



An
Bord
Pleanála

Inspector's Report

ABP-319317-24

Development	Construction of 92 residential units comprising 71 apartments and 21 houses, childcare facility and all associated site works. A Natura Impact Statement (NIS) was submitted with the application.
Location	Site located between R730 and Old Hospital Road, at Park & Stoneybatter, Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20231563
Applicant(s)	Bawn Developments
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First party
Appellant(s)	Bawn Developments
Observer(s)	PJ Lawless
Date of Site Inspection	15 th October 2024
Inspector	Bébhinn O'Shea

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Appendix 1A: Form 1: EIA Pre-Screening

Appendix 1B: Form 2: Preliminary Examination

Appendix 2: Appropriate Assessment Screening and Determination

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1.0 Site Location and Description

- 1.1.** The site is located in the north western part of Wexford town, south of the Slaney River as it enters Wexford Harbour. It is bound on three sides by road network, with existing suburban dwellings to the east and dispersed single dwellings along the Old Hospital Road to the south. There is a turning head constructed into the site off of the Old Hospital Road Roundabout, at the western side. The landscape rises beyond the site to the south.
- 1.2.** The site measures 3.17 ha and as indicated by the redline boundary takes on an irregular formation at the northwestern portion where a triangular segment is excluded from the site proper (in order to allow for a separate future application for 22 apartments).
- 1.3.** The site is greenfield and largely overgrown in nature with reeds/rushes present in the middle/northern portion. There are mature hedgerows/treelines to the south-western, northern and eastern boundaries. Further hedgerows/treelines run north/south at two locations within the site, reflecting former field boundaries, and are grouped at the northeastern corner of the site where maps suggest there was a former structure.
- 1.4.** The site rises from north to south with a difference in levels of approximately 15 metres between highest and lowest points. The Carricklawn Stream flows in northeasterly direction within the north-western portion of the site and along the site boundary, and is then culverted under the R730 road.

2.0 Proposed Development

- 2.1.** The proposed development is for 92 residential units, a creche and associated site works. Access is proposed from the Old Hospital Road Roundabout to the west and via connection to Stoney Park development to the east.
- 2.2.** The development includes 4 apartment blocks, houses and duplexes. The buildings are mostly split level in nature given the levels on the site. (Apartment Block 1 is omitted from the proposal and will be subject to a separate application.) Finishes proposed are brick, cement cladding, render and standing seam metal roof to houses.

2.3. Key Figures

Site Area	3.17ha gross
No. of Res. Units	92
Density	44 per hectare (see section 7.4 below)
Height	Houses: 2/3 storey split level Duplex: 2/3 storey split level Apartments: 3- 5 storey
Other uses - Creche	Single storey , 129.5 sq m, accommodating 30 children
Part V	15 units on site and 3 off site
Public Open Space	c. 33% stated
Parking Provision	121 spaces stated (plus, as per planning report, 16 visitor (future allocation for block 1). 147 indicated on site layout plan. See section 7.8.2/7.8.3

2.4. Housing Mix

	Block 2 17 units	Block 3 15 units	Block 4 15 units	Block 5 4 units	Duplex 20 units	House 21 units	Total
1 bed	4	7	7				18 (19.6%)
2 bed	9	8	8	2	14		41 (44.6%)
3 bed	4			2	6	21	33 (35.9%)

2.5. The main open space within the proposed development is to the north of the site where flood zone/ wetland exists. The site layout indicates this is proposed to be a wet woodland area, meadow, recreation space, with a series of footpaths within. There is a smaller area of open space to the south of the upper street incorporating a play area. An existing mature hedgerow at the southwestern site boundary is shown to be retained along with three other hedgerows/treelines

replanted within the site. A 2m wide footpath is proposed along the northern boundary on the R730.

3.0 Planning Authority Decision

3.1. Decision

By Order dated 21/02/2024 permission was refused for the following reasons:

- Insufficient mix of house types, particularly 4 bedroomed houses, contrary Section 4.7.5 and Objective SH21 of the Wexford County Development Plan (WCDP).
- Impact on public safety and amenities on the residents of the adjacent Stoney Park development due to vehicular access and additional parking there, contrary to TV44 and TS47 of the WCDP.
- Flood risk, as finished floor levels (FFL) of the development not demonstrated to be above relevant flood risk levels having regard to the precautionary principle, contrary to FRM07 of the WCDP.
- Insufficient evidence that the development can connect to UE water/sewers
- Refuse storage arrangements are inadequate for apartments particularly Block 2, contrary to Vol2 Section 3.12.6 of the WCDP

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.1.1. The Planners report overall recommended refusal and in doing so:

- Considered there is no zoning applicable to the site but considered the principle of development acceptable having regard to the national, regional CDP policies, the location of the site, proximity to town centre, proximity to social infrastructure and employment and transport considerations.
- Considered the density and form/design acceptable. Some amendments to finishes were considered desirable and issues in relation to adequate communal refuse storage were identified.

- Concluded that EIA was not required and that in terms of AA the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of European Sites.
- Noted that the front portion of the site is a wetland identified in the Co. Wexford Wetland survey of 2021. Noted that much of the existing landscape of value can be retained, extensive additional tree planting is proposed, the riparian zone of the existing stream is not proposed to be altered and that management of areas of open space required clarification.
- Noted that sightlines were acceptable and that that more direct footpath connections from site to Old Hospital Road were desirable, if feasible having regard to changes in ground level. Car parking provision was considered adequate.
- Noted that the matter of a new Confirmation of Feasibility from Uisce Eireann could be addressed by condition in the event of a grant of planning permission.
- Noted that more nature-based solutions to manage surface water were desirable but could be addressed by Further Information/ condition of grant of permission.
- Considered the mix of house types insufficient.
- Considered the connection to Stoney Park would give rise to public safety and adverse impacts on residential amenities.
- Considered the flood risk had not been adequately addressed in terms of FFLs.

3.2.2. Other Technical Reports

- Disability Access Officer: Report identifies a number of non-compliant matters and that the number of SDAC applications are required.
- Housing Department: Part V Agreement in Principle in place.
- CFO: General comment/standards in relation to requirement for Fire Safety Certificate
- Environment Section: Report referred to, but this is a typing error (confirmed with Planning Authority) as no report on file.

- Roads Department recommends a grant with conditions including 2m wide footpath along the site along length of the boundary between site and Old Hospital Road. Welcomes provision of wetland to front of site.

3.3. Prescribed Bodies

- Uisce Eireann: A new/updated Certificate of Feasibility is required.
- DHLGH: Archaeological Impact Assessment should be compiled.

3.4. Third Party Observations

3.4.1. I have reviewed the third party submissions and summarise the issues raised as follows:

- The ownership details in the planning application are inconsistent with those on the land registry folio.
- Site notice was deficient.
- Scale, form and density of the proposal is out of keeping with the area. Flood plain should be excluded from density calculations.
- The development is premature in the absence of a development plan and pending the preparation of a LAP.
- Site is prone to severe waterlogging, the development could cause further flooding/drainage issues in the area and adjoining properties.
- The development would be a good opportunity to replace existing wastewater infrastructure in the area considered deficient.
- The development will constitute a traffic hazard. There are deficiencies in the local road/pedestrian network not addressed by the application. Proposed parking provision is deficient. Three parking spaces shown within the site layout plan are within Stoney Park.
- Development will impact on amenities of Stoney Park through traffic hazard, loss of privacy, loss of amenity space, increased noise and will conflict with particulars of planning permission.

- A Social Infrastructure Audit should have been provided. No appropriate social infrastructure in place.
- The Appropriate Assessment is deficient.
- It is unclear how the wetland area and biodiversity areas will be managed. Maintenance agreements required.
- There is insufficient detail re. boundary treatments and treatment of party boundaries. The removal of hedgerow and trees along the R730 seems contrary to biodiversity objectives.

4.0 Planning History

4.1. Site

20061684 O'Connor - Residential development (235 dwellings including apartments in blocks up to 6 storeys in height) gym and creche – refused

4.2. Other

4.2.1. Adjoining proposed site to east:

20072894 Bawn Developments - Erection of 18 dwellings granted (now Stoney Park estate)

4.3. Immediate west of site:

20231460 O'Connor 11 apartments – Refused. On appeal ABP Ref 319204

20231461 O'Connor 22 houses and 15 apartments – Granted

4.4. To northeast, past railway line:

308002-20 (ABP ref) William Neville & Sons - 413 no. residential units (175 no. houses, 238 no. apartments), childcare facility and associated site works. SHD Granted.

5.0 Policy Context

5.1. National Guidance

5.1.1. **National Climate Action Plan 2024**

While primarily concerned with carbon emissions, this Plan also notes the impact of climate change in Ireland in terms of substantial increase in the frequency of heavy precipitation events in winter and autumn. The following Action is noted:

Develop options for the delivery of a National Implementation Strategy for Nature-Based Solutions for the management of rainwater and surface water runoff in urban area

5.1.2. **National Biodiversity Action Plan 2024**

This Plan sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which nature is valued and protected. It notes residential development, is one of the main forms of development driving biodiversity loss. Several actions and objectives relate to use of nature based solutions (as defined by the UNEA). Another significant objective is a move towards no net loss of biodiversity by public authorities and private sector bodies.

5.1.3. **Section 28 / other guidelines**

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Section 3.3.3 and Appendix B set out Density Ranges and Methodology for calculating density. Strategic Planning Policy Requirements (SPPRs) set minimum requirements for Separation Distances (SPPR 1) Minimum Private Open Space (SPPR 2) and standards for Car Parking (SPPR3) and cycle parking (SPPR4)
- Sustainable Urban Housing Design Standards for New Apartments (2022)

SPPR 1:

Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area,

county, city or metropolitan area basis and incorporated into the relevant development plan(s).

SPPR 2 relates to building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha. **SPPRs 3 -7** relate to minimum apartment floor areas, provision of dual aspect units, minimum floor to ceiling heights, lift cores and shared accommodation/co-living

- The Planning System and Flood Risk Management - Guidelines for Planning Authorities (2009)
- Nature Based Management of Urban Rainwater and Urban Surface Water Discharges A National Strategy 2024

5.2. Development Plan

5.2.1. The relevant plan is the Wexford County Development Plan 2022-2028 where the following sections are most relevant:

- Chapter 3 relating to Settlement Hierarchy, Core Strategy, Level 1 Key Towns, allocation of population and housing
- Chapter 4 Sustainable Housing with particular reference to Section 4.7.5 House Types and Objective SH21:

SH21 To require new build house and apartment schemes and building refurbishment schemes to provide a mix of unit types in accordance with Section 4.7.5 House Types to ensure that there is a range of house types available to suit the needs of the various households in the county.

Section 4.7.5 House Types continues to describe target housing mixes, differentiating between residential development composed of apartments and composed of a mix of apartments/houses.

- Chapter 5 Design and Place-making in Towns and Villages:

Objective TV44 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.

- Chapter 8 Transportation Strategy

Objective TS47: To require all developments to make appropriate provision for safe access and arrangements for servicing and deliveries, having regard to:

- the nature and location of the development;
- priority for sustainable transport choices including public transport, walking and cycling;
- effective surface water management;
- amenity of adjoining uses; and
- Volume 2 Development Management Manual

- Chapter 9 Infrastructure Strategy in particular section 9.11 Flood Risk and Surface Water 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 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.

- Chapter 13 Heritage and Conservation:

Objective NH05 In assessing planning applications located in and/or in proximity to Natura 2000 sites, whether hydraulically linked or otherwise linked or dependent (such as feeding, roosting or nesting grounds) to a designated site, regard shall be had to the detailed conservation management plans and data reports prepared by NPWS, where available, to the identified features of interest of the site, the identified conservation objectives to ensure the maintenance or

restoration of the features of interests to favourable conservation status, the NPWS Article 17 current conservation status reports, the underlying site specific conditions, and the known threats to achieving the conservation objectives of the site.

Objective NH08 To ensure that any plan/project and any associated works, individually or in combination with other plans or projects, are subject to Screening for Appropriate Assessment to ensure there are no likely significant effects on any Natura 2000 site(s) and that the requirements of Article 6(3) and 6(4) of the EU Habitats Directive are fully satisfied. Where a plan/project is likely to have a significant effect on a Natura 2000 site or there is uncertainty with regard to effects, it shall be subject to Appropriate Assessment. The plan/project will proceed only after it has been ascertained that it will not adversely affect the integrity of the site or where, in the absence of alternative solutions, the plan/project is deemed by the competent authority imperative for reasons of overriding public interest.

Objective NH10 relates to ecological connections . **Objective NH13** relates to the provision of ecological buffer zone between the development works and any areas or features of ecological importance, and minimisation of removal of hedgerow and natural boundaries. **Objectives NH19-26** relate to invasive and alien species.

- Volume 2 Development Management Manual:

Section 3.12.6 Refuse Storage The Council will require that all housing developments include convenient and well-designed proposals for the storage of waste and recycling receptacles (three receptacles per home). With regard to apartment schemes, the development should 56 Residential Developments Development Management Manual comply with the refuse storage requirements set out in Sections 4.8-4.9 of the Apartment Guidelines.

5.2.2. **Wexford Town and Environs Development Plan 2009-2015 (extended until 2019).**

5.2.2.1. The site is within the Wexford environs area of the TEDP and within master planning zone 4. Requirements for future phased development are (p.35):

- Opening of lands for development on adjoining sites which will also deliver a significant proportion of the orbital route linking Newtown Road with Park and eventually to the served for the third river crossing.
- Attenuation required, further investigation will be required on impact on local streams, rising sea levels and flood risk from River Slaney on low lying lands. Care is required in reviewing role of local stream and any possible impact on the SPA, SAC and NHA

5.2.2.2. The site is zoned Residential Medium where the indicative residential density applicable is 17-25 per hectare, with the indicative appropriate area for such density being “generally new zoning within towns except where it is an urban rural transitional area or a strategic location. Road improvements are indicated along road to north of site and the inner orbital route shown to west of site.

5.3. Natural Heritage Designations

- Wexford Harbour and Slobs SPA / pNHA c.0.2 km
- Slaney River Valley SAC/pNHA c.0.2 km
- Raven Point Nature Reserve SAC c. 7km east,
- The Raven SPA c. 7km east,
- Seas off Wexford SPA c. 7.8km
- Forth Mountain pNHA c.5.4 km

5.4. EIA Screening

See Appendix 1. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Housing mix

- 6.1.1.1. The housing mix on the site is considered sufficient by the applicant. The lack of four bedroom homes was identified in the reason for refusal. However, the Architectural Design Statement set out that House Type A has been designed with an integrated car port which can easily be converted into future living accommodation. A drawing is provided to demonstrate how this can be achieved.
- 6.1.1.2. The planning authority has incorrectly interpreted Section 4 point 7.5 of the County Development Plan. The mix type refers to houses. The requirements of SPPR 1 are noted. The proposed development constitutes a “mixed residential scheme” and compliance with SPPR 1 takes precedence over compliance with any other housing mix standard. The proposed development is compliant with SPPR 1.
- 6.1.1.3. The proposed development is aimed at accommodating people wishing to downsize and move from rural to urban. There is an existing overprovision a four and five bed units within the housing stock of Wexford town and environs. The average household size is expected to decrease. The decision was to weight the proposal towards two and three bed apartments and duplexes. The County Housing Demand Needs Assessment (HDNA) report, which forecasts household size and dwelling types for additional anticipated households up until 2027, supports this case.
- 6.1.1.4. The CDP and the NPF seek to promote apartments as a more prevalent form of housing

6.1.2. Public safety and impact on adjacent amenities.

- 6.1.2.1. It is noted that the Senior Roads Engineer and Area Engineer recommended a grant of permission and did not recommend alterations to the Stoney Park

connection. This is the most qualified opinion. A refusal on traffic safety is not supported by a qualified opinion.

- 6.1.2.2. The Traffic and Transportation assessment report concluded that the junction between Stoney Park and the R730 was capable of accommodating the proposed development. A DMURS compliance statement was also submitted.
- 6.1.2.3. There is no impact on the amenities of Stoney Park in terms of overlooking or overshadowing.
- 6.1.2.4. It is noted that the planners report comments on loss of amenity from new through traffic through Stoney Park and considers that there are sufficient existing direct routes for traffic and that the Stoney Park roadway and footpaths may not be the most optimal. It is stated that the opinion that the vehicular link with Stoney Park should be omitted is at variance with national and local policy which promotes permeability.
- 6.1.2.5. An option for an alternative arrangement of the Stoney Park connection, providing only filtered permeability, is demonstrated, should the Board wish to consider this option.
- 6.1.2.6. In terms of Objective TV44, this is more relevant to Town Centre brownfield regeneration and infield development. The impact for development on the amenities of an adjoining site is subjective and should be afforded secondary consideration where more primary objectives of the development plan are achieved.
- 6.1.2.7. Objective TS47 is aimed at safe access for servicing and delivery vehicles, having regard to the nature and location of development sustainable transport choices, surface water management, adjoining amenities etc. The proposed development has addressed all these matters.

6.1.3. **Flood risk**

- 6.1.3.1. It is stated that the SSFRA Solution clearly states that the access road and proposed development would be outside and 0.6m above all anticipated flood events.
- 6.1.3.2. The predicted extreme one in 1000 year + climate change allowance flood level at the site is 2.09 m OD. The minimum finished floor level is recommended at 0.6 metres above this predicted extreme flood level, i.e. 2.69 metres OD. The minimum finished floor level proposed for the development is 4.5 OD, which is 1.81 metres higher than the recommended minimum. Groundworks are minimal.
- 6.1.3.3. A layout and section are submitted to further demonstrate that the proposed development does not encroach on the flood zone.

6.1.4. Uisce Eireann connection

- 6.1.4.1. It is stated that an error was made by the Planning Authority and an incorrect Certificate of Feasibility (CoF) was reviewed, which was not associated with the subject development. The CoF reviewed was dated 4th January 2021; CoF submitted with the application and referenced throughout is dated 3rd of July 2023 and is valid.

6.1.5. Refuse storage

- 6.1.5.1. Design considerations for refuse storage are set out. It is stated that there are no specific recommendations on storage space requirements or waste volume calculations applicable per dwelling or per person. The design layout submitted accommodated 3 number 1100 litre communal wheelie bins. However, should the Board share the concerns of the local authority an increase of the bins storage area can applied by condition. These are set out on the drawing which accompanies the appeal.

6.1.6. Notes accompanying the decision.

A number of notes were included by the planning authority on the notification of decision. The appeal comments on these as follows:

6.1.6.1. **Note 1:** Further use of nature-based solutions

- It is stated that the most qualified opinion in this instance is the area engineer who recommended a grant of subject to conditions.
- It is not possible to use the floodplain and stream to the north of the site for additional nature-based SuDS. A significant level of SuDS has been incorporated into the development considering the challenging topography and site soil conditions.
- This is now increased with additional filter drains to assist with ground infiltration and the drawing is provided. The Board may consider adding additional filter drains by condition.
- The 4 objectives of SuDS as per the guidance manual are provided for in the design

6.1.6.2. **Note 2:** A public realm plan including management for areas of open space

The submitted landscape master plan and report is extremely detailed and covers most of these issues. As for standard practice open spaces will be maintained by a management company. This detail could be agreed prior to commencement of development, by condition.

6.1.6.3. **Note 3:** Design route choice and design of proposed footpath

- The routes have been chosen to minimise impact on the biodiversity area and maximize amenity value for the user. No flood water will be displaced as a result of the proposed layout. The Architectural Design Statement and Planning Report submitted with the application are referenced. Maintaining and enhancing biodiversity has been the primary consideration in formulating the proposed design of the northern part of the site with regard to overlooking/surveillance of open space.

6.1.6.4. **Note 4:** Compliance with building regulations/access requirements

- It is stated that this is a post - planning exercise

6.1.6.5. **Note 5:** Amendments to elevational treatment in blocks 3 and 4 and likely street scene facing the Old Hospital Rd.

- It is stated that elevational change sought is subjective opinion not shared by the project architect or applicant but may be addressed by condition if deemed appropriate by the Board.
- Regarding the Old Hospital Road, the appeal notes that the area roads engineer recommended a grant permission subject to the provision of a 2m wide footpath along the road. This would require the removal of circa 385m of historic mature field boundaries, identified as being of high local conservation value and recommended to be incorporated into the overall design by the project ecologist. It appears that there is a conflict between the local authority engineers and planners.
- Objectives from the County Development Plan are quoted, including a presumption in favour of minimum intervention necessary in natural processes. The appeal notes there is an existing footpath on the opposite side of the road and considers that the preservation of the existing hedgerow should therefore take precedence.
- It is stated if the Board are of the opinion that the footpath should take precedence over the retention of the hedgerow that this detail be conditioned in the event of a grant of permission

6.1.6.6. **Note 6:** The need for field based archaeological assessment

- It is stated that testing since took place on site under license. No structures features deposits or anomalies of archaeological value were identified. Results are attached.

6.2. Planning Authority Response

No response received.

6.3. Observations

An observation has been received, which I summarise as follows:

- The application has been split to circumvent the LRD planning process, given the absence of an LAP, which is contrary to proper planning and public participation in the planning process.
- To assert that 3 bedroom dwellings convertible to 4 bed dwellings is the same as providing “as built” 4 bed dwellings is a nonsense.
- The appellant has incorrectly interpreted the CDP and compliance with SPPR1 in relation to housing mix.
- The drawing of the alternative connection to Stoney Park submitted with the appeal is inaccurate in relation to carparking spaces. It is also the location of an amenity area for Stoney Park which would be lost.
- The provision of cycle/footpath connection only will mean that people approaching from east will park in Stoney Park to drop their children leading to congestion, hazard and loss of amenity.
- There is no updated Traffic and Transport Assessment Report accounting for the alternative connection proposed.
- The response to flooding in the appeal sets out that the development does not encroach on the flood zone but fails to address the fact that the subject site floods, the R730/Carcur Road outside of Stoney Park floods and the estates in the area flood.
- Uisce Eireann Confirmation of Feasibility raises the matter of the presence of a wastewater pipe on the subject site and requirements for wayleaves/separation distances/diversion. The appeal does not address this. The sewer line runs where the crèche and proposed Block 1 are located.
- The archaeological report does not meet the requirements of the Department of Housing, Local Government and Heritage.

6.4. Further Responses

None

7.0 Assessment

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

- Principle of development/prematurity in absence of LAP
- Scale and form, density, housing mix, social infrastructure
- Flood risk, drainage, incorporation of SuDS, water services
- Traffic, transport and parking
- Impact on the amenities of Stoney Park
- Design, functionality, building regulation matters
- Archaeological impact
- Appropriate Assessment, biodiversity/ecology
- Ownership, site boundaries and boundary treatment
- Procedural matters (site notice, LRD approach)

7.2. Principle of development/prematurity in absence of LAP

7.2.1. The Wexford Town Local Area Plan 2024-2030 is at pre-draft stage. The Wexford Town and Environs Development Plan 2009-2015 (extended to 2019) (TEDP) was prepared jointly by Wexford Borough Council and Wexford County Council under the Planning and Development Acts 2000-2007 and Planning and Development Regulations 2001-2008. Wexford Borough Council (a town council within the meaning of the local Government Act 2001) was dissolved in 2014. Section 11C(a) of the Planning and Development Act (as amended) sets out that the development plan of the dissolved body 'shall continue to have effect to the extent provided for by that plan and be read together with the development plan for the administrative area within which the dissolved administrative area is situated.' The site was within the Environs area of the TEDP and the zoning has therefore lapsed.

7.2.2. The site was zoned “Medium Residential” under the TEDP. The CDP does not set out land-use zoning for the area therefore there is no conflict in terms of the zoning of the site under the TEDP.

7.2.3. The Core Strategy of the CDP allocates 652 units within the built-up area requiring 62 hectares of zoned land. There are 406 hectares zoned under the TEDP which suggests an adjustment to the amount of lands zoned will be forthcoming under the new LAP. Whether or not the subject site will remain zoned cannot be determined outside of the LAP process. However, in terms of conflict with the Core Strategy of the CDP, the provisions of the NPF and Section 28 Guidelines on Development Plans and LAPs provides guidance on the approach to zoning, in particular:

- General approach set out in S28 guidelines on development plans and LAPs that specifies that zoning shall extend outwards from the centre of an urban area, with undeveloped lands closest to the core and on public transport routes being given preference, encouraging infill opportunities.
- NFP National Policy NPO 6 to deliver at least 30% of all new homes that are targeted in settlements other than the five Cities and their suburbs, within their existing built-up footprints (‘built up areas’ as defined by the CSO).

I note the following in relation to the site:

- The site is directly adjacent to, although not within the CSO built-up area.
- There were substantial other zoned lands under the TEDP further from centre than the proposed development site.
- There are existing and permitted residential developments further out than the proposed development site, giving it infill characteristics
- The site is served 2 local bus routes operating Monday to Saturday at its entrance point. It is also served by a national bus connection to Dublin nearby. The site is 1.4km from Wexford Railway station at its closest point.
- There are several employment sources, recreational opportunities, retail and childcare/education facilities within 0.5-1.5km of the site, which is c. 1.4km from the town centre.

- 7.2.4. Noting the statutory plan context for the site, lack of any conflict with the CDP, and national policy context set out above in terms of the NPF and S28 Guidelines, I am satisfied that the principle of development on the site would not conflict with the CDP, and therefore is not premature pending the preparation of a LAP for the town, and is acceptable, in principle.

7.3. Scale and form

- 7.3.1. I note that the site, being defined on three sites by road infrastructure, expresses separately to the adjacent lands. Dwellings on the southern side of the Old Hospital Road are well recessed from the site and will not be visible next to the proposed development. Thus, I consider it can establish its own character, provided it allows for transition at the eastern side.
- 7.3.2. There are significant office developments (Wexford County Council, Department of Housing Planning and Local Government) in the vicinity of the site. I also note the presence of larger/bulkier buildings in the surrounding area, including car show rooms and Wexford Hospital. These, along with the dominant roads infrastructure, create a mixed character in the vicinity of the site, in terms of built form. In this regard I consider the character of the development acceptable.
- 7.3.3. The landscape in the surrounding area is hilly, elevated to south of the site and generally sloping downwards towards the sea. As referred to above, there is large, multi-storey office development extant on the ridge to south, which is visible from the areas adjacent the site, and visible from vantage points further north of the site from the area of playing fields. The elevated and vegetated lands to south, along with this existing development visible on the ridgeline, will act as a backdrop to the proposed development. I therefore do not consider the proposed development will be visually prominent.
- 7.3.4. I note that the Planning Authority did not raise any objections to the overall form/scale or type of development. I have reviewed the photomontages submitted with the application along with section drawings and details of levels

and I consider them a reasonable representation of the visual impact of the proposed development.

7.3.5. I therefore consider that scale of development, including height and form/nature of apartment blocks, acceptable.

7.4. Density

7.4.1. The application sets out density calculations in a number of ways, one approach including the apartment block proposed under a future application, and another excluding the flood zone. I calculate density as follows:

- Gross density of proposed development site of 92 units over site of 3.17 is calculated as 29 units per hectare.
- Net density is calculated having regard to the S28 Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, as set out in Appendix B Table 1 and excludes the flood zone, creche, and area north of the access road (but includes the road through the estate which I consider to be a 'local street' with reference to DMURS). Using a net area of 2.1 hectares, this generates a density of 44 units per hectare.

7.4.2. I consider that the location of the proposed development is consistent with description of a Key Town/Large Town – Suburban/Urban Extension . In these areas it is a policy and objective of the Guidelines that residential densities in the range 30 – 50 dwellings per hectare (net) be applied. I therefore consider the density acceptable.

7.5. Housing mix

7.5.1. The housing mix proposed is as follows

1 bed	18 (18 apartments)	19.6%
2 bed	41 (27 apartments, 14 duplex apartments)	44.6%
3 bed	33 (4 apartments, 8 duplex apartments, 21 houses)	35.9%

The appeal states that house type A is designed with an integrated car-port which can be converted into future living accommodation and a drawing has been submitted demonstrating same. Therefore there is potential for a mix as follows:

1 bed	18 (18 apartments)	19.6%
2 bed	41 (27 apartments, 14 duplex apartments)	44.6%
3 bed	12 (4 apartments, 8 duplex apartments)	13%
4 bed	21 (21 houses)	22.9%

7.5.2. Objective SH21 of the CDP is:

“To require new build house and apartment schemes and building refurbishment schemes to provide a mix of unit types in accordance with Section 4.7.5 House Types to ensure that there is a range of house types available to suit the needs of the various households in the county.”

7.5.3. Section 4.7.5 House Types states:

“Houses:

Houses will continue to be the preferred house type for many households in the county. The HNDA indicates that there is a need to provide a mix of unit sizes to accommodate the future composition of households in the county. In this regard, where a residential scheme is proposed with houses, the development should provide for the following house type mix, except in cases where SPPR 2 of the Apartment Guidelines for Planning Authorities applies:

25% two-bedroom houses

30% three-bedroom houses

30% four-bedroom/five-bedroom houses

15% to be allocated to any of the above based on evidence of demand.

This standard will be applied to schemes of 25 or more units. The Planning Authority will consider a deviation from the above housing type mix where local requirements and/or market evidence suggest that a different housing mix is required.”

7.5.4. Section 4.7.5 House Types also states:

“Apartments: **Unit Mix in Apartment Developments**

Having regard to SPPR 1 in the Apartment Guidelines, the following standard shall be complied with in either an apartment only scheme or a mixed residential schemes including both houses and apartments:

- Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios, and there shall be no minimum required for apartments with three or more bedrooms. Compliance with SPPR 1 of the Apartment Guidelines takes precedence over compliance with any other house mix standard in this Plan, save for the requirements relating to compliance with SPPR 2 in the Guidelines.”

7.5.5. I consider the house type mix in section 4.7.5 (quoted paragraph 7.5.3 above) applicable to house-only developments of over 25 units. Section 4.75 states that the unit mix (quoted in 7.5.4 above) applies to apartment only **and mixed residential schemes including both houses and apartments** (emphasis added).

7.5.6. The apartment mix (71 No. apartments) within the proposed development is:

1 bed	18 (18 apartments)	25.3%
2 bed	41 (27 apartments, 14 duplex apartments)	57.8%
3 bed	12 (4 apartments, 8 duplex apartments)	16.9%

7.5.7. The apartment mix does not provide in excess of 50% 1 bed units. The overall dwelling mix (houses and apartments) does not provide in excess of 50% 1 bed units. I therefore disagree with the reason no. 1 for refusal by the Planning

Authority; and consider the proposal meets the requirements of SPPR1 and aims of Section 4.7.5 of the CDP and that the house type mix proposed is acceptable.

- 7.5.8. I do not consider that SPPR 2, which relates to small-scale building refurbishment and urban infill development schemes, applies in this case.

7.6. Social infrastructure

- 7.6.1. Objective SC37 of the CDP requires that all new residential development applications of 100 units or more on zoned lands be accompanied by a Social Infrastructure Assessment (SIA) to determine if social and community facilities in the area are sufficient to provide for the needs of the future residents (of all age cohorts).
- 7.6.2. The application is for 92 dwellings. However, it is noted that a future phase is also intended which would result in a development of 114 units. The submission of a SIA would have been desirable in this context, but is not required.
- 7.6.3. Objective SC37 sets out that an SIA would include details of playgrounds, parks and other green spaces, education, childcare, health and others such as shops, banks, post offices, community meeting rooms/centres and recreational facilities, along with proposals to addressing any deficiencies.
- 7.6.4. I note the provision of playgrounds, open spaces and green spaces within the proposed development, and the provision of a childcare facility. I note the presence of significant sporting recreational facilities within walking distance just north of the site, along with convenience retail and the town centre c. 1.2km and 1.4km from the site respectively. I note healthcare facilities in the form of the hospital c. 1km from the site.
- 7.6.5. While availability of school places is unknown, it would not be within the power of the applicant to address any educational deficiencies within the proposed development. Information in relation to adequacy of GP/community rooms is not provided. However, I note that such uses may be accommodated at ground floor level within a future phase, should a need emerge as part of the preparation of a

LAP for the town. I further note that the Planning Authority has not raised any objections with regard to social infrastructure. As such, I do not consider that there is any significant shortfall of social infrastructure in the immediate area to warrant a refusal of permission. I consider that the creche should be tied to earlier phase of construction to ensure timely delivery of social infrastructure contained within the development. This may be addressed by condition in the event of a grant of planning permission.

7.7. Flood risk, drainage, SuDS

7.7.1. Flood Risk

- 7.7.1.1. A Site Specific Flood Risk Assessment (SSFRA) was submitted with the planning application. The SSFRA has been prepared in accordance with the Planning System and Flood Risk Management - Guidelines for Planning Authorities (FRM Guidelines). It identifies the primary potential flood risk to be fluvial and/or tidal, and that it is not at risk of pluvial or groundwater flooding. It notes that the site is primarily underlain by Quartzite Till with an area to the northern boundary underlain by Alluvium deposits. The SSFRA considers the predictive extreme scenario fluvial flood extent associated with the watercourses in the vicinity of the site, and provides maps of fluvial flood extent (10% AEP, 1% AEP, 0.1% AEP) and tidal flood extent (10% AEP, 0.5% AEP and 0.1%AEP) , along with fluvial flood depth (1% AEP, 0.1% AEP) and tidal flood depth (0.5% AEP, 0.1% AEP) for a present predictive scenario and with climate change.
- 7.7.1.2. SSFRA notes that the Strategic Flood Risk Assessment prepared for the Wexford County Development Plan also indicated that the area of the site to the northern boundary falls within Strategic Flood Zones A and B, as defined in the FRM Guidelines. The overall screening indicates that the residential units and creche which form part of the development do not fall within Flood Zone A and Flood Zone B (predictive present day scenario).
- 7.7.1.3. The SSFRA considers the potential mid-range climate change scenario. The overall screening indicates that the area of the site adjacent to the northern

boundary falls within the flood zone of a mid-range future climate change scenario, using the OPW mid-range future event mapping. However, none of the residential units and creche which form part of the development fall within this area.

- 7.7.1.4. The proposed development has responded to the flood risk scenario on site, with all residential units and creche located outside the predictive present day scenario and mid-range future climate change scenario fluvial and tidal/coastal flood zone. The exception this is a minor area of access road which has been subject to a justification test.
- 7.7.1.5. The SSFRA also considers predicted extreme fluvial and tidal flood levels at node points (hydrological estimation points). The highest at node point 12LAWM00006 adjacent the northern boundary of the site indicates, for a 0.1% AEP, a water level at 2.09m OD for a fluvial scenario and 1.63m OD for a tidal scenario.
- 7.7.1.6. The SSFRA concludes that the finished ground floor levels of the residential units be constructed to a minimum level of 0.6m above the predictive 0.1%AEP (1 in 1000 year) fluvial flood level and that the finished road level should be constructed to a minimum of 0.35m above the predictive 0.1%AEP (1 in 1000 year).
- 7.7.1.7. Reason No. 3 for refusal of permission states that “Insufficient evidence has been submitted to clearly demonstrate that the finished floor levels of the development would be sufficiently above the relevant flood risk levels having regard to the precautionary principle. As such the development would be contrary to FRM07 of the Wexford County Development Plan 2022 – 2028 and to the proper planning and sustainable development of the area.”
- 7.7.1.8. FROM07 is “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.”

7.7.1.9. The Planners report states, in the consideration of flooding, that greater clarity on the submitted drawings would be necessary to confirm beyond doubt that the floor levels within the built development proposed would be above the relevant flood risk level, having regard to the precautionary principle, and whether the achievement of such floor levels would require significant ground works.

7.7.1.10. The Roads Department report does not comment on the SSFRA or flooding other than general requirements that surface water be disposed of within the site, and that the development be designed such that no flooding occur to the development or adjacent sites.

7.7.1.11. I have considered the application drawings in the above regard and with particular regard to reason 3 of refusal of permission. The Existing Site Layout Plan indicates the flood risk zone along with site levels. It is largely following a 2.5m contour, with the lowest FFL of structures being at 4.5m. Further drawings have been submitted with the appeal demonstrating flood extent at 0.1% AEP for both tidal and fluvial scenario, along with numerical detail of water level and proposed finished floor levels.

7.7.1.12. The FRM Guidelines state that the minimum floor levels for new development should be set above the 1 in 100 (1%) river flood level (1 in 200 (.5%) coastal flood level) including an allowance for climate change, with appropriate freeboard. The buildings are not located within Flood Zone A or B, including when a mid-range climate change scenario is considered. While it is not clear why the SSFRA concludes that the finished ground floor levels of the residential units should be constructed to a minimum level of 0.6m above the predictive 0.1%AEP (1 in 1000 year), this is well in excess of the of the recommended 0.35m above the 1 in 100 (1%) river flood level (1 in 200 (.5%) coastal flood level) in the FRM Guidelines. The FFLs achieved also exceed the

recommendations of the SSFRA. I conclude that this is likely due to site topography rather than due to flood risk considerations. Regardless, I consider that any further precaution in terms of FFL is not necessary, that the proposal is not contrary to FRM07 and that refusal of permission is not warranted on this basis.

7.7.1.13. However, I do not consider that the matter of pluvial flooding and possible changes to the hydrological regime within the site have been adequately considered. This is further addressed below.

7.7.2. Pluvial flood risk, surface water and SUDS – New Issue

7.7.2.1. The FRM Guidelines recognise that “inland flooding” can arise from “overland flow (which) occurs when the amount of rainfall exceeds the infiltration capacity of the ground to absorb it.

7.7.2.2. The Guidelines also note “Flooding from artificial drainage systems results when flow entering a system, such as an urban storm water drainage system, exceeds its discharge capacity and the system becomes blocked, and / or cannot discharge due to a high water level in the receiving watercourse. This mostly occurs as a rapid response to intense rainfall. Together with overland flow, it is often known as pluvial flooding.” However, the 2009 Guidelines do not provide any specific guidance on how to manage the specific risks arising from pluvial flood risk in general and urban pluvial flood risk in particular.

7.7.2.3. The SSFRA in Table 1 summarizes the possible flooding mechanisms in consideration of the site. It indicates, in the case of pluvial overland flow, this is not significant. It states “The site is not surrounded by a significantly elevated lands and does not provide an important surface water discharge point to adjacent lands.”

7.7.2.4. I question the accuracy of this statement. It is evident upon sight inspection that the landscape to the south is elevated and sloping towards the site. This is indicated in the contour map (Map 5 Appendix 3 below) which demonstrates

contours of the land rising to the South. The site is wet/saturated in large areas. There is evidence of surface water management interventions on the Old Hospital Road where trickling water was also audible upon my inspection of the site. There is no indication in the Engineering Report of the surface water disposal from surrounding lands has been considered, or that the role of the site in terms of accepting pluvial water has been considered.

- 7.7.2.5. I highlight again that the Carricklawn stream runs through the northwest area of the site and along the northern boundary. This is fed from the southwest. It is logical in terms of the nature of river basins and the presence of a watercourse to conclude that the stream within the site is likely to be accepting (near to surface) groundwater and overland flow from lands within the river basin, particularly given the topography of the landscape.
- 7.7.2.6. The Engineering Report Section 3 accompanying the application sets out the SUDS and Surface Water approach for the proposed development. The approach is based on surface water affecting roads infrastructure within the development. Other impermeable surfaces/buildings have not been considered. Sub-catchments for surface water within the overall site have not been indicated. It does not deal with potential modifications to the hydrological regime of the site, impact on opens spaces, and knock on effects outside the area, for (near to surface) groundwater and overland flow within the site.
- 7.7.2.7. An existing flow route analysis and modified flow route analysis is not contained within this document. There is no indication of a surface water management train. The role of topography in management of rainwater and overland flow routing is important to identify opportunities to store and treat run-off. I consider the SuDS Strategy deficient in the above regard.
- 7.7.2.8. I have considered the likely flow routes based on the topographical survey in the Existing Site Layout plan, the Architectural Site Layout Plan and the Proposed Surface Water Drainage & SuDs Measures Layout drawing. I have also considered the Engineering Report, survey in the Ecological Impact Assessment

Report, the Tree Survey and Landscape Design Report and Masterplan and the proposed Road and Block Levels layout and I note the following:

- The exiting site is greenfield and largely sloping downward southeast to northwest, draining toward the stream in the north of the site. The site slopes significantly in the southern portion. The wider topography rises beyond to south.
- Infiltration testing concludes that the eastern section of the proposed development site is underlain with well drained subsoils, and that discharge of stormwater to ground at these locations would be feasible. The remainder of the site does not present good infiltration potential.
- There are mature hedgerows along the south west (more elevated) site boundary and the northern boundary (particularly the eastern end). There are two significant hedgerows/treelines running through the site. The landscape plan indicates that the two such features (running largely north south through the south) are to be removed to facilitate development and replanted. A 2 m wide footpath is proposed at the northern boundary of the site. Based on site inspection, and in the absence of detailed drawings at an appropriate scale, I fail to see how this can be provided without the removal of the hedgerow and also setback/filling of the ditch/drain, and potentially significant impact on riparian environment. (The matter of provision of a footpath at the southern site boundary on the Old Hospital Road and impact on hedgerow is addressed at 7.10 below).
- The landscape plan and proposed site layout plan depict existing contours within the site. No proposed contours or spot heights are given for the site, other than FFL and road levels, as indicated on the Proposed Road and Block Levels Layout drawing.
- There are minimal section drawings with the application, particularly for a sloping site, and I do not consider that the drawings fully reflect the extent of cut and fill that would be required.
- It is noted that the dwellings nos. 102-110 and 92-98 are stepped, taking account of the slope of the site. It is noted that existing contours are shown

within these rear gardens. Considering the finished floor level to rear/south (using a FFL 2.7m higher than that indicated for front/south on drawings) these contours cannot be considered as proposed ground levels for gardens. There are significant level differences in some gardens, and ground works will be required to provide more level and usable garden areas corresponding to FFL. This would modify the hydrological regime at these locations.

- Retaining walls are indicated at intervals between pairs of the above dwellings. An extensive retaining wall is also provided to the rear south of duplexes. Retaining walls present a barrier to the flow of water, along with structures. These will modify the hydrological regime at these locations.
- The removal of hedgerows results in the removal of natural features which hold water in root systems and foliage. This will increase overland flow within the site.

7.7.2.9. Having regard to the above, in the absence of a modified route flow consideration and diagram, it is not possible to determine where water will flow and accumulate. It is not possible to conclude that pluvial flooding will not arise within the development, or that the change in hydrological regime will not affect surface water disposal in adjacent properties and exacerbate flooding in the area.

7.7.2.10. The SuDS Strategy presents limited source control aspects. The idea of source control is that run-off is managed as close as possible to where rain falls. Permeable paved car parking is proposed. Tree pits are proposed, mainly accepting road surface water. These overflow to the piped network. Filter strips have been proposed in the appeal submission, primarily at the bottom of slopes.

7.7.2.11. The Engineering report states:

- Open ponds/swales were considered but have been discounted due to the topography of the site and the lack of a suitable area.

- Rainwater harvesting tanks. Rainwater harvesting for the development have been technically and economically assessed and are not suitable for the development
- Soakaways. Due to the infrastructure required to facilitate the other SuDS measures, site services and the sloping nature of the site in the region of suitable ground conditions for infiltration, adequate space is not available for effective soakaways.

7.7.2.12. Given the applicant has not presented a modified flow analysis of the site, which would identify areas where water would accumulate and where conveyance is needed, it is difficult to accept that it is an attempt has been made to identify suitable areas for the incorporation of ponds/swales.

7.7.2.13. I see no meaningful consideration of rainwater harvesting; a rainwater butt is not prohibitively expensive or technically complicated. Opportunities for green roofs on apartment buildings do not appear to have been considered.

7.7.2.14. The remark in relation to soakways highlights the sloping nature of the site and the fact that there is limited opportunity for infiltration. This reinforces the fact that water will move (groundwater in upper layers and overland flow) through the site and the flow of this water, beyond that of the road surface, must be considered.

7.7.2.15. Submissions detail flood events on the R730 to the north of the site where the stream is culverted under the road. Correspondence from the local authority on the matter is included in one submission, evidencing flooding in the area and the causes of same. The provisions of the TEDP for this area are again noted: *Attenuation required, further investigation will be required on impact on local streams, rising sea levels and flood risk from River Slaney on low lying lands. Care is required in reviewing role of local stream and any possible impact on the SPA, SAC and NHA.* This highlights the need for a precautionary approach.

7.7.2.16. An attenuation tank is proposed in the northern part of the site. QBar – greenfield run-off rate – is calculated for the site as 35.1l/s. Design calculations

are submitted within Appendix E of the Engineering Report and correlate with points of the surface water network for the road. Design flow is stated to be 35.1 l/s as indicated at the control point.

7.7.2.17. The Surface Water and SuDS layout drawing indicates the discharge from the tank to the existing watercourse at the north of the site. According to CFRAMS mapping, this location is within a High Probability area for both tidal and fluvial flooding – with an Annual Exceedance Probability (AEP) of 10%. That is, High Probability flood events have approximately a 1-in-a-10 chance of occurring or being exceeded in any given year. (These scenarios do not take account of climate change.)

7.7.2.18. The levels at the banks of the stream where the location of the discharge point is indicated on site level to be 1.3OD. The outfall has a Cover Level of 1.4OD and Invert Level of 0.6OD.

7.7.2.19. The SSFRA (p 13-19) sets out extents and depths of flood waters under the predictive current scenario in the area, including at the location of the discharge point, and at nearby node point 12Lawn00006 on the Carricklawn Stream. This does not include climate change factors.

	Fluvial 10% AEP	Fluvial 1% AEP	Fluvial .1%AEP	Tidal 10% AEP	Tidal 5% AEP	Tidal .1%AEP
@ Discharge point (approx)	No map included	0.5m – 1m	0.5- 1m/1- 1.5m	No map included	0.25-0.5m	0.25- 0.1m
@ Nodepoint 12Lawn0000	1.76 OD	1.92 OD	2.09	1.63OD	1.63OD	1.63OD

7.7.2.20. The ability to discharge from attenuation will be affected by all above flood events above. It is not clear that storage is adequate for these events and therefore that the proposed development would not contribute to flooding.

7.7.2.21. In conclusion:

- The site slopes significantly in the upper portion, and is otherwise characterised by low-lying wet ground.

- The Surface Water and SuDS strategy is deficient, as it does not consider existing and modified flows, and surface water run off/movement from areas other than hard surfacing, including that entering from outside the site. Source control is minimal. Conveyance other than the piped network, is not detailed.
- Changes to the hydrological regime are likely (given cut and fill, contouring, retaining walls, structures and removal of hedgerows/treelines) but not discussed. The characteristics of the site including slope and infiltration potential, are disposed towards movement of water near and at the surface. This may lead to pluvial flooding within and near the site.
- It is not clear that the capacity of attenuation tank is sufficient, as volume calculations are based only on surface water from the road network. Attenuation discharge is to a stream, within a flood zone, with a high probability of flooding. This is not addressed in the surface water strategy.
- The deficiencies in the surface water analysis may lead to undermanagement of surface water in terms of volume, conveyance and treatment, undermining surface water quality discharging to the Carricklawn stream. This stream ultimately discharges to the Slaney estuary, therefore potential impacts on European Sites arise.

7.7.2.22. I consider that this constitutes grounds for refusal. As this is a new issue, the Board may wish to seek the views of the parties.

7.8. Traffic, transport and parking

- 7.8.1. The application was accompanied by a Traffic and Transport Assessment. Traffic counts were carried out in May 2023 for morning and evening peak hours, and the Old Hospital Road roundabout junction, Seamus Kelly roundabout junction and junction of Stoney Park Estate with R730. Analysis was carried out for base year (application year) opening year of 2025, 2030 and 2040 (opening year +5 and +15 years respectively). The overall conclusions were that infrastructure was operating well within capacity for all design years. The capacity of the junctions is such that an amendment to omit vehicular connectivity with Stoney Park would, in my opinion, have a negligible impact on the road network.

- 7.8.2. Car parking standards are set out in Table 6-7 of the CDP and are a maximum of 2 per house, 1 per apartment and for the creche 1 space per 4 children plus 1 space per employee. This generates a requirement for 113 spaces for residential units. In terms of the creche, allowing for 30 child spaces, this would require 5.5 spaces, plus 3 for staff. Therefore 122 spaces are required. 147 spaces are shown on the site layout plan. This includes 21 car ports serving dwellings, 6 spaces at future block 1, an existing 4 and additional 3 spaces within Stoney Park, and 20 spaces south of blocks 3 and 4 adjacent the cycle path. The latter 20 spaces do not appear to relate to any specific uses.
- 7.8.3. There is adequate parking to serve the proposed development. In fact there appears to be excessive car parking which, having regard to the requirements of SPPR 3 of the Sustainable Residential Development and Compact Settlements Guidelines and maximum standards of the WCDP, should be reduced. With regard to existing and proposed spaces indicated in Stoney Park, I consider that these should be excluded from calculations, as I am not entirely satisfied that such works have been consented to (see 7.15 below), or that it will, in practical terms, be possible to ensure these spaces are dedicated to the new development. If the Board is minded to grant permission, I consider that a reduction in parking provision and dedicated parking to serve the creche outside of Stoney Park may be addressed by condition.
- 7.8.4. Cycle parking standards are set out in Table 6-10 of the CDP and require 1 private secure bicycle space per bed space and 1 visitor bicycle space per two housing units. Cycle parking for units is acceptable, and is provided in the form of cycle stores in apartment blocks, and individual bike stores or internal storage areas for duplexes. However, visitor cycle parking appears to be within residential cycle stores. I consider that some more readily accessible visitor cycle parking would be desirable. Car and cycle parking also require to be delineated for the creche, allowing for both staff cycle storage and shorter term drop off parking for parents. I consider this may be addressed by condition in the event of a grant of planning permission.

7.8.5. I drove the Old Hospital Road several times at the speed limit, and I did not observe any blind spot, although I acknowledge that this may be reliant on the maintenance of hedgerows. The Old Hospital Road is varied in terms of width and vertical/horizontal alignment with significant inclines/declines. Access to the development is not proposed off of the Old Hospital Road. There is recently constructed higher standard road infrastructure in the vicinity in the form of the inner relief road, capable of accommodating traffic in the area. The management of traffic speeds on the Old Hospital Road, or the encouragement of use by traffic of alternative routes is an operational matter for the local authority.

7.9. Connection with Stoney Park adjacent and location of creche

- 7.9.1. Stoney Park is a small residential development of 18 houses. The circulation area for traffic is tight. Insufficient depth has been allowed for parked cars in front of house numbers 4-7, resulting in overhanging/obstruction of footpaths. The only open space within Stoney Park is located to the western side beside the connection point to the proposed development. I note that this amenity space granted under PL Ref. 20072894 has been reduced through the construction of car-parking for 3/4 cars; this parking area is that referred to in submissions.
- 7.9.2. Third parties have objected to both vehicular permeability from Stoney Park to the proposed development, and filtered permeability (cycle/pedestrian only). In the case of the latter, the concern is increased car movements and turning movements within Stoney Park, relating to creche drop-off/pick up from vehicles travelling from the east to the facility.
- 7.9.3. I agree with the views of third parties and the Planning Authority that the safety of pedestrians, and the safety and usability of existing open space in Stoney Park would be significantly diminished by vehicles accessing the proposed development from Stoney Park. However, I consider that some linkage between Stoney Park and the proposed development would be appropriate and consistent with proper planning. I am of the view that it will make available a significant amenity in terms of open space and play areas to Stoney Park residents, along with walking route options and a childcare facility. I consider a link in the form of

filtered permeability would be appropriate. It will limit additional vehicular traffic movements but allow the benefit of pedestrian/cyclist linkages to Stoney Park residents. This may be addressed by condition in the event of a grant of permission.

7.9.4. I have no objection to the location of the proposed creche. I consider it appropriate in the context of the site constraints presented by the flood zone and levels within the site. I consider it will relate well to the open space/wetland in the northern part of the site. I consider that the location will serve the proposed development along with existing communities to the east and through its location will encourage alternative transport modes to the car.

7.9.5. I do not consider that the perceived nuisance from traffic/parking from this facility outweighs the benefit of the linkages to the proposed development. In this regard I particularly note the small scale of the facility, and the likelihood that the facility will predominantly serve residents of the proposed development, who will access it from within.

7.10. Removal of hedgerow and provision of footpath along site boundary

7.10.1. The report of the Roads department of Wexford County Council seeks the provision of a 2m wide pedestrian footpath 'along the length of boundary between the site and the Old Hospital Road (L-3503)'. The aim here, as written, is not clear, as the boundary of the site is at and along the Old Hospital Road. It appears to relate to the provision of a footpath along the site on the northern side of the Old Hospital Road, which would entail the removal of a notably mature hedgerow/treeline and ditch.

7.10.2. I note Section 6.1.4 Country Roads/Green Routes in the CDP Volume 2 Development Management Standards which relates to routes "typically rural in character at the town fringe, [which] have been altered and provided with a variety of new boundary types, set-backs and splays. Pedestrian facilities are intermittent in places." I believe this description applies to the Old Hospital Road at this location.

7.10.3. Section 6.1.4 Country Roads/Green Routes also states “The overall approach will be to bring greater coherence to the protection and enhancement of the country roads as green routes by retaining as much of their landscape character and biodiversity function and providing for new and improved pedestrian and cycle facilities.”

7.10.4. I note the absence of any detailed consideration of the intervention, or the above policy, in the Roads Department report, or in the Planning report, other than a note in the latter, repeated in the Decision, advising that a future application provide detail on “the likely street scene facing the Old Hospital Road”.

7.10.5. I note that the approach advocated in Volume 2 Section 6.1.4 of the CDP includes the provision of additional pedestrian and cycle facilities behind the retained hedgerow and tree line.

7.10.6. I consider the requirement set out in the Roads Department report to be a crude method of delivering a footpath, which displays no regard for other considerations, i.e. the importance of the hedgerow in terms of

- its biodiversity value,
- its function as a runoff/water management feature,
- its contribution to visual amenity and the character of the area,
- the role of this landscape feature in absorbing the development into the landscape,
- the function of the hedgerow in creating privacy to the rear apartment blocks 2 and 5 and rear gardens of dwellings,
- its historic nature, in terms of age and forming the Stoneybatter townland boundary, and
- the absence of any AA screening of this requirement.

7.10.7. I also note the existence of a footpath on the southern side, and the absence of an access to the development on the Old Hospital Road. I therefore recommend that this requirement not be applied by condition, in the event of a grant of planning permission.

7.11. Connection to Uisce Éireann infrastructure

7.11.1. I accept the Confirmation of Feasibility dated 3rd July 2023 referred to in the appeal and submitted with the application Engineering Report Appendices. I consider that this addresses Reason 4 for refusal. Standard conditions may apply in the event of a grant of planning permission; this includes any requirement in relation to existing infrastructure within the site, and its diversion.

7.11.2. The matter of improving wastewater infrastructure serving surrounding properties in conjunction with the proposed development is beyond the scope of the planning application.

7.12. Design, functionality, building regulation matters

7.12.1. Compliance with the building regulations and the matter of Disabled Access Certificated relate to other legal code. Unless they impact materially on the design/layout of the proposed development, such that they would present a material change – which has not been suggested in this case - they are not considered a relevant to this appeal.

7.12.2. The omission of large sections of painted render on the elevations of blocks 3 and 4 is also sought by the Planning Authority. I have no objection to the proportionality of render to brick finishes on the buildings.

7.12.3. I concur with the views of the Planning Authority regarding adequacy of refuse storage area. This may be addressed by condition in the event of a grant of planning permission.

7.12.4. I note the transitional street elevation between No. 18 Stoney Park and the proposed duplex units 82-91. I consider that that the 2 No. House Type A units at

this location add conspicuous variety at this location. While these two units provide for a more stepped transition in terms of scale/form, I consider that they would benefit from horizontal rooflines and materials consistent with the style of the attached duplexes. This may be addressed by condition in the event of a grant of planning permission.

7.12.5. I note the location of bin and bicycle storage for duplex units on the “upper street”. While I do not object to the materials proposed, I consider that the location of this number of bin openings may detract significantly from visual amenity and street scape at this location, as well as potentially obstruct the footpath, as such stores may fall into disrepair or be left ajar. I note the requirements of Section 4.9 of the 2022 Apartment Guidelines which state “Waste storage areas should not be on the public street, and should not be visible to or accessible by the general public.” This could be revised, by condition, in the event of a grant of planning permission, e.g. the stairs serving as access to upper units could be recessed and the bin stores located off the access path, within the curtilage of the properties.

7.13. Ecology/Biodiversity

7.13.1. The applicant has submitted an Ecological Impact Assessment for the proposed development site. The report outlines the methodology of the report including the scope of assessment, consultation, desktop research and survey. The baseline environment is considered. I summarise the most relevant content below:

- European and designated sites are identified.
- Geology is noted. Subsoils are quartzite till. WFD groundwater status is Good and not at risk. Groundwater vulnerability is classified as moderate.
- Drainage catchments are identified. The Carricklawn stream within the site discharges to the Lower Slaney Estuary, and therefore to the River Slaney SAC and Wexford Harbour and Slobbs SPA
- WFD status, risk status and significant pressures for waterbodies in the vicinity are identified.

- Habitats and their areas are identified. It is noted that the stream in the north of the site is under tidal influence. There was poor diversity of aquatic vegetation and its conservation evaluation was deemed to be of lower value.
- The survey identified one hedgerow and five tree lines of local higher value. The mature tree lines within the site (former field boundaries) and southern and northern roadside boundaries are noted to be very mature.
- The site is an ecological corridor connecting the coastal habitats with the wider agricultural and residential landscape surrounding the town
- No protected or threatened flora species were recorded in the site. Three legally controlled invasive plant species were identified; Himalayan balsam, three-cornered garlic and Japanese knot wood.
- The main faunal interest of the site is associated with the tree lines and scrub on and bordering the site and the semi natural grasslands within the site. Passerine bird species were recorded on the site and there is suitable nesting habitat. Barn owl and kestrel were recorded foraging but not nesting on the site. The study concludes that the site is of high local importance for bird species due to the foraging habitat for two red listed birds the wide range of passerine birds recorded, the diversity of nesting habitat available and the good foraging habitat available.
- Bats were recorded foraging and commuting within the site. Additional bat and barn owl surveys were conducted. No roosts were present on site.
- Habitats were considered suboptimal for otter; there was no evidence of use by otters or badgers.
- Other common mammals are referenced along with amphibians and invertebrate.

7.13.2. Table 6.1 sets out the extent of habitat removal on the site. Of note,

- Approximately 70% of habitat is to be removed and lost to built areas, gardens and amenity areas.

- Approximately one third of the proposed site is to be retained or managed for biodiversity and a third of the wet grassland habitat will be retained and is anticipated to develop as a species rich low meadow grassland.
- The impact on birds is not considered to be significant over the medium terms. Passerine birds will make use of garden and amenity areas. The habitats retained are suitable for habitat specific species and there is significant foraging habitat available along the coast and in the wider agricultural hinterland.
- A slight negative effect on bat species is expected arising from loss of foraging and commuting habitat and also from lighting disturbance but it is not considered to be a significant effect on local conservation of bat species.
- Habitat removal will impact on small mammals, at a moderate negative scale until planting matures and new habitats establish. Small gaps in boundary walls are proposed to maintain connectivity through the site.
- 100% (255m) of internal treelines are to be removed with 180m (70% or original) to be replanted
- 100% (520m) tree line/hedgerow boundary to be retained. (This appears to conflict with the provision of a 2m footpath along the R730.)

7.13.3. Table 10 and Section 7 of the Ecological Impact Assessment sets out impacts, mitigation/enhancement and residual effect. Mitigation includes:

- Appointment of a Project Ecologist
- Landscape design including re-wilding, promoting the development of a flower rich low-growing meadow, replacement planting of internal tree lines, high level tree planting, planting of pollinator shrubs, connectivity between gardens for mammals.
- Lighting design, Bat box scheme, Barn owl nest box, Habitat Monitoring and Management Plan, Protection of tree line/hedgeline to be retained, Re-use of topsoil, Fencing of wetland at northern area of site, Silt control, Pre-cautionary clearance and supervision.

7.13.4. I consider the Ecological Impact Assessment to be thorough and to form reasonable conclusions in relation to impact on the site. However, I consider that the issue of hedgerows and treeline removal (those within the site, running south/north) lack clarity in terms of justification for removal. Given the age/maturity of these features, it would be a significant time before replacement hedgerow would establish to the degree to which it would off the same extent of habitat.

7.14. Archaeological impact

7.14.1. The proposed site is not within the Wexford Town archaeological zone. A desk based Archaeological Impact Assessment Report was submitted with the application, which did not identify archaeological features on the site but noted burnt mounds and other features in the vicinity and recommended pre-development test excavation be undertaken.

7.14.2. A submission by the DHLGH Archaeology Section is noted. It recommends that fieldwork-based AIA be prepared to assess any potential impact on archaeological remains in the area of the proposed development, and that this be submitted as Further Information. The report of the Planning Authority notes and concurs with this request.

7.14.3. The applicants appeal includes a report on the archaeological test excavation of the site dated 7/12/2023 (which did not form part of the planning application), under licence. The report is based on the excavation of 11 test trenches in areas that would be directly impact by construction. The report includes photographs and details of each trench. It concludes that test excavation conducted on 30th November and 1st December 2023 identified no structure, features, deposits or anomalies but concluded that the possibility of remains on site exists, and considered archaeological monitoring to groundworks to be appropriate.

7.14.4. I accept the findings of this report and consider that such monitoring may be addressed by condition in the event of a grant of planning permission.

7.15. Ownership, site boundaries and boundary treatment

The application form states that the applicant is owner. It also states that part of the site is in the ownership of Wexford County Council. No map has been provided indicating the area to which this relates. It is likely that this is the area of the site to the northwest, resulting from the development of roads/roundabout infrastructure serving the site. It is not clear if the ownership/consent of Wexford County Council submitted with the application is intended to extend to the protruding area of parking to east within Stoney Park.

While third parties dispute ownership of the portion of the site within the existing Stoney Park, no evidence has been submitted by these parties to counter the ownership claim. The area of the site protruding into existing Stoney Park is outside the folio of the development site on landdirect.ie. I note on Wexford County Council's website that Stoney Park is listed as having been taken in charge in 2021.

The overall development is not dependent on the inclusion of these lands, or on providing parking within the Stoney Park estate (see 7.8.3 above). Therefore, I am satisfied that lack of detail does not preclude permission for the development being granted. In carrying out of development, the provisions of Section 34 (13) of the Act must be relied upon.

7.16. Procedural matters (site notice, LRD approach)

- 7.16.1. There is nothing in legislation to preclude an applicant splitting a development and submitting it as more than one application. I do not consider that this has had a bearing on the consideration of the merits of the application.
- 7.16.2. The site notice contained a brief description of the proposed development, consistent with that of the public notice. While the description does not specifically mention the connection to Stoney Park, it does refer to site works. The notice was conspicuously fixed on the wall within Stoney Park. I note that the site notice was deemed acceptable by the Planning Authority and that this matter did not prevent the concerned parties from making a submission in relation to this aspect of the proposal.

8.0 Appropriate Assessment

8.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site

8.2. Compliance with Article 6(3) of the EU Habitats Directive

8.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

8.2.2. The proposed development at Park, Stoneybatter, is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

8.3. Screening the need for Appropriate Assessment

8.3.1. I have considered the proposed development of 92 dwelling units, a childcare facility, parking, open parkland area, access roads and ancillary works at Park, Stoneybatter, Wexford, in light of the requirements of S177U of the Planning and Development Act 2000 as amended. See Appendix 2.

8.4. Screening Determination

8.4.1. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development of 92 dwelling units, a childcare facility, parking, open parkland area, access roads and ancillary works, individually or combination with other plans or projects, will have a significant effect on the following European Sites: Slaney River Valley SAC, Wexford Harbour and Slobbs SPA, Raven Point Nature Reserve SAC and the Raven SPA. sites from

(i) potential impacts from surface water (increased run-off, sedimentation and contamination) during construction and operation and

(ii) the spread of invasive species during construction.

An appropriate assessment is required on the basis of the effects of the project 'alone'.

8.4.2. The possibility of significant effects on other European sites has been excluded on the basis of objective information. The following European sites have been screened out for the need for appropriate assessment: Long Bank SAC, Blackwater Bank SAC, Carnsore Point SAC, Tacumshin Lake SAC, Tacumshin Lake SPA, Lady's Island Lake SAC, Lady's Island Lake SPA, Screen Hills SAC.

8.4.3. Measures intended to reduce of impact of significant effects have not been considered in the screening process.

8.5. The Natura Impact Statement

8.5.1. The application included a NIS "Appropriate Assessment Screening and Natura Impact Statement Report" dated December 2023 which examines and assesses potential adverse effects of the proposed development on the following European Sites.

- Slaney River Valley SAC,
- Wexford Harbour and Slobbs SPA,

- Raven Point Nature Reserve SAC,
- The Raven SPA.

8.5.2. The report was prepared by Deborah D’Arcy Ecologist with contributions from Micheal O’Clery, Harm Deenan, and Edward Morris. The report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The screening is supported by associated reports, including desktop research, ecological field surveys, bat survey, bird survey and otter survey. An overview of the proposed development is given, with details of services, SuDS/Stormwater Drainage, Water Supply, Wastewater Drainage, Lighting, Landscaping, Construction Programme and Management, Waste Management, Flood Risk. An Ecological Impact Statement and Construction and Environmental Management Plan are also included in the documentation.

8.5.3. The applicants NIS concluded that “with the implementation of the mitigation measures included in Section 9 of this Natura Impact Statement report the proposed development is not likely to have significant direct, indirect or cumulative adverse effect on the conservation objectives or integrity of the Slaney River Valley SAC, the Raven Point Nature Reserve, the Wexford Harbour and Slobbs SPA or The Raven SPA or any other European Site”.

8.5.4. The application was referred to the Department of Housing, Local Government and Heritage. No submission was received.

8.5.5. Having reviewed the documents, I am not satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the following European sites alone, or in combination with, other plans and projects. This is because potential changes to the hydrological regime within the site, and consequent impact on surface water volume and quality during operation, have not been fully considered.

8.6. Appropriate Assessment of implications of the proposed development

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the Slaney River Valley SAC, the Raven Point Nature Reserve, the Wexford Harbour and Sloba SPA and The Raven SPA using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

8.6.1. I have relied on the following guidance:

- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009);
- Assessment of plans and projects significantly affecting Natura 2000 sites.
- Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002);
- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011);
- Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

8.6.2. A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS and summarised in the tables of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

8.6.3. The main aspects of the proposed development that could adversely affect the conservation objectives of European sites are (i) potential impacts from surface water (increased run-off, sedimentation and contamination) during construction and operation and (ii) the spread of invasive species during construction

8.6.4. Construction stage impacts

- **Surface water:** At construction stage, there is potential for contamination of surface water runoff/groundwater. This arises from transfer of pollutants such as hydrocarbons, cement residue etc., from materials and machinery on site, and sediments from excavation on site. Contamination and sedimentation reduce water quality.
- **Spread of invasive species:** Invasive species colonise and dominate, crowding out native species, thus resulting in loss of terrestrial habitat, and loss of biodiversity, impacting on species that use those habitats. Invasive species can cause soil erosion on riverbanks leading to releasing nutrient-rich sediment to waters and affecting water quality.

8.6.5. Operation stage impacts

- **Surface water:** At operation stage, there is potential for contamination of surface water runoff/groundwater from the built development. This arises mainly from transfer of pollutants such as hydrocarbons, from roads/ parking areas.

Changes in the hydrological regime of the site (due to foundations, cut and fill, retaining walls, site contouring, hedgerow/bank removal) may also lead to uncontrolled/unattenuated surface water drainage with impact on surface water. I consider that the volume of surface water is unlikely to affect European Sites through velocity/erosion, due to distance to site and volume of waters. Therefore, the main potential impact on surface water quality arising from changes to the hydrological regime of the site, is through unattenuated/untreated water.

8.6.5.1. Slaney River Valley SAC

Qualifying Interest Conservation objective (summary)	Could the conservation objectives be undermined (Y/N)? (i) Surface water	Could the conservation objectives be undermined (Y/N)? (ii) Invasive species
To maintain favourable conservation condition M To restore favourable conservation condition R		
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] *	No. Upstream, freshwater species and too distant	No. Upstream, freshwater species and too distant
Petromyzon marinus (Sea Lamprey) [1095] R	Yes. If water quality affected.	Yes. If water quality affected.
Lampetra planeri (Brook Lamprey) [1096] R	No. Upstream, freshwater species and too distant	No. Upstream, freshwater species and too distant

Lampetra fluviatilis (River Lamprey) R [1099]	Yes. If water quality affected.	Yes. If water quality affected.
Alosa fallax (Twaite Shad) [1103] R	Yes. If water quality affected.	Yes. If water quality affected.
Salmo salar (Salmon) [1106] R	Yes. If water quality affected.	Yes. If water quality affected.
Lutra lutra (Otter) [1355] R	Yes. If water quality and terrestrial habitat affected.	Yes. If water quality and terrestrial habitat affected.
Phoca vitulina (Harbour Seal) [1365] M	No, given distance to breeding/moulting/resting locations	No, given distance to breeding/moulting/resting locations
Estuaries [1130] M	Yes if water quality affected	Unclear. Unlikely as invasive species are terrestrial but could be yes if water quality affected
Mudflats and sandflats not covered by seawater at low tide [1140] M	As above	As above
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation (Floating river vegetation) [3260] M	As above	As above
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] R	No. Too distant.	No. Too distant.
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] R	Yes. (Note, referenced in text p57 of NIS, but not in table.)	Yes. (Note, referenced in text p57 of NIS, but not in table.)
[1330] Atlantic salt meadows (Glaucopuccinellietalia maritima)	Yes.	Yes.

8.6.5.2. Wexford Harbour & Slob SPA

Qualifying Interest Conservation objective (summary) To maintain favourable conservation condition M To restore favourable conservation condition R	Could the conservation objectives be undermined (Y/N)? (i) Surface water	Could the conservation objectives be undermined (Y/N)? (ii) Invasive species
A004 Little Grebe Tachybaptus ruficollis wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A005 Great Crested Grebe Podiceps cristatus wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A017 Cormorant Phalacrocorax carbo wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A028 Grey Heron Ardea cinerea wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A037 Bewick's Swan Cygnus columbianus wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A038 Whooper Swan Cygnus cygnus wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.

A046 Light-bellied Brent Goose <i>Branta bernicla hrota</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A048 Shelduck <i>Tadorna tadorna</i> wintering M A052	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A050 Wigeon <i>Anas penelope</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
Teal <i>Anas crecca</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A054 Pintail <i>Anas acuta</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A062 Scaup <i>Aythya marila</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A067 Goldeneye <i>Bucephala clangula</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A069 Red-breasted Merganser <i>Mergus serrator</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A082 Hen Harrier <i>Circus cyaneus</i> post-breeding/roost M BOP	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A125 Coot <i>Fulica atra</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A140 Golden Plover <i>Pluvialis apricaria</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A141 Grey Plover <i>Pluvialis squatarola</i> wintering M162	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A142 Lapwing <i>Vanellus vanellus</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A143 Knot <i>Calidris canutus</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A144 Sanderling <i>Calidris alba</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A149 Dunlin <i>Calidris alpina</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A156 Black-tailed Godwit <i>Limosa limosa</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A157 Bar-tailed Godwit <i>Limosa lapponica</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A160 Curlew <i>Numenius</i> M wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.

A162 Redshank <i>Tringa</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A179 Black-headed Gull <i>Chroicocephalus ridibundus</i> wintering	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A183 Lesser Black-backed Gull <i>Larus fuscus</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A195 Little Tern <i>Sterna albifrons</i> breeding M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A395 Greenland White-fronted goose <i>albifrons flavirostris</i> wintering M	Yes. If water quality/habitat affected.	Yes. If water quality/habitat affected.
A999 Wetlands M	Yes, if water quality/community types affected.	Yes, if water quality/community types affected.

8.6.5.3. Raven Point Nature Reserve SAC

Qualifying Interest Conservation objective (summary) To maintain favourable conservation condition M To restore favourable conservation condition R	Could the conservation objectives be undermined (Y/N)? (i) Surface water	Could the conservation objectives be undermined (Y/N)? (ii) Invasive species
1140 Mudflats and sandflats not covered by seawater at low tide M	No. Distance would dilute water quality effects	Unclear. Unlikely as invasive species are terrestrial but could be yes if water quality affected
1210 Annual vegetation of drift lines M	No. Distance would dilute water quality effects	Yes.
1330 Atlantic salt meadows M	No. Distance would dilute water quality effects	Yes.
2110 Embryonic shifting dunes R	No. Distance would dilute water quality effects	Yes.
2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') R	No. Distance would dilute water quality effects	Yes.
2130 *Fixed coastal dunes with herbaceous vegetation ('grey dunes') R	No. Distance would dilute water quality effects	Yes.
2170 Dunes with <i>Salix repens</i> ssp. <i>argentea</i> M	No. Distance would dilute water quality effects	Yes.
2190 Humid dune slacks R	No. Distance would dilute water quality effects	Yes.

8.6.5.4. The Raven SPA

Qualifying Interest Conservation objective (summary) To maintain favourable conservation condition M To restore favourable conservation condition R	Could the conservation objectives be undermined (Y/N)? (i) Surface water	Could the conservation objectives be undermined (Y/N)? (i) Invasive species
A001 Red-throated Diver <i>Gavia stellata</i> wintering M	No. Distance would dilute water quality effects	Yes if habitat affected by invasive species other than through water quality.
A017 Cormorant <i>Phalacrocorax carbo</i> wintering M	No. Distance would dilute water quality effects	Yes if habitat affected by invasive species other than through water quality.
A065 Common Scoter <i>Melanitta nigra</i> wintering M	No. Distance would dilute water quality effects	Yes if habitat affected by invasive species other than through water quality.
A141 Grey Plover <i>Pluvialis squatarola</i> wintering M	No. Distance would dilute water quality effects	Yes if habitat affected by invasive species other than through water quality.
A144 Sanderling <i>Calidris alba</i> wintering	No. Distance would dilute water quality effects	Yes if habitat affected by invasive species other than through water quality.
A395 Greenland White-fronted goose <i>Anser albifrons flavirostris</i> wintering M	No. Distance would dilute water quality effects	Yes if habitat affected by invasive species other than through water quality.
A999 Wetlands M	No. Distance would dilute water quality effects	Yes if habitat affected by invasive species other than through water quality.

8.6.6. As set out in the Screening Report and Determination (Appendix 2) and above, the main aspects of the proposed development that could adversely affect the conservation objectives of European sites are impacts on water quality and wetland habitat. Any loss of habitat, reduction in quality, and impacts on water quality could have knock-on impacts on species which rely on same. Therefore significant effects to the European Sites above cannot be ruled out.

8.6.7. Mitigation

Section 9 of the NIS submitted sets out mitigation:

8.6.7.1. Mitigation by design is proposed through the surface water drainage system which it is stated includes Sustainable Urban Drainage Systems (SuDS) and Nature Based Solutions (NBS). The NIS states interception storage (to prevent

pollutants or sediments discharging into watercourses) will be provided for the surface water at source interception by the permeable paving, tree pits and the isolation row of the attenuation tank. The volume of interception required is based on 5-10mm of rainfall depth from 80% of the runoff from impermeable areas.

The gullies in the road will discharge directly to the storm water network in the road, along with surface water from the roofs of the proposed units. The surface water network discharges to an underground attenuation tank (320m³ volume) and is then discharged via a hydro-brake flow control device to limit the runoff to the greenfield rate, and petrol interceptor before discharging to the existing watercourse. Therefore, no negative effect on the water quality or significant change to the tidal hydrological regime is anticipated as a result of the surface water drainage from the site.

- 8.6.7.2. Construction stage mitigation is proposed, to be overseen by a Project Ecologist/Ecological Clerk of Works. Best practice construction site management and pollution prevention measures are required to be implemented during the construction phase to minimise the risk of and sediment run off to the Carricklawn stream or to the public drainage network. Specific protective measures are included in the Construction Environmental Management Plan (CEMP).

These include: Appropriate location of construction activities, compliance with relevant construction industry guidance, robust fencing, silt control mechanisms, excavation only at appropriate times, consideration of weather conditions, plant and wheel washing, soil storage measures, precautions around oil and other construction related chemicals, controls around concrete and cement, incident response plans, dust mitigation, waste management wastewater drainage.

- 8.6.7.3. Invasive Species mitigation is proposed in the form of an Invasive Species Management Plan. It is noted that there is a legal requirement for the management of invasive species, outside of the planning process.

An outline plan was submitted with the planning application outlining options for the control and eradication of invasive plant species on the site. A detailed Construction Stage Invasive Species Management Plan including bio security measures will be prepared and implemented. The plan will have cognisance of the connectivity to the European sites. Biosecurity measures will include exclusion zones, fencing, signage, disinfectant stations, designated routes, record-keeping, toolbox talks. Herbicide application will be carried out by suitably qualified contractors in compliance with legislation.

Appropriate wildlife licenses will be obtained for the removal and transportation of Third Schedule invasive species. The plan will also include for control and eradication of other invasive species not listed on the Third Schedule or subject to legal control. Vegetation cleared from the site will be disposed of to an appropriate landfill or composting facility. Soil will be removed under license of the Waste Management Act and relevant regulations. Any soil reused on site will be monitored for the occurrence of invasive plants species with follow-up treatment.

8.6.7.4. Conclusions of NIS on Mitigation

- The NIS states that the pre-mitigation risk of potential significant effects arising from this proposed development are considered to be low, given the location of the proposed development site at a minimum distance of 235m from the nearest European site boundary, the carrying capacity of the small stream and the presence of the reed swamp along the course of the Carricklawn stream prior to discharge to the designated sites. It states that given the nature of the development, the standard construction methodologies involved and the commitment to implementation of the CEMP and WMP that the risk of a significant pollution or sediment event arising from the development is very low.
- It concludes that the mitigation measures both included in the design of the development and the proposed mitigation measures are sufficient to reduce the risk of any significant effect alone or in combination with other plans and projects to a negligible risk.

- With the implementation of the Invasive Species Management Plan and the appropriate disposal of soils and vegetation removed from the site, the NIS considers that there is no significant residual risk of the spread of invasive plant species associated with the construction of the proposed development to any European site.

8.6.7.5. Efficacy of Mitigation Measures.

- I note with regard to mitigation by design that the proposed development has been designed to avoid the flood risk zone and riparian corridor associated with the Carricklawn stream, which is appropriate.

I note some discrepancies in relation to the northern boundary of the site where the stream is located, and a 2m wide footpath is proposed. This is indicated on the proposed site layout plan within the red site boundary. In the absence of detailed drawings at an appropriate scale I fail to see how this footpath can be provided without impacting on parts of the riparian corridor associated with the stream. The NIS states on page 15 that the northern roadside treeline (not indicated on the landscape plan) is understood to be outside the red line boundary and will not be affected by the works other than to provide the pedestrian walkway link to the footpath).

- More significantly, in terms of mitigation by design, I note the reliance on the surface water drainage system and the inclusion of Sustainable Urban Drainage Systems (SuDS) and Nature Based Solutions (NBS). I consider that there are deficiencies in the Surface Water and SuDS Strategy which form part of the application, as detailed in section 7.7.2.7 to 7.7.2.18 above, i.e;
 - The Surface Water and SuDS strategy does not consider existing and modified flows. Modified flows and changes to the hydrological regime are likely given cut and fill, contouring, retaining walls, structures and removal of hedgerows /treelines.
 - Source control is minimal.
 - Conveyance other than the piped network, is not detailed.

- Surface water run off/movement from areas other than hard surfacing, including that entering from outside the site is not considered.
- It is not clear that the volume of attenuation is sufficient and will adequately cater for storage failing discharge in flooding scenarios, or that the capacity for treatment described in Section 9.1 of the NIS is sufficient.

I therefore conclude that mitigation by design is not robust.

- I consider that mitigation during construction is acceptable and reflects standard Best Practice Construction Methods.
- I consider that mitigation of the spread of alien invasive species is acceptable and note that this is a requirement under other legislation.

8.6.7.6. Conclusion

The deficiencies in the Surface Water and SuDs strategy could lead to undermanagement of surface water, undermining surface water quality discharging to the Carricklawn stream. This stream ultimately discharges to the Slaney estuary, therefore potential effects on European Sites have not been adequately mitigated against.

8.6.8. In combination effects with other plans and projects and activities

8.6.8.1. The AA Screening and Natural Impact Statement Report submitted with the application considers potential for in-combination effects on waterbodies within the vicinity of the proposed development. It notes that the Lower Slaney Estuary waterbody has 'Poor' Ecological Status and is at risk of not achieving its objective under the water framework directive. Significant pressures identified are agriculture and urban waste water pressure. The proposed development would discharge to the Wexford Town WWTP (D0030-02) which discharges to the transitional waters of the Lower Slaney Estuary.

8.6.8.2. The proposed development site lies within the urban wastewater agglomeration Wexford town (D0030) which has a PE of 31883. The Wexford Town WWTP (D0030-02) a plant capacity PE of 45,000

8.6.8.3. Irish Water is obliged to have regard to Habitats and Birds Directives and wastewater discharges to the environment must be in accordance with licence conditions from the EPA. I note that Confirmation of Feasibility has been received from Irish Water and that there is capacity in the Irish Water infrastructure for the development. The NIS states that the Irish Water Annual Environmental Report 2022 (most recent for this WWTP) indicates that the WWTP is in compliance with the emissions limit values (ELVs) of the Wastewater Discharge License of the development with the discharge of the WWTP in Wexford.

8.6.8.4. Considering the above capacity within the WWTP, the legal requirement to comply with licence conditions and the absence of any indication of performance issues, I do not consider that the proposed development, in combination with the WWTP activity, would have an increased effect on the European sites through water quality impact.

8.6.9. 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 or the Wexford Harbour and 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.

8.6.10. **Appropriate Assessment Conclusion**

8.6.10.1. The proposed development of 92 dwelling units, a childcare facility, parking, open parkland area, access roads and ancillary works has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

8.6.10.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that

- (i) the proposed development may, through construction and operation impacts on water quality, have a significant effect on the Slaney River Valley SAC and the Wexford Harbour and Slobbs SPA, and
- (ii) the proposed development may, through spread of invasive species, have a significant effect on Slaney River Valley SAC, the Wexford Harbour and Slobbs SPA, the Raven Point Nature Reserve, the Wexford Harbour and Slobbs SPA.

Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites, in light of their conservation objectives.

8.6.10.3. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, and in light of the assessment carried out above, I am not satisfied that the proposed development individually, or in combination with other plans or projects, would not adversely affect the integrity of European site(s) Nos. 000781 Slaney River Valley SAC and 004076 Wexford Harbour and Slobbs SPA, in view of the sites' Conservation Objectives. In such circumstances the Board is precluded from granting approval/permission.

This conclusion is based on the following:

The deficiencies in the surface water and SuDS strategy within the proposed development, and consequent risk to surface water quality discharging to the Carricklawn scheme which is a hydrological connection to these proximate European Sites.

9.0 Conclusion

Having regard to the decision of the Planning Authority to refuse permission for the proposed development, and the contents of the appeal and third party observations, I am satisfied that the proposed development is acceptable in principle, and presents an appropriate housing mix, density and design, and would not be at risk of fluvial flooding.

I consider that the vehicular connection to Stoney Park should be omitted, and that this, along with some minor design issues, may be addressed by condition in the event of a grant of planning permission.

However, I consider that the surface water and SuDS strategy for the development is deficient and creates potential for pluvial flooding, within and outside the site, in an area with a history of flooding.

Objective FRM14 of the CDP requires the use of sustainable drainage and nature-based techniques 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 SWM01 requires 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.

Objective WQ15 is 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.

See section 5.2 for full text of objectives. The proposed development does not satisfy the above objectives. Potential for impacts on surface water quality is also at a location where there is a hydrological connection to European Sites.

Note: Surface water drainage is a New Issue.

10.0 Recommendation

In the absence of further information and technical detail on this matter, I consider that permission should be refused for the reasons and considerations set out below.

11.0 Reasons and Considerations

1. The proposed development is in an area which is at risk of flooding. Having regard to the deficiencies in the Surface Water and SuDS Strategy which form part of the application, in particular the failure to consider the changes to the hydrological regime of the site which will result from the proposed development, and failure to consider overland run-off other than from surfaced road areas, 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, would seriously injure the amenities of property both within the proposed development and in the vicinity, and would be prejudicial to public health.
2. Having regard to the deficiencies in the Surface Water and SuDS strategy which form part of the application, it is considered that the applicant has failed to demonstrate that the proposed development will not have a significant negative impact on the quality of water within the Carricklawn stream, which is a hydrological link with Slaney River Valley SAC and the Wexford Harbour and Slobbs SPA. As it has not been determined that the proposed development would not have a significant adverse effect on these European Sites, the proposed development would materially contravene objectives NH04 and NH08 of the Wexford County Development Plan 2022-2028 and be contrary to 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.

Bébhinn O'Shea
Senior Planning Inspector

27th November 2024

Appendix 1A - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	319317-24		
Proposed Development Summary	Construction of 92 residential units comprising 71 apartments and 21 houses, childcare facility and all associated site works.		
Development Address	Site located between R730 and Old Hospital Road, at Park & Stoney batter, 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	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		Class.....	EIA Mandatory EIAR required
No	√		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Conclusion
No		N/A	No EIAR or Preliminary Examination required
Yes	√	Schedule 2 Part B Class 10 (b) (1) construction of more than 500 dwelling units Class 10 (b) (4) Urban development, area >10 hectares in the case of other parts of a built-up area	Proceed to Q.4

4. Has Schedule 7A information been submitted?		
No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 1B – Form 2
EIA Preliminary Examination
[EIAR not submitted]

An Bord Pleanála Case Reference	319317-24	
Proposed Development Summary	Construction of 92 residential units comprising 71 apartments and 21 houses, childcare facility and all associated site works.	
Development Address	Site located between R730 and Old Hospital Road, at Park & Stonybatter, Wexford	
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. This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.		
	Examination	Yes/No/ Uncertain
Nature of the Development. Is the nature of the proposed development exceptional in the context of the existing environment. Will the development result in the production of any significant waste, emissions or pollutants?	 The nature of the proposed development is not exceptional in the context of the established urban character of the wider area. Not other than those typical of construction activity. The development will generate soil waste in terms of cut material not re-used on site totaling approximately 11000 tons, to be removed from site in accordance with waste management legislation. This is not considered significant.	 No No.
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment?	The proposed development is for 92 dwelling units plus childcare facility, on a site of c. 3.17 hec, in a Level 1 Key town with a population of 21,524 (2022) and with a housing unit allocation of 652 up to 2027 under the CDP. It is adjacent the existing urban footprint along the R730, with significant roads infrastructure, office development and a hospital in the vicinity to south, and further	No

Are there significant cumulative considerations having regard to other existing and / or permitted projects?	<p>suburban development outward along the R769 to south west. The size is not considered exceptional in this context.</p> <p>Permission for 22 units on the site immediate to west and future construction of Block 1 of the proposed scheme are noted.</p> <p>I also note the grant of permission for SHD development of 413 no. residential units and childcare facility in Dec 2020 and childcare facility c. 0.5 km to north, having been subject to EIA.</p> <p>However, given the relatively low level of recent activity in the immediate area and the scale of developments proposed, it is unlikely that any potential impact would be so significant as to warrant the need for EIA in itself.</p>	
<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?</p>	<p>While not on in or adjoining an ecologically significant site, the proposed development site contains a portion of lands at the north with ecological value and the site is in proximity to European sites..</p> <p>Appropriate Assessment has been undertaken and an Ecological Impact Assessment prepared. While in terms of AA significant impacts have not been ruled out, it is considered that these would be localised effects. See Section 8.0 above.</p> <p>There are no protected structures or archaeological features in the vicinity.</p>	No
<p>Conclusion</p> <p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Appendix 2 AA Screening Determination

Screening for Appropriate Assessment Screening Determination

I have considered the proposed development of 92 units and childcare facility at Park, Stoneybatter, Wexford, in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

Description of Development

The subject site is located in the northwestern area of Wexford town, on the southern side of the Slaney River. The proposed development comprises 92 dwelling units, a childcare facility, parking, open parkland area, access roads and ancillary works, on a site of c. 3.17 hectares within an urban area. The proposed development has regard to a flood risk area within the site and there is a waterbody within, the Carricklawn stream which ultimately discharges to Lower Slaney Estuary to north.

Consultations and Submissions

The application was referred to the Department of Housing, Local Government & Heritage. No submission was received.

European Sites

4 European sites are located within a potential zone of influence of the proposed development. These are set out below:

Conservation objectives:

To maintain favourable conservation condition **M**

To restore favourable conservation condition **R**

* CO under review

European Site	Qualifying Interests (summary)	Distance	Connections
Slaney River Valley SAC Site code 000781	1029 Freshwater Pearl Mussel * 1095 Sea Lamprey R 1096 Brook Lamprey R 1099 River Lamprey R 1103 Twaite Shad R 1106 Atlantic Salmon (only in fresh water) R 1130 Estuaries M 1140 Mudflats and sandflats not covered by seawater at low tide M 1355 Otter R 1365 Harbour Seal M 3260 Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion M	c.0.3 km at nearest point	Yes, proximity and surface water via Carricklawn stream which ultimately discharges to Lower Slaney Estuary/Wexford Harbour where the European Site is located.

	91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles R 91E0 * Alluvial forests with Alnus glutinosa and Fraxinus excelsior R		
Wexford Harbour & Slobbs SPA Site code 004076	Wintering waterbirds: (A004 Little Grebe M , A005 Great Crested Grebe M , A017 Cormorant M , A028 Grey Heron M , A037 Bewick's Swan M , A038 Whooper Swan M , A046 Light-bellied Brent Goose M , A048 Shelduck M , A050 Wigeon M , A052 Teal M , A054 Pintail M , A062 Scaup M , A067 Goldeneye M , A069 Red-breasted Merganser M , A125 Coot M , A140 Golden Plover M , A141 Grey Plover M , A142 Lapwing M , A143 Knot Calidris M , A144 Sanderling M , A149 Dunlin, A156 Black-tailed Godwit M , A157 Bar-tailed Godwit M , A160 Curlew M , A162 Redshank M , A179 Black-headed Gull M , A183 Lesser Black-backed Gull M , A395 Greenland White-fronted goose M) A195 Little Tern breeding M A082 Hen Harrier post-breeding/roost M A999 Wetlands M	c.0.3 km at nearest point	Yes, proximity and surface water via Carricklawn stream which ultimately discharges to Lower Slaney Estuary/Wexford Harbour where the European Site is located.
The Raven SPA Site code 004019	A001 Red-throated Diver Gavia stellata wintering M A017 Cormorant Phalacrocorax carbo wintering M A065 Common Scoter Melanitta nigra wintering M A141 Grey Plover Pluvialis squatarola wintering M A144 Sanderling Calidris alba wintering	c. 7km at nearest point	Yes, surface water via Carricklawn stream which ultimately discharges to Lower Slaney Estuary/Wexford Harbour near where the

	A395 Greenland White-fronted goose <i>Anser albifrons flavirostris</i> wintering M A999 Wetlands M		European Site is located.
Raven Point Nature Reserve SAC Site code 000710	1140 Mudflats and sandflats not covered by seawater at low tide M 1210 Annual vegetation of drift lines M 1330 Atlantic salt meadows M 2110 Embryonic shifting dunes R 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ('white dunes') R 2130 *Fixed coastal dunes with herbaceous vegetation ('grey dunes') R 2170 Dunes with <i>Salix repens</i> ssp. <i>argentea</i> M 2190 Humid dune slacks R	c. 7km at nearest point	Yes, surface water via Carricklawn stream which ultimately discharges to Lower Slaney Estuary/Wexford Harbour near where the European Site is located.

I note that the applicant considered a further 8 sites within 15km including

- Long Bank SAC,
- Blackwater Bank SAC,
- Carnsore Point SAC,
- Tacumshin Lough SAC,
- Tacumshin Lake SPA,
- Lady's Island Lake SAC,
- Lady's Island Lake SPA,
- Screen Hills SAC,

but these are ruled out for further examination due to distance and lack of/weak ecological connections.

Likely Impacts of the project.

The proposal will not result in any direct effects on the SACs or SPAs. However, due to the nature of the development and proximity/connections to the European sites, potential impacts may arise as follows

Construction

- Habitat impact

A - Vegetation clearance for the construction of structures, and to provide areas for storage of materials and access to site during construction, causing habitat loss (outside the European Site) and potentially impacting on habitat.

B - Construction activities causing visual, noise, lighting disturbance of foraging and roosting activities.

- Water quality

C - Possible sediment release into the stream during excavations, earthworks, landscaping into the watercourse within the site.

D – Potential for contaminated run off e.g. hydrocarbons, cement residues during construction.

- Invasive species

E - Potential for spread of invasive plant species and non-native species to sensitive habitats as three invasive species recorded on site.

Operation

- Habitat impact

F - Visual, noise, lighting disturbance from people, vehicles, activities occupying the development.

- Water quality

G - Potential for pollution from contaminated surface water run off or increased surface water run-off from the operational development. (Includes changes in the hydrological regime of the site due to foundations, cut and fill, retaining walls, site contouring, hedgerow/bank removal.)

H - Potential for pollution from Wexford Wastewater Treatment Plant, to which the operational development will connect.

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

1.Habitat loss and disturbance.

- The proposed development will not result in direct loss of habitat. The characteristics of the site including undulating enclosed nature, presence of adjacent development, type of grassland present are not considered suitable for the wintering waterbirds therefore I do not consider significant loss of ex situ habitat occurs.
- I consider the proposed development site is sufficiently removed from European Sites to avoid impact on wintering birds in terms of noise, lighting and visual sources.
- The Hen Harrier is a qualifying interest of the Slaney River Valley SAC. The AA Screening report notes that the development site is within foraging range of the Hen Harrier and that it is possible the hen harrier may forage on the site. It is stated that the loss of the site as potential foraging habitat is not considered significant in the context of wider availability of suitable foraging habitat in the hinterland. In this regard I do not consider the effect on the SPA in terms of Hen Harrier conservation objectives likely to be significant.
- The Little Tern is a qualifying interest of the Slaney River Valley SAC in terms of breeding. I note there is no ex situ breeding habitat within the site suitable for Little Tern which breed on coastal shingle banks or sand banks.
- Otter are a qualifying interest of the Slaney River Valley SAC with a Conservation Objective to restore favourable conservation conditions. The

ecological report notes no sign of otter within the development site. Records of otter within 1km of the development site are centered around Castlebridge and the Slaney Estuary and shows none on Carrickalwn stream (within and at northern boundary of the development site). This is largely attributable to the stream being culverted under the road, and the limited fishery value upstream, therefore lack of habitat to attract otters away from the coastal habitat. It is stated that the retention of an undisturbed buffer of 10m along the Carrickalawn stream will maintain suitable riparian habitat for otter.

It is stated that otter may use the reed swamp to the north of the site. A tree lined road separates the development site from the reed swamp. I consider that any potential disturbance will not exceed that currently created by the presence of the road.

- Therefore I consider that it is unlikely that there would be significant effects on otter habitat such that it would significantly effect the European site and its qualifying interests, or impede/delay its restoration.

2. Water quality

- There is a risk of sediment release into watercourse and contaminated run-off during construction. This is unlikely to have an impact on Raven Point Nature Reserve SAC and the Raven SPA due to their significant distance from the site. However, given the proximity of the site to the Slaney River Valley SAC and Wexford Harbour and Slobbs SPA impacts cannot be ruled out.
- At operational stage, it is likely the hydrological regime of the site will be changed, leading to potential changes in the direction of flow/velocity. This, along with normal potential for contaminated/increased surface water run-off from the operational development, has potential to affect surface water quality.
- The findings of the SSFRA, also noted by the applicant in the AA Screening and NIS statement, conclude that there was no risk of pluvial flooding, there will be no significant change in the hydrological regime and negligible displacement of floodwaters (p22/23) However, I do not consider that the application has sufficiently considered the changes to the hydrological regime within the site arising from the development. This is due to deficiencies in the Surface Water and SuDS strategy outlined above in section 7.7.2 in the main report.

The site too distant in terms of impact of hydrological regime change on the Raven SAC and SPA. However, I do not consider that any significant effects on the more proximate Slaney River Valley SAC and Wexford Harbour and Slobbs SPA may be ruled out at this stage.

3. Spread of invasive plant species

- Three invasive species were identified within the development site which have potential for spread to Slaney River Valley SAC, Wexford Harbour and Slobbs SPA, due to proximity, and also due to hydrological connection to Slaney River

Valley SAC, Wexford Harbour and Sloba SPA, Raven Point Nature Reserve SAC and the Raven SPA.

In light of the above, I consider that such impacts could be significant in terms of the stated conservation objectives of Slaney River Valley SAC, Wexford Harbour and Sloba SPA, Raven Point Nature Reserve SAC and the Raven SPA sites when considered on their own, in relation to potential for contaminated/increased surface water run-off during construction and operation, and in relation to the spread of invasive species plans.

In the absence of mitigation, the proposed development has the potential to result in negative impacts on the Slaney River Valley SAC, Wexford Harbour and Sloba SPA, Raven Point Nature Reserve SAC and the Raven SPA.

Overall conclusion.

I conclude that the proposed development could have a likely significant effect 'alone' on the qualifying interests of Slaney River Valley SAC, Wexford Harbour and Sloba SPA, Raven Point Nature Reserve SAC and the Raven SPA sites arising from contaminated/increased surface water run-off during construction and operation, and from the spread of invasive species plants during construction. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.

Inspector: _____

Date: _____