Third parties have raised an issue regarding the loss of biodiversity on the site as a result of the proposed development. The site is not designated as having a specific landscape area of note within the CDP. The NIS did not identify any protected habitats or species on the site. A tree survey was submitted with the proposal which indicates a total of 19 trees on the site are to be removed. The majority of the trees on the site are positioned along the western and northern embankment of the subject site. The tree survey has been carried out in accordance with BS 5837:2012 Tree Categorisation Method and Tree Quality Assessment. None of the trees on site have been classified as Category A specimens which are trees of the highest quality with an estimated life expectancy of at least 40 years. Apart from one Sycamore which has a U category (lowest), the remaining trees fall within Category B or C and are of moderate to low quality due to their impaired physiological or structural condition. A number of these trees include Leylandii or groups of Leylandii along the western and north western boundary.
- 8.9.7. This is essentially an urban site and although I acknowledge it is greenfield in nature and with a significant level of shrubbery and trees, I consider the proposed landscaping scheme which includes native tree species and shrubs would mitigate for any loss in the existing trees and biodiversity on the site, as the existing trees on site are of moderate quality and amenity value. The removal of the invasive Japanese Knotweed in the south western corner of the site is also considered a benefit to the overall biodiversity management of the site and to the watercourse.

Contaminated land

- 8.9.8. Third parties have raised the issue of the land being contaminated as a result of the former Foundry nearby. The ground investigation report submitted with the planning application took samples from 6 trial pits across the site and these were analysed for

the content of hazardous or non hazardous materials within the soil. The soil investigation report does not comment on the laboratory samples, but states; 'The possibility for contamination, not revealed by the testing undertaken should be borne in mind particularly where Ground Deposits are present or the previous site use or location indicate a risk of environmental variation'. This report further notes that Made Ground deposits were encountered beneath the topsoil and were present between 1.1m up to 3.8m BGL, and that Made Ground contained 'occasional fragments of slag, concrete, red brick, glass, wood metal and plastic'.

- 8.9.9. I note there were traces of lead in the trail pit samples according to the laboratory results in Appendix 7 of the ground investigation report. The Planning Authority considered this aspect could be addressed in the event of planning permission being granted by way of condition. I consider there may be a probability that the soil may be contaminated, and that remedial action would be required which is not unusual in the redevelopment of a site that has Made Ground which may have been used for dumping in the past, but it does not represent an insurmountable obstacle to the development of this site. I consider the applicant should be required to provide an assessment of the laboratory testing to conclude whether the land is contaminated and a condition attached in the event of planning permission being granted requiring a full contamination land risk assessment prior to the construction of the development.

Land Stability

- 8.9.10. Third parties raise concerns about the stability of the land in the event it is developed. The ground investigation report submitted with the proposal recommends piled foundations for the proposed development due to the nature of the Made-Ground. Rotary coring is recommended to determine the depth of the bedrock to assist in the pile design. I consider ultimately the type of foundations will be determined under the Building Control regulations but consider the proposed approach using piled foundation is a reasonable approach. Furthermore, the proposed blocks would be developed on the flatter area of ground and set back from the adjoining boundaries.
- 8.9.11. The P.A's Road section raised concerns about the possible hazardous situation in relation to the height/fall of the Gabion walls from a safety aspect rather than one of

stability. The First Party in their appeal response are proposing defensive planting to the top and bottom of the gabions and retaining walls to discourage access. This would provide a deterrent to climbing the proposed walls, however, there is no specific reference to the planting in the landscape plan but this could be agreed prior to commencement with a planning condition.

Archaeology

- 8.9.12. The desk based Archaeological Impact Assessment (AIA) submitted with the planning application concludes there are no archaeological or cultural heritage impacts identified or protected structures directly or indirectly impacted by the development. In addition, I note also the made-ground character of the site. The AIA recommends in the event of planning permission being granted a pre -archaeological test excavation is carried out, given the site's proximity to the former Mill race and possible links to industrial archaeological features. I therefore recommend if the Board are minded to grant planning permission a condition requiring a pre development archaeological test excavation is carried out to identify any possible industrial archaeology on the site.

Site Notice

- 8.9.13. In terms of procedural matters and the alleged irregularities in terms of the timing of the erection of the site notice, I note in the planner's report the site notices were inspected on 11th January 2024 and were considered to be in accordance with the Planning & Development Regulations 2001 (as amended) at the time of the inspection.

Right to Light

- 8.9.14. I have concluded in 7.4 above that the proposed development would not impact on the daylight or sunlight currently received by the adjoining residents. The issue of determining rights to light raised by third parties is a matter for the Courts, and I do not consider that the Board is in a position to draw any conclusions in relation to the matters raised.

Devaluation of property

- 8.9.15. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion

set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

9.0 AA Screening

- 9.1.1. I note third parties observations stating the NIS is insufficient and does not take into account the impact on the adjoining water course and the piling of foundations on the Wexford Harbour and Slobs SPA. The NPWS were consulted as part of this appeal process and they have commented that the NIS does not appear to make specific reference to mitigation measures in relation to the modification of the existing culvert or landscaping over the Horse river watercourse, which is hydrologically connected to the Slaney River Valley SAC and Wexford Slobs & Harbour SPA.

Stage 1- Screening Determination

- 9.1.2. Having carried out an Appropriate Assessment screening (Stage 1) of the project (included in Appendix 2 of this report), it has been determined that the project may have likely significant effects on Slaney River Valley SAC (site code: 000781) and the Wexford Harbour & Slobs SPA (site code: 004074), in view of the sites' conservation objectives and qualifying interests.
- 9.1.3. An Appropriate Assessment (Stage 2) is therefore required of the implications of the project on the qualifying interests of the SAC and SPA in light of their conservation objectives.
- 9.1.4. The possibility of likely significant effects on other European sites has been excluded on the basis of the nature and scale of the project, separation distances, and the weakness of connections between the project, the appeal site, and other European sites.

Stage 2 – Appropriate Assessment

- 9.1.5. In carrying out an Appropriate Assessment (Stage 2) of the project, I have assessed the implications of the project on the Slaney River Valley SAC and the Wexford Harbour & Slobs SPA in view of the sites' conservation objectives. I have had regard to the applicant's Natura Impact Statement and all other relevant documentation and

submissions on the case file. I consider that the information included in the case file is adequate to allow the carrying out of an Appropriate Assessment.

9.1.6. Following the Appropriate Assessment (Stage 2), it has been concluded that the project, either individually or in-combination with other plans or projects could adversely affect the integrity of the Slaney River Valley SAC and the Wexford Harbour & Slobbs SPA in view of the sites' conservation objectives and qualifying interests.

9.1.7. This conclusion is based on:

- An assessment of all aspects of the project including proposed mitigation measures in relation to the conservation objectives of the Slaney River Valley SAC and the Wexford Harbour & Slobbs SPA.
- An assessment of in-combination effects with other plans and projects including historical and current plans and projects.
- On the basis of the lack of information provided regarding mitigation measures for the culvert/bridge, I am not satisfied that the proposed development individually, or in combination with other plans and projects would not adversely affect the integrity of the Slaney River Valley SAC and the Wexford Harbour & Slobbs SPA, in view of the site's conservation objectives.

9.1.8. This is a new issue and the Board may wish to seek the views of the parties. However, having regard to the other substantive reasons for refusal set out below, it may not be considered necessary to pursue the matter.

10.0 **Water Framework Directive (WFD)**

10.1. As noted in Section 9.0 of this report in relation to the Water Framework Directive the Board should note the details discussed above in relation to the Slaney River Valley SAC and the Wexford Harbour Slobbs SPA , and having regard to the concerns raised I am not satisfied that the development would comply with the requirements of the WFD in that the measures proposed would not prevent the deterioration of the Rathaspick_10 waterbody either qualitatively or quantitatively and the development

has the potential to jeopardise the waterbody in reaching its WFD objectives (Refer to Appendix 3 of this report).

11.0 Recommendation

11.1. I recommend that the Board uphold the decision of Wexford County Council and refuse planning permission for the following reasons:

12.0 Reasons and Considerations

1. On the basis of the information submitted with the planning application and appeal documentation including the Natura Impact Assessment, and the lack of certainty about the mitigation measures for the construction of the proposed extended culvert or new bridge, it is considered that it has not been adequately demonstrated that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on the Slaney River Valley Special Area of Conservation (site code: 00781) or Wexford Harbour & Slobbs Special Protection Area (site code: 004076) in view of these sites' conservation objectives. The proposed development would, therefore, be contrary to the proper planning and development of the area.
2. Having regard to the deficiencies in the Surface Water and SuDS Strategy, in particular the failure to consider the changes to the existing hydrological regime of the site as a result of the proposed development, it is considered that the applicant has not demonstrated that the proposed development would adequately manage surface water from the site and would not give rise to pluvial flooding, within and outside the proposed development. The proposed development would therefore be contrary to Objectives FRM14, SWM01 and WQ15 of the Wexford County Development Plan 2022-2028, and would seriously injure the amenities of property in the vicinity of the site and would be prejudicial to public health.
3. Having regard to the Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024), the Design Standards for New Apartments, Guidelines for Planning Authorities (2023), and the objectives of the Wexford County Development Plan, all of which seek to support quality urban design and placemaking based on considerations of character, amenity and the

natural environment, it is considered that the proposed development, by reason of the response to the site context, and in particular the height, scale, and massing of Apartment Block 2, would be overbearing and visually obtrusive, and would impact on the amenities of the of the neighbouring properties and incongruous with the existing pattern of development in the vicinity. The proposed development would, therefore, be contrary to objectives TV44 and TV52 of the Wexford County Development Plan 2022-2028, and the proper planning and sustainable development of the area.

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.

Catherine Dillon
Planning Inspector

4th June 2025

13.0 Appendix 1 EIA screening & Preliminary Examination

Form 1 EIA Pre-Screening

An Bord Pleanála Case Reference	ABP Ref: 319275		
Proposed Development Summary	Construction of 20 no. residential units comprising two individual blocks, landscaping and site works to include a new widened vehicular access and pedestrian link and all ancillary site works.		
Development Address	The Knock, Bishopswater, Wexford Town, 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	
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	✓	Part 2 Class 10 (b) (i)& 10(b)(iv)	Proceed to Q3
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	✓	10(b)(i) - Construction of more than 500 dwelling units 10(b)(iv) - Urban development which would involve an area greater than 2 hectares in the case of a business	Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	✓	The proposed development is for 20 units and does not exceed the 500 unit threshold and has a site area of 0.48 hectares and does not exceed the 10ha threshold.	Preliminary examination required (Form 2)
5. Has Schedule 7A information been submitted?			
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes		Screening Determination required	

Inspector: _____

Date: _____

Form 2
EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-319275-24
Proposed Development Summary	Construction of 20 no. residential units comprising two individual blocks, landscaping and site works to include a new widened vehicular access and pedestrian link and all ancillary site works.
Development Address	The Knock, Bishopswater, Wexford Town, 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>	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The development is for 20 units on a backland greenfield site made of Made-Ground with an overall site area of 0.48 hectares with an open watercourse to its southern boundary.</p> <p>The development has a modest footprint and is a standalone project and does not require significant demolition works and does not require the use of substantial natural resources.</p> <p>The proposed development would be exceptional in that it is located on an elevated and steeply sloping site on made ground and would involve an element of cut (3,597m³) & fill (912m³) to accommodate the development.</p> <p>Foundations would be piled.</p> <p>The ground investigation report submitted with the proposal encountered made ground deposits beneath the topsoil in certain</p>

	<p>boreholes across the site. Any soil contamination on the site would be resolved by a suitable planning condition in the event of planning permission being granted.</p> <p>The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or give rise to significant risk of pollution or nuisance and is not vulnerable to climate change. It presents no risks to human health.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The development is situated on the edge of Wexford town and abuts the Bishop's Water stream along the full width of its southern boundary. This watercourse is hydrologically connected to the Slaney River Valley & Wexford Harbour & Slobs SPA 1.3km to the east of the site. This river is indicated as being in Flood zone B in the SFRA for the CDP. CEMP report states all stockpiles to be located at least 15m from the Horse River.</p> <p>The SSFRA notes the site of the proposed development does not fall within an indicative pluvial, fluvial coastal or groundwater flood zone.</p> <p>The proposed development would connect to the public and wastewater infrastructure.</p> <p><u>Landscape:</u></p> <p>The site is a greenfield site and the majority of the site is grassland of limited ecological value and the submitted information demonstrates that it is not a significant habitat for any protected species. Localised impacts would include tree loss.</p>

	<p><u><i>Invasive species</i></u></p> <p>Japanese Knotweed indicated in the south west corner of the site. Best practice measures are indicated in the CEMP in accordance with a Knotweed Eradication Plan.</p> <p><u><i>Cultural heritage:</i></u></p> <p>The site would appear to have connections with the former ironworks foundry from a cultural heritage perspective. The site is not located as having a significant landscape within the CDP.</p> <p><u><i>Archaeology</i></u></p> <p>According to the Archaeology report there were no archaeological features found on the site, although this report recommends a pre - archaeological test excavation is carried out, given the site's proximity to the former Mill race and possible links to industrial archaeological features.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The subject site is located on the boundary with the Bishop's Water stream which is hydrologically connected to the Slaney River Valley & Wexford Harbour & Slobs SPA 1.3km to the east of the site. It is stated in the ground survey report that the foundations would be piled. As the site of the proposed development is at a remove from both European sites, no direct effects would occur. In terms of indirect effects the key element is the potential impact on water quality during construction and operation phases. This will be addressed</p>

	under the AA process. (Refer to Appendix 2 of this report) Having regard to the nature of the proposed development, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	No
There is a real likelihood of significant effects on the environment.	EIAR required.	No

Inspector: Catherine Dillon

Date: 4th June 2025

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

14.0 Appendix 2- Appropriate Assessment: Stage 1 & 2

Appropriate Assessment Stage 1 Screening Determination
<p>I have considered the proposed residential development in light of the requirements of section 177U and 177V of the Planning and Development Act 2000, as amended. A Natura Impact Assessment (NIS) was submitted for the proposed development by Neo Environmental.</p> <p>Description of the project</p> <p><u>Subject Site:</u></p> <p>The subject site is a located c.1km from Wexford Town centre and comprises a backland greenfield site on an area of 0.48 hectares. The site is located to the north of Distillery Road and to the south of St. Aidan's Crescent. It is bound on its eastern and western boundaries by Bishop's Park and Bishop's Park Upper respectively. Immediately adjoining the site's southern boundary is Bishop's Water stream (also known as Horse River) and Alvina Brook dwellings immediately beyond the watercourse for its full extent. The existing ground level at the north of the site is 27mOD (Malin) falling to 15.7mOD (Malin) at the southern boundary of the site. There is currently an access off Distillery Road into the site and pedestrian steps linking Distillery Road to St.Aidan's Crescent within the site.</p> <p><u>Project:</u></p> <p>The project is for the construction of 2 separate blocks of apartments (a 2/3 and 4 storey block) comprising 20 units with ancillary facilities, landscaping and site works and a new widened vehicular access from Distillery Road and improvements to the pedestrian link between St.Aidan's Crescent and Distillery Road.</p> <p>The proposed construction of the development is envisaged to consist of piled foundations and pavement on the northern area of the site. There would be an element of cut (3,600m³) & fill (912m³) to accommodate the proposed development.</p> <p>The proposed development would involve widening the existing access into the site and either culverting the stream or constructing a bridge over the stream. It was proposed to culvert the Bishops Water stream in part to accommodate an extended access into the site. However, in the appeal submission the Applicant is proposing as an alternative option to construct a bridge rather than a culvert over the stream.</p> <p>It is proposed to utilise a number of SuDs measures as part of the development. The initial proposal included permeable paving, soakaways to manage the runoff form roofs and an oversized pipe network to accommodate water storage and hydrobrakes to control the flow to the public network. Revised proposals submitted in the grounds of appeal included</p>

2 bioretention areas with an emergency overflow to the surface water pipe network and two tree pits. The NIS refers to an attenuation pond but it is not indicated on the plans.

Submissions and Observations

The P.A's Senior Executive Environment scientist had no objections to the proposal subject to conditions. The planning authority undertook an appropriate assessment of the project. The applicant's NIS was relied upon, and the conclusion concurred with the NIS, that the development would not adversely affect the integrity of the Natura 2000 sites.

Uisce Eireann has no objections to the development subject to connection agreements.

Third parties have raised issues regarding the impact of the development on the river and SAC.

ABP consulted the NPWS regarding the appeal and NPWS consider the NIS does not appear to make specific reference to mitigation measures in relation to the modification of the existing culvert over the Horse river watercourse, which is hydrologically connected to the Slaney River Valley SAC and Wexford Slobs & Harbour SPA and does not make specific reference to mitigation measures in relation to the proposed landscaping works along the edge of the Horse river watercourse. I note the applicant is proposing an alternative bridge over the watercourse in the appeal submission, and additional landscaping along the river bank, however a revised NIS was not submitted to assess these revisions.

Potential Impact Mechanisms from the project

Site Survey

The NIS refers to a site survey carried out on the site on 3rd October 2023. The overall quality of the site is described as poor and overgrown. No recording of rare or protected habitats with Japanese Knotweed detected in the south west of the site.

The main habitats found on the site comprises amenity grassland (GA2), scrub (WS1), treelines (WL2), hedgerow (WL1), artificial surfaces (BL3) and spoil and bare ground (ED2). There would also appear to be an area of Made Ground within the site. The site forms part of the Slaney & Wexford Harbour catchment on poorly productive bedrock.

European Sites

In Table 4-1 of the NIS, 8 SACs and 4 SPAs located within 15km of the site are listed with their qualifying features and distance from the site and any hydrological and ecological connectivity with the proposed development site identified.

However, with the exception of the Slaney River Valley SAC (site code: 000781) and the Wexford Harbour & Slobs SPA (site code: 004074), which have hydrological and ecological connectivity to the subject site, all other sites have been screened out from further assessment.

Having regard to the source-pathway-receptor model and given the separation distance from the subject site and associated habitats, the Raven SPA, Tacumshin Lake SPA, Ladys's Island Lake SPA, Raven Point Nature Reserve SAC, Screen Hills SAC, Long Bank SAC, Tacumshin Lake SAC, Carnore Point SAC, Lady's Island Lake SAC and Blackwater Banks SAC would have no hydrological or ecological pathway with the site. The Seas off Wexford SPA would have a weak connection as it overlaps and lies beyond the Wexford Harbour & Slobs SPA and Slaney River Valley SAC. However, given the intervening distance it is not considered the proposed development would impact on the QI or Conservation Objectives of this SPA. I consider that the likelihood of any significant effect of the project on these sites can be reasonably excluded at this preliminary examination stage.

European Site	Qualifying Interest (summary)	Distance from site	Connections
Slaney River Valley SAC (site code: 000781)	Estuaries, Mudflats & Atlantic & Mediterranean salt meadows. Floating River Vegetation, Old Oak Woodlands & Alluvial Forests Freshwater Pearl Mussel, Sea, Brook & River Lamprey, Twaite Shad, Salmon, Otter & Harbour Seal	1.3km	Direct – Bishopswater watercourse/Horse River flows into the SAC
Wexford Harbour & Slobs SPA (site code: 004076)	32 Bird species, Wetlands and wintering waterbirds	1.2km	Direct- Bishopswater watercourse/Horse River flows into the SPA.
Seas off Wexford SPA (site code: 004237)	Breeding area for 21 Sea Birds		Weak connection- lies beyond Slaney River & Wexford Harbour

According to the site synopsis for the Slaney River Valley SAC, threats include waste water outflows, runoff from intensive agricultural enterprises, diffuse pollution to surface water and fishing, which could all have potential adverse impacts on the water quality unless they are carefully managed. The spreading of slurry and fertiliser poses a threat to the water quality

of this salmonid river and to the populations of E.U. Habitats Directive Annex II animal species within it.

The Wexford Harbour & Slobs SPA is one of the most important ornithological sites in the country supporting internationally important populations of Greenland White-fronted Goose, Light-bellied Brent Goose, Black-tailed Godwit and Bar-tailed Godwit. In addition, it has 26 species of wintering waterbirds with populations of national importance and nationally important numbers of breeding Little Tern. Wetlands also form part of the QI for this site.

Due to the hydrological and ecological connection and distance from the subject site, the Slaney River Valley SAC & Wexford Harbour & Slobs were screened in.

Impact Mechanisms

Having regard to the characteristics of the project in terms of the site's features and location, and the project's scale of works, I consider the following impacts and effect mechanisms require examination for implications for a likely significant effect on the Slaney River Valley SAC & Wexford Harbour & Slobs on the following grounds:

- A) Deterioration of water quality as a result of surface water and groundwater pollution (silt/ hydrocarbon/ construction related/removal of vegetation along river) during the construction phase.
- B) Deterioration of water quality as a result of pollutants, dust, sediment, oil/hydrocarbon, hard surface run off etc., during operation phase.

European Sites at Risk

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

Effect mechanism	Impact pathway/ zone of influence	European Site(s)	Qualifying/Conservation features at risk
<p>A) Deterioration of water quality during construction phase.</p> <p>B) Deterioration of water quality during operation phase.</p>	Impact via a hydrological and ecological pathway along the Bishops water/Horse River watercourse.	Slaney River Valley SAC (site code: 000781)	<p>Estuaries</p> <p>Tidal Mudflats & Sandflats</p> <p>Atlantic salt meadows</p> <p>Mediterranean salt meadows</p> <p>Old Oak Woodlands</p> <p>Alluvial Forests</p> <p>Freshwater Pearl Mussel</p> <p>Sea Lamprey</p> <p>Brook Lamprey</p> <p>River Lamprey</p> <p>Twaite Shad</p> <p>Atlantic Salmon</p> <p>Otter</p> <p>Harbour Seal</p>
<p>A) Deterioration of water quality during construction phase.</p> <p>B) Deterioration of water quality during operation phase.</p>	Impact via a hydrological and ecological pathway along the Bishops water/Horse River watercourse.	Wexford Harbour & Slobbs SPA (site code: 004074)	<p>Little Grebe</p> <p>Great Crested Grebe</p> <p>Cormorant</p> <p>Grey Heron (</p> <p>Bewick's Swan</p> <p>Whooper Swan</p> <p>Light-bellied Brent Goose</p> <p>Shelduck</p> <p>Wigeon</p> <p>Teal,</p> <p>Mallard</p> <p>Pintail</p> <p>Scaup</p> <p>Goldeneye</p> <p>Red-breasted Merganser</p> <p>Hen Harrier</p> <p>Coot</p> <p>Oystercatcher</p> <p>Golden & Grey Plover</p> <p>Lapwing</p> <p>Knot</p> <p>Sanderling</p> <p>Dunlin</p> <p>Black-tailed Godwit</p> <p>Bar-tailed Godwit</p> <p>Curlew</p> <p>Redshank</p> <p>Black-headed Gull</p> <p>Lesser Black-backed Gull</p> <p>Little Tern</p> <p>Greenland White-fronted Goose</p> <p>Wetland and Waterbirds</p>

Identification of likely significant effects on the European site(s) 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'

European Site and qualifying interest	Conservation objectives:	Could the conservation objectives be undermined (Y/N)?	
	To maintain favourable conservation condition (M) and to restore favourable conservation condition (R)	Effect A – Surface Water Run off during construction	Effect B – Surface water run off during operation phase
Slaney River Valley SAC (site code: 000781)			
Estuaries [1130]	To <i>maintain</i> favourable conservation objectives	Y Downstream of site/sensitive to pollution	Y
Mudflats and sandflats not covered by seawater at low tide [1140]	To <i>maintain</i> favourable conservation objectives	Y Downstream of site/sensitive to pollution	Y
Atlantic salt meadows [1330]	To <i>maintain</i> favourable conservation objectives	Y Downstream of site/sensitive to pollution	Y
Water courses of plain to montane levels [3260]	To <i>maintain</i> favourable conservation objectives	Y Downstream of site/sensitive to pollution	Y

Old Oak woodlands [91A0]	To <i>restore</i> favourable conservation objectives	N Not within vicinity of site	N		
Alluvial forests [91E0] & floating vegetation	To <i>restore</i> favourable conservation objectives	N Not within vicinity of site	N		
Freshwater Pearl Mussel [1029]	Status currently under review	N Species sensitive to pollutants but not identified in this area	N		
Sea Lamprey [1095]	To <i>restore</i> favourable conservation objectives	Y Species sensitive to pollutants	Y		
Brook Lamprey [1096]	To <i>restore</i> favourable conservation objectives	Y Species sensitive to pollutants	Y		
River Lamprey [1099]	To <i>restore</i> favourable conservation objectives	Y Species sensitive to pollutants	Y		
Twaite Shad [1103]	To <i>restore</i> favourable conservation objectives	Y Species sensitive to pollutants	Y		
Atlantic Salmon [1106]	To <i>restore</i> favourable conservation objectives	Y Species sensitive to pollutants	Y		
Otter [1355]	To <i>restore</i> favourable conservation objectives	Y Possibility of site to support otter commuting	Y		

Harbour Seal	To maintain favourable conservation objectives	N No suitable habitat within site	N		
Wexford Harbour & Slobbs SPA (site code: 004076)					
Little Grebe	To maintain favourable conservation objectives	N The Horse River to the south of the site would offer a suitable habitat for this bird. However unlikely to be affected by short term noise during construction works.	N		
Great Crested Grebe	To maintain favourable conservation objectives	N As above	N		
Cormorant	To maintain favourable conservation objectives	N As above	N		
Grey Heron	To maintain favourable conservation objectives	N As above	N		

Bewick's Swan	To maintain favourable conservation objectives	N Although the development would involve pile driving – this is unlikely to result in disturbance to wintering or waterbirds due to the intervening distance.	N		
Whooper Swan	To maintain favourable conservation objectives	N As above	N		
Light-bellied Brent Goose	To maintain favourable conservation objectives	N As above	N		
Shelduck	To maintain favourable conservation objectives	N As above	N		
Wigeon	To maintain favourable conservation objectives	N As above	N		
Teal	To maintain favourable conservation objectives	N The Horse River to the south of the site would offer a suitable habitat for this bird. However unlikely to be affected by short term noise during construction works.	N		
Mallard	To maintain favourable conservation objectives	N As above	N		

Pintail	To maintain favourable conservation objectives	N As above	N		
Scaup	To maintain favourable conservation objectives	Although the development would involve pile driving – this is unlikely to result in noise disturbance to wintering or waterbirds due to the intervening distance.	N		
Goldeneye	To maintain favourable conservation objectives	N As above	N		
Red-breasted Merganser	To maintain favourable conservation objectives	N The Horse River to the south of the site would offer a suitable habitat for this bird. However unlikely to be affected by short term noise during construction works.	N		
Hen Harrier	To maintain favourable conservation objectives	N Not within foraging area	N		
Coot	To maintain favourable conservation objectives	N The Horse River to the south of the site would offer a suitable habitat for this bird. However unlikely to be affected by short term noise during construction works.	N		

Oystercatcher	To maintain favourable conservation objectives	N Although the development would involve pile driving – this unlikely to result in disturbance to wintering or waterbirds due to the intervening distance.	N		
Golden Plover	To maintain favourable conservation objectives	N As above	N		
Grey Plover	To maintain favourable conservation objectives	N As above	N		
Lapwing	To maintain favourable conservation objectives	N As above	N		
Knot	To maintain favourable conservation objectives	N As above	N		
Sanderling	To maintain favourable conservation objectives	N As above	N		
Dunlin	To maintain favourable conservation objectives	N As above	N		
Black-tailed & Bar-tailed Godwit	To maintain favourable conservation objectives	N As above	N		

Curlew	To maintain favourable conservation objectives	N As above	N		
Redshank	To maintain favourable conservation objectives	N The Horse River to the south of the site would offer a suitable habitat for this bird. However unlikely to be affected by short term noise during construction works.	N		
Black headed & Lesser Black-backed Gull	To maintain favourable conservation objectives	N These birds are known to forage in domestic waste and fields of crop, however the subject site would not qualify as a savage site.	N		
Little Tern	To maintain favourable conservation objectives	N No ex-situ habitat within the site	N		
Greenland White-fronted Goose	To maintain favourable conservation objectives	N Although the development would involve pile driving – this unlikely to result in disturbance to wintering or waterbirds due to the intervening distance.	N		
Wetlands	To maintain favourable conservation objectives	Y Potential pollution /contamination	Y		

Appropriate Assessment: Stage 1: Conclusion- Screening Determination

In accordance with section 177U of the Planning and Development Act 2000 as amended, and on the basis of objective information, having carried out Appropriate Assessment screening (Stage 1) of the project, it has been determined that the project may have likely significant effects on the Slaney River Valley SAC and the Wexford Harbour & Slobbs SPA in view of the sites' conservation objectives and qualifying interests.

An Appropriate Assessment (Stage 2) is therefore required of the implications of the project on the qualifying interests of the Slaney River Valley SAC and the Wexford Harbour & Slobbs SPA in light of their conservation objectives. The possibility of likely significant effects on other European sites has been excluded on the basis of the nature and scale of the project, separation distances, and the weakness of connections between the project, the appeal site, and the European sites. No measures intended to avoid or reduce harmful effects on European sites have been taken into account in reaching this conclusion.

Appropriate Assessment**Stage 2****Aspects of the Proposed Development**

OPW flood info website indicates there are no historical or reoccurring flood events recorded within or in the immediate vicinity of the development site. The historic maps indicate a former Mill Race extended along the northern boundary. The site is underlain by Made Ground and no alluvial deposits are mapped in the site's vicinity. The GSI mapping indicates there are no areas of predictive or historical groundwater or surface water flooding within the site.

A Flood Risk Assessment report was submitted with the planning application. The southern extent of the Bishopswater/Horse River lies within an indicative fluvial 0.1% (1 in 1000 year flood) event. I note it is not proposed to develop on this part of the site and there are no SuDs measures proposed on this part of the site.

However, I have concerns regarding the proposed and amended SuDs measures and the drainage report which does not provide details of the flow rate of the existing greenfield site and how the proposed attenuation measures would equate to the greenfield run off rates once the site is developed.

I am cognisant of the comments received by NPWS to the appeal regarding no specific mitigation measures relating to landscaping along the river and for the culvert in the NIS. The Board may wish to seek a response from the applicant regarding NPWS's comments. However, the NIS makes no reference to the instream impact of the culvert on the river and no reference is made to the impact of the proposed bridge in the grounds of appeal. No structural surveys have been providing regarding the existing culvert. I am aware that such

matters maybe assessed by the OPW at such times under Section 50 of the Arterial Drainage Act 1945 and would be under a separate legal code to planning permission. Nevertheless, the Board being the competent authority with regards to the appeal may wish in the event of planning permission being granted add mitigation measures in the form of silt traps/nets regarding the landscaping works proposed along the edge and on the slope of the watercourse.

Details of the existing greenfield outfall flow rate and the proposed volume for the SuDs measures have not been addressed significantly and therefore it is not clear whether the proposed SuDs measures as originally submitted or as revised in this appeal are suitable and whether the receiving water course networks have the capacity to accept the surface water from the development, as there are no details regarding the replacement of lost storage volumes.

Sources of impact from the development would include:

- Land use change from a greenfield site and removal of existing vegetation on the site and along the river bank and increase in impermeable areas on the site.
- The culverting/or construction of a bridge over the Bishops Water Stream/Horse River.
- Release of sediment, dust, hydrocarbons and other potential pollutants during site works to make the site suitable for the development.
- Major ground works include cutting and filling on the site and installation of gabion walls across part of the site.
- Release of sediment etc., during the construction of the culvert/bridge into Horse River/Bishop's Water watercourse on the water quality and habitat quality downstream of the subject site on the connecting European sites.
- Impact on water quality with the proposed development, wastewater treatment and surface water and further construction in the area.
- The NIS considers the site does not provide suitable habitat for otter holt building and a pre-commencement otter survey for holt checks was deemed unnecessary and impacts are limited to otter commuting. There is the potential however along the southern boundary of the watercourse for commuting otter, although limited.
- Possibility of the watercourse being degraded if subject to contamination.
- Spread of Japanese Knotweed into watercourse.

Construction phase:

There is the potential during construction for water quality deterioration through site clearance/infill and cutting, traffic, suspended solids, contaminated soils, hydrocarbons, uncured concrete in surface water run-off which could affect aquatic QIs/SCI through deposition in the Bishop's Water/Horse River which flows into the Slaney River Valley SAC and Wexford Harbour & Slob SPA.

During construction works, especially during periods of wet weather, there is potential for an increase in siltation and pollution of surface water run-off with hydrocarbons, Made-Ground, cement and concrete. There is the potential for contaminated run-off to be discharged to the Bishops water watercourse which could have significant effects on the European site(s).

Operational phase

Once operational, the project will be served by and connected to the public water networks, and will be operated and maintained in accordance with the requirements of Uisce Eireann and the planning authority. The on-site surface water system incorporates attenuation and treatment stages prior to discharge to the public system. However as stated previously I do not consider the proposed attenuation measures account for existing greenfield volume run off rates.

The project will result in an increase in human activity (noise, light, dust) during the operation i.e. occupation of the development. However, having regard to the likely levels of activity, the separation distances between the project and the European sites, and the built-up nature and uses of the intervening lands, no likely significant effects on the QIs/ SCIs of the European sites are reasonably anticipated.

Mitigation Measures:

The NIS submitted with the proposed development by NEO Environmental did not assess the revisions made to the proposed development which include additional landscaping along the watercourse and river bank slope and did not assess the impact of the culvert or the construction of a bridge.

Section 6 and Table 6-1 of the NIS provides full details outlined to limit potential impacts for the qualifying interests of the Natura 2000 sites which include inter alia:

Construction Phase:

- Contractor to implement best practice pollution prevention measures implemented prior to and throughout construction phase to prevent contaminants entering the surrounding environment via surface waters.

- Measures outlined in CEMP.
- Storage of hydrocarbons, greases, hydraulic fluids, materials & substances in bunded compound area.
- Plant & equipment services & maintained
- Waste stored in collected skips.
- Soil to be stored on site or removed by licensed operator.
- Stockpiles of sol located at least 15m from the Horse River and no storage along the western boundary.
- Storage of all equipment, materials & chemicals within 15m away from any surface water drainage channel and boundary of lands to west.

Operational Phase:

- Surface water discharge to sump before entering soakaway.
- Surface water run-off discharged through a fuel interceptor & hydrobrake prior to discharge to surface water drainage system.
- Permeable paving to infiltrate into soil.
- Elsewhere surface water to be collected in gullies and pass through a fuel/interceptor before discharge into public storm water.

Assessment of Mitigation Measures

The NIS concluded that with the implementation of the mitigation measures, no potential for adverse impacts on water quality exists, and that the proposed development, individually or in combination with other plans or projects, will not adversely affect the integrity of any European site.

The NIS outlines a substantial number of mitigation measures closely aligned with the proposed CEMP. The mitigation measures are intended to avoid the release of contaminated run-off to and from the site to groundwater and surface water.

The NIS refers to measures to address Japanese Knotweed and refers to an Eradication Plan submitted with the Landscape Plan. It is recommended to prevent the trapping of Otter within the site during construction, all excavations shall be securely covered (or a suitable means of escape provided, such as a 45degree ramp) at the end of each working day, throughout the construction phase. I am satisfied that the mitigation measures in the NIS to prevent the spread of the invasive species and the protection of commuting otters is addressed in the NIS. There are a number of habitats and species within the Slaney River Valley SAC and Wexford Harbour & Slobbs SPA which are sensitive to pollution identified in Table 2 above.

The NIS however does not specify the construction details of the culvert or bridge and how it is to be monitored and managed once constructed. Should a blockage occur the culvert

could become compromised resulting in flooding of the lands where the proposed development is sited. Flooding of the site, during the construction or operational phase of the proposed development could affect the efficacy of the mitigation measures proposed, resulting in contaminated surface water run-off to discharge into the Bishopswater stream and enter the Slaney River Valley SAC and the Wexford Harbour & Slobbs SPA, via the watercourse. I am not therefore satisfied that the potential for deterioration of habitats and species identified within the European sites in Table 2 above is not likely. I also note the revised plans indicate planting along the river bank which would be impacted in the event of a flood.

Where relevant, likely significant effects on the European site(s) ‘in-combination with other plans and projects’

Table 3: Plans and projects that could act in combination with effect mechanisms of the proposed project (e.g. approved but uncompleted, or proposed)

Plan/Project	Effect Mechanism
Listed in Section 6-1 of the NIS.	A & B as per Table 1 above

The NIS has assessed the in-combination effects in Section 7. It notes there are a number of smaller projects in the area (not listed) and these have been considered to ensure no impacts on the designated Slaney River Valley SAC and Wexford Harbour & Slobbs SPA will occur. The NIS makes reference to the RSES for the Southern Region and WCDP both having been the subject of AA screening.

I have reviewed the Department of Housing, Local Government and Heritage’s National Planning Application database and EIA Portal and Wexford County Council’s planning register. I note a project recently withdrawn that was on appeal to the Board (Ref. 321096 & P.A Ref: 20231253) for 21 dwellings c. 153m to the west of the site. This development was granted by WCC and was subject to an AA screening and it was concluded by the P.A that this project, individually or in-combination with other plans or projects, would not have a significant effect on any European Site. The remaining developments in the immediate vicinity are relatively minor comprising extensions to existing structures.

Table 4: Could the project undermine the Conservation Objectives in combination with other projects?

European Site and qualifying feature	Conservation objectives:	Could the conservation objectives be undermined (Y/N)?		
		Effect A – Surface Water Run off during construction	Effect B – Surface water run off during operation phase	
Slaney River valley SAC (site code: 000781)	To maintain favourable conservation condition and to restore favourable conservation condition	N	Y	
Wexford Harbour & Slobbs SPA (site code: 004076)	To maintain favourable conservation objectives	N	Y	

Integrity Test

Following the appropriate assessment and the consideration of mitigation measures, I am not able to ascertain with confidence that the project would not adversely affect the integrity of Slaney River Valley SAC and Wexford Harbour & Slobbs SPA in view of the Conservation Objectives of these sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Appropriate Assessment: Stage 2 Conclusion

The project has been considered in light of the assessment requirements of sections 177U and 177V of the Planning and Development Act 2000, as amended. On the basis of objective information, I have assessed the implications of the project on the Slaney River Valley SAC and the Wexford Harbour & Slobbs SPA in view of the sites' conservation objectives. I have had regard to the applicant's NIS and all other relevant documentation and submissions on the case file.

However, I am concerned that insufficient information/scientific evidence has been submitted as to whether it can be said with certainty, that the proposal as originally

submitted or as revised, will not impact significantly on the qualifying species and the sites conservation objectives.

The NIS does not address the impact on the Natura sites regarding instream activities during the installation of the culvert i.e maintaining the natural state of the Bishopswater/Horse river, thereby minimising the extent of disturbance to soil and vegetation within the water course. Furthermore, the NIS has not been revised regarding the changes made to the design and layout of the scheme including the construction of a bridge instead of a culvert and the additional landscaping along the river bank on the Natura 2000 sites.

Therefore, having regard to the precautionary principle, and the reasonable scientific doubt, it cannot be said with confidence, that the proposal will not impact on the integrity of the specified Natura 2000 sites.

On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the submissions made and the assessment carried out above, I consider that there remains a reasonable scientific doubt as to the absence of adverse effects on the integrity of Slaney River Valley SAC and Wexford harbour & Slobbs SPA.

This conclusion is based on:

- An assessment of all aspects of the project including proposed mitigation measures.
- An assessment of in-combination effects with other plans and projects including historical and current plans and projects.
- The qualifying interest of the Slaney River Valley SAC & Wexford Slobbs SPA.

Inspector:

Date: 4th June 2025

14.2. Appendix 3 WFD Impact Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	3192765	Townland, address	The Knock, Bishopswater, Wexford Town, Co. Wexford
Description of project		Construction of 2 separate blocks of apartments comprising 20 units with ancillary facilities, landscaping and site works and a new widened vehicular access from Distillery Road and improvements to the pedestrian link between St.Aidan's Crescent and Distillery Road. The development includes the extension of an existing culvert over The Bishopswater stream and /or a new bridge.	
Brief site description, relevant to WFD Screening,		<p>Subject site lies within an urban area to the west of Wexford town. It is a steeply sloping site from north to south. There is an open watercourse which extends along the southern boundary known as Bishop's Water stream (also known as the Horse River) which flows in an easterly direction towards Wexford harbour. The Bishopswater River falls within the Sub catchment Rathaspick _010 waterbody and Slaney & Wexford Harbour Catchment.</p> <p>The subsoil comprises Made Soil on the area and a ground investigation report was carried out to determine the sub surface conditions and indicates the presence of metals in the soil.</p> <p>The development area is not subject to flooding but the southern boundary of the site along the watercourse lies within Flood Zone B according to the CDP SFRA.</p>	

Proposed surface water details	<p>The SuDs strategy includes permeable paving along St.Aidan's Crescent (north part of site) & 3 soakaway areas connected to the proposed surface water drainage leading onto Distillery Road. An oversized pipe network to accommodate water storage and hydrobrakes to control flow to the public network is proposed. An amended proposal has been submitted with the appeal to include two bioretention areas with an emergency out flow to the surface water pipe and two tree pits. P.A report states existing surface/storm water system in Distillery Road area as being under strain and subject to recent flood events at times of heavy rain. There is a lack of detail submitted with the appeal regarding whether the revised SuDs measures submitted are adequate to cater for the surface water run off from the development.</p>
Proposed water supply source & available capacity	<p>Development to connect to existing public water mains. Uisce Eireann's Water Supply Capacity Register (accessed on 13/5/2025) for Wexford Town and I note there is potential capacity available to meet 2033 population targets and that a Level of Service (LoS) improvement is required for the Town. The register states capacity constraints exist and additional analysis of Pre-connection Enquiries and Connection Applications will be undertaken as required by Uisce Eireann on an individual basis considering their specific load requirements. UE commented on the proposed development 20/12/23 and had no objections to the proposed development.</p>
Proposed wastewater treatment system & available capacity, other issues	<p>Development to connect to public wastewater. Table 9-5 of the CDP indicates it is planned to upgrade the public sewer waste water network along Distillery Road to facilitate growth and address existing capacity issues by increasing the capacity of the wastewater network entering the existing Wastewater Treatment Plant. This table indicates the project is</p>

	expected to be either commenced, progressed or completed during the 2020-2024 period. I assessed Uisce Eireann’s wastewater treatment capacity register (13/5/2025) and it states there is capacity within the network and that a WWTP project is planned/underway for Wexford Town. Uisce Eireann report dated 20/12/23 had no objection to the proposal.					
Others?	Ground water has moderate vulnerability in this area by contamination by human activities. Mapping indicates land is Ranked 4 (1 being the highest risk) for the Near Surface Nitrate Susceptibility and 2 for Near Surface Phosphate Susceptibility. This could have an impact on the surface water quality.					
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody	Site extends along the Bishop’s Water Stream for the full width of the southern boundary.	Rathaspick_10 IE_SE_12R020920	Moderate	Review	No pressures	Hydrologically connected to surface watercourse

Groundwater body		Underlying site to north side of the Horse River/Bishops Water Stream	Industrial Facility IE_SE_G_151 (P0062-02)	Poor	At Risk	Chemical from industry	Site is Made Ground- possibly contaminated. Poorly productive bedrock offers protection to groundwater.
Groundwater body		Adjoining site on south side of the Horse River/Bishops Water Stream	Castlebridge North IE_SE_G_031	Good	Not at risk	No pressures	This adjoining groundwater body is on the southern side of Distillery Road (R733). No pathway to site
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Rathaspick_10	Site abuts the water course and lies c.7m above the watercourse.	There is a likelihood the proposed development could	Mitigation measures to river during	Yes- to river during construction of	Uncertain

			This waterbody is rated as having a 'moderate' level in the WFD.	result in a deterioration of the water status due to works to river, either culvert or bridge and landscaping works on riverbank.	construction have not been addressed.	culvert or bridge	
2.	Ground	Industrial Facility IE_SE_G_151 (P0062-02)	Subsoils to site are Made ground.	Hydrocarbon Spillages	Standard construction/best practice measures in NIS & CEMP		No
OPERATIONAL PHASE							
4.	Surface	Rathaspick_10	Surface water run off from the site into open watercourse.	Uncertain whether SuDs measures would meet existing greenfield run off volume rates, having regard to extent of existing landscaping to be	Existing surface/storm water system in Distillery Road area is under strain and subject to flood events at	Yes – in the event the SuDs measures are inadequate.	Screened in

				removed, cut & fill , sloping nature of site, and impermeable hardstanding.	times of heavy rain.		
5.	Ground	IE_SE_G_151 (P0062-02)	None	None	None	No	Screened out
DECOMMISSIONING PHASE							
5.	N/A						