



An
Bord
Pleanála

Inspector's Report

ABP-319407-24

Development

Demolition of 3 outbuildings on site for the change of use from retail/office to retail/residential use consisting of 2 apartment units in a listed building (NIAH ref no. 15603016).

Development also consists construction of an apartment block with 18 apartments units with all associated site works. Development involves works to a protected structure listed in the National Inventory of Architectural Heritage (NIAH ref no. 15603016)

Location

20 Main Street, Enniscorthy, Co. Wexford

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20230701

Applicant(s)

Douglas Lett

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant

Patsy O'Connor.

Observer

None.

Date of Site Inspection

10th October 2024.

Inspector

Peter Nelson

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1.0 Site Location and Description

- 1.1. The site is on the Main Street in Enniscorthy Town Centre. The site has a stated area of 0.12 hectares. Directly to the west of the site is No.18 Main Street and beyond that is St. Aidan's Cathedral. To the north of the site at a lower ground level are the gardens of properties on Irish Street.
- 1.2. To the front of the site is a terraced, five-bay, three-storey house with half-dormer attic, dated c. 1840, on a T-shaped plan. There is a shopfront to right of the ground floor and to the left another retail unit and an archway access to the rear. The building makes up part of the streetscape of Main Street which is in an Architectural Conservation Area. There are a number of outbuildings on the site which are vacant.
- 1.3. No 20 Main Street is included in the Record or Protected Structures (Ref: E020) and is included in the National Inventory of Architectural Heritage (Ref:15603016) where it has a Regional Rating.
- 1.4. The site is within a Zone of Archaeological Potential.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of 3 outbuildings to the rear of 20 Main Street, and for the change of use of the upper floor from office to two residential apartments.
- 2.2. The proposed development also consists of the construction of an apartment block with 18 apartments to the rear with all associated site works. Nine one-bed apartments and nine two-bed apartments are proposed. A bicycle parking area and bin storage are proposed.
- 2.3. The proposed development involves works to a protected structure listed in the National Inventory of Architectural Heritage (NIAH ref no. 15603016)

3.0 Planning Authority Decision

3.1 Decision

On the 11th August 2023 Wexford County Council requested the applicant to submit further information relating to a shadow assessment, an archaeological impact

assessment, the Part V requirement, a construction management plan, bin collection services, access to fire services and a surface water layout map with a nature-based SUDS design.

Wexford County Council granted permission for the proposed development on the 1st March 2024 subject to 15 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the first planner's report dated the 15th August 2023 can be summarised as follows:

- The development is in compliance with the Quality Housing for Sustainable Communities Guidelines.
- A full Archaeological Impact Assessment is required given the site location adjacent to St. Aidan's Catholic Cathedral.
- The applicant has not submitted any details as to how they will comply with Part V requirements.
- There will be no overlooking from the proposed development.
- There are concerns in relation to the impact of the proposed development and its potential overshadowing of adjacent property. A Shadow Impact Assessment is required.
- Further information is required in relation to access arrangements for emergency vehicles and bin collection.
- No parking is proposed. Assessment has taken into consideration the location of the site in the centre of the town.
- As the open space provision is considered acceptable given the Town Centre location of the site.
- Public open space has been provided in the form of pedestrian walkways and communal gardens to the rear of the site.
- The buildings to be demolished are of no architectural value and their demolition is acceptable.

- A feasibility letter from Irish Water had not been included with the application.
- Further Information is required in relation to the proposed surface water treatment on site.
- In principle the reuse of the building for residential accommodation and the development of a brownfield site in Enniscorthy Town Centre is welcomed.
- However further information is required.

The main points of the second planner's report dated the 6th March 2024 can be summarised as follows:

- The recommendations of the Archaeological Impact Assessment are acceptable.
- The submitted Part V agreement which allows for the transfer of 2no. units is acceptable.
- On reviewing the applicant's response relating to the access for bin collection services and emergency vehicles, the Roads Section recommend a grant.
- On reviewing the applicant's response relating to treatment of surface water on site, the Roads Section recommend a grant.
- It is recommended that permission be granted subject to conditions.

3.2.2. Other Technical Reports

- Housing Report:
 - First report dated the 12th June 2023 recommended the applicant submit further information relating to a Part V agreement.
 - Second Report dated 13th February 2024 recommended a grant of permission subject to conditions.
- Roads Inspection Report:
 - First report dated 10th July 2023 recommended the applicant submit further information.

- Second report dated 12th February 2024 recommend a grant of permission subject to compliance with conditions.

3.2.3. Conditions

Permission was granted subject to 15 no. standards conditions including one requiring the applicant to engage the services of a suitably qualified archaeologist to monitor all test excavation, site clearance works and groundworks associated with the development.

I note that the planning authority attached a condition (No 5) which requires the applicant to enter into an agreement with the planning authority that restricts all houses or duplex units permitted to first occupation by individual purchasers. As the proposed development is for apartments only, if the Board is minded to grant permission, I recommend that this condition not be attached.

As the proposed development includes a protected structure of regional importance, if the Board is minded to grant permission, I recommend that a condition be attached requiring the agreement of a method statement covering all the works proposed to the Protected Structure.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

The planning authority received two observations. The main points raised can be summarised as follows:

- The significant impact of the proposed development due to loss of amenity and privacy and overshadowing of adjoining properties.
- There does not appear to be adequate emergency vehicle access.
- Overlooking of the adjacent site to the north.
- Visual impact of the development on the Cathedral.
- The loss of amenity and privacy and overshadowing of No.5-11 Irish Street.

- Development will cause significant disruption during construction.
- No access has been allowed for refuse and delivery trucks.
- No details or boundary treatments or works to shared boundaries have been submitted.
- No ESB or plant rooms have been shown.
- A shadow study has not been included.
- No mobility of studies or comments on mobility have been included.
- No survey details have been submitted showing the difference in ground level between the application site and neighbouring sites.

4.0 Planning History

ABP. Ref: PL59.219884

Permission granted on the 14th February 2007 for the retention of 1st floor balcony to the rear of apartment at 19 Main Street, Enniscorthy.

P.A. Ref: TP1587

Permission granted on the 10th May 2006 for the erection of a three-storey mixed use commercial/residential building situated to the rear of the adjoining existing retail building comprising of:

- Retail units at ground floor level.
- Café and ancillary facilities at first floor level.
- 2no. two-bed apartments at second floor level.
- Three-storey ancillary circulation lift shaft/stairwell servicing all three floors.
- Glazed link joining existing protected structure to proposed development.
- The provision of ancillary storage facilities and site development works.

P.A. Ref: TP1534

Permission granted on the 21st September 2004 for the demolition of existing uninhabited residential and retail storage units situated at the rear of, and part or which adjoins No. 19 & 20 Main Street Enniscorthy.

P.A. Ref: TP1564

Permission refused on the 28th October 2004 for the erection of an extension and alterations to the existing retail building comprising of:

- a) The erection of a single storey retail building to the rear of the existing retail unit.
- b) The provision of ancillary storage facilities and site development works.

The permission was refused for the following two reasons:

1. The design of the proposed extension is unacceptable and unsympathetic to the existing listed buildings on site. The proposed development would therefore be detrimental to the historic character of the existing listed building on site and prove contrary to the proper planning and development of the area.
2. The overall standard of the application is poor and fails to comply with the requirements of Article 23 (2) of the Planning and Development Regulations, 2001. Insufficient information has been submitted to allow the planning authority to make a reasoned and informed decision. The proposed development would therefore prove contrary to the proper planning and development of the area.

P.A. Ref: TP1384

Permission granted on the 19th November 2001 for the erection of external stairway, provision of a door at first floor level and the erection of ducting from existing restaurant & unit accommodation at 19 Main Street, Enniscorthy.

5.0 Policy Context

5.1. Development Plan

The Wexford County Development Plan 2022-2028 is the operational development plan for the area. The plan became effective on the 25th July 2022.

Core Strategy

In the development plan's core strategy, a development approach to Enniscorthy Town is detailed. It promotes the regeneration of the town centre and prioritise the development of infill sites in the town centre.

Part of the site is included in Area 2 of the Enniscorthy Architectural Area,

No 20 Main Street is included in the Record or Protected Structures Ref: E020.

Policies

Objective SH01

To ensure that new residential developments contribute to and represent sustainable neighbourhoods which are inclusive and responsive to the physical or cultural needs of those who use them, are well-located relative to the social, community, commercial and administrative services and are integrated with the community within which they will be located.

Objective SH15

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

Objective SH16

To require new apartment developments to comply with the Specific Planning Policy Requirements and standards set out in out in the Apartment Guidelines for Planning Authorities (Department of Housing, Environment and Local Government, 2020, where relevant. Proposals for apartment block developments in excess of 50 units

will also be assessed having regard to the nature of existing developments in the area, existing and planned social facilities and the need to ensure that apartment developments contribute to the development of sustainable communities into the future. Generally, where the site permits it, each apartment should have its own door access to the external street/external communal access area.

Objective SH20

To promote and support the implementation of plans and projects to bring back to use vacant homes.

Objective TV21

To ensure that all new development is designed to respect, enhance and respond to its natural, built, cultural and social context and add to character and sense of place.

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.

Objective AH01

To require an archaeological assessment and/or investigation by qualified persons for development that may, due to its size, location or nature, have a significant effect upon archaeological heritage and to take appropriate measures to safeguard this archaeological heritage. In all such cases the Planning Authority shall consult with the National Monuments Service in the Department of Culture, Heritage and the Gaeltacht.

Objective BH06

To protect the curtilage of Protected Structures or proposed Protected Structures from any works which would cause loss of, or damage to, the special character of the structure and loss of or damage to, any structures of heritage value within the curtilage or attendant grounds of the structure.

Objective BH07

To ensure development within the curtilage of a Protected Structure is compatible with its character. This does not preclude putting forward innovative contemporary designs that respect the context of the Protected Structure.

Objective BH13

To facilitate the retention of older buildings, the Planning Authority will give consideration to the relaxation of car parking and other development management requirements in appropriate circumstances.

Objective ACA01

To protect and enhance the character of the designated Architectural Conservation Areas in Wexford, Enniscorthy, New Ross, Gorey and Bunclody, including the views and prospects to and from these areas.

Objective ACA03

To ensure that all proposed developments are carried out to the highest architectural and urban design standards within the Architectural Conservation Areas.

5.2. Enniscorthy Town and Environs Development Plan 2008-2014

The Council provides that the Enniscorthy Town and Environs Development Plan 2008-2014 (as extended) has expired and until such time as they make a new plan for the town, all policies, and objectives (as relevant) of the Wexford County Development Plan (WCDP) 2022-2028 will be used to assess any proposals/planning application in the town. It is noted that there is no zoning for Enniscorthy town in the current Wexford CDP.

However, regard is had to the land use zoning of the subject site of this now expired Plan below.

Land Use Zoning

Chapter 10 refers to the Masterplan zones.

Map 9 – Zone 6 shows that the site is located within the ‘Town Centre’(TC) zoning. Zoning Objective A – Town Centre (TC) refers:

To protect and enhance the special physical and social character of the existing town centre and to provide for new and improved town centre facilities and uses.

5.3. **Section 28 Guidelines**

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024

The guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements.

Guidelines for Planning Authorities - Design Standards for New Apartments (July 2023)

The overall purpose of these guidelines is to strike an effective regulatory balance in setting out planning guidance to achieve both high quality apartment development and a significantly increased overall level of apartment output.

These guidelines apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease.

5.4. **Natural Heritage Designations**

The proposed development is not located within or immediately adjacent to any European site. The site is approximately 600m from the Slaney River Valley Special Area of Conservation.

5.5. EIA Screening

See completed Form 1 and 2 on file. Having regard to the nature of the proposed development comprising the renovation of a protected structure and construction of 18 apartments in a town centre area, where infrastructural services are available 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. An EIA screening determination or an EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The main points of the Third-Party Appeal from Patsy O'Connor can be summarised as follows:

- The proposed development may require works outside of the applicant's red boundary.
- The proposed works will have negative impacts on the shared boundary walls and building on the appellant's property.
- The appellant considers that a number of the items included in their submission on the application have not been addressed in particular issues relating to the shared boundary and impacts on his property both during and after construction.
- There was no consultation or notification from the developer before or during the planning process.
- The proposal does not consider the current condition of the shared boundary between the Appellant's property and the proposed development site.
- The proposed 3-4 storey apartment block are 1-2m from the shared boundary wall and the application did not include any geotechnical engineering assessments or design.

- No evidence has been provided of how the applicant proposed to complete his works within his red line planning boundary.
- The archaeological importance of the boundary wall has been identified in the applicant Archaeological Report, but it has not been identified as part collapsed.
- There are a number of trees on the northern side of the boundary whose roots may have impacted the boundary walls stability.
- The tree removal may impact the boundary wall.
- The proposed drainage system uses bioretention basins with drainage infiltration 1-2m from the northern boundary wall. This may lead to increased hydrostatic water pressure on the boundary wall.
- The surface water drainage design proposed a manhole adjacent to the wall. The appellant has concerns about deep excavations in the vicinity of the boundary wall.
- No geotechnical design information has been provided for a 3-4 storey development being constructed in close proximity to neighbouring properties with large ground level difference between the two.
- The construction safety issue of the collapsed northern boundary wall has not been referenced in any of the planning documentation.
- Storage of construction materials may further compromise the stability of the northern boundary wall.
- A thorough independent evaluation of the impacts on the appellants property is required as are necessary agreements to complete the works.

6.2. Applicant Response

The main points of the applicant's response can be summarised as follows:

- The submitted 'Preliminary Construction Management Plan' stated that a 'Detailed Construction Management Plan' will be prepared and submitted to the Local Authority and Building Control for approval prior to work commencing.

- Mr Patsy O'Connor is not the owner of No. 3 Irish Street as claimed in the appeal.
- NBA Architects had consulted with the owner of No.3 Irish Street as the proposed apartment building is within 2m of the boundary to the site shared with No.3. The owner of the property had no objection to the proposed development.
- The application did consider the collapsed existing building which sits above the existing wall.
- This structure will be removed, and no new structure is planned within 3/3.6meters of the boundary wall.
- Risk Assessments will be carried out during detailed design and when a contractor is appointed with the PSCS where preparations and precautions will be taken in accordance with the 'Health and Safety Plan.'
- The archaeological importance of the northern boundary wall has been a key factor in locating the building in excess of 2.5m from the boundary line.
- The proposed landscaping plan will protect the boundary wall and remove wild vegetation that has taken root in and around the northern boundary wall.
- The proposed development is utilising a 'Nature Based' Sustainable Drainage Systems to ensure that the proposed drainage regime reduces or at least does not increase the rate of storm runoff from the site.
- The invert levels of the drainage network are below the existing ground levels and as such hydrostatic forces will be prevented from arising.
- During the detail design phase if there is potential that the introduction of a deep manhole may undermine the structural integrity of the adjacent northern boundary wall, it can be raised so that invert level is 1 to 2m below FGL.
- With regard to concerns about potential additional loading within the influence zone of neighbouring structures, the avoidance of such an outcome is a routine part of the detailed structural design and risk assessment process.

- It is common practice for the majority of site investigation works to be carried out after planning permission is granted which is when detailed design work commences.
- A detailed structural analysis and design process will commence in accordance with all current codes and the foundation solution will be informed by the site investigations.
- The appellant's concern regarding the construction access to the site has been considered in the Outline Construction Management Plan
- A detailed structural analysis and design process will commence in accordance with all current codes and the foundation solution informed by the site investigation will take on board any boundary conditions, neighbouring structures, and third-party concerns.

6.3. **Planning Authority Response**

None

6.4. **Observations**

None

6.5. **Further Responses**

None

7.0 **Assessment**

7.1. Having examined the application details and all other documentation of 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
- Density of Development – New Issue
- Apartment Amenity: Sunlight/Daylight – New Issue
- Visual Amenity and Heritage– New Issue
- Impact on Northern Boundary Wall

7.2. Principle of Development

7.2.1. It has been noted on the Wexford County Council website that the Enniscorthy Town & Environs Development Plan 2008-2014 (as extended), has expired. Core Strategy and Settlement Objective CS15 refer to preparing new Local Area Plans including for Enniscorthy. Therefore, the principle of the development shall be considered on its own merits, and in accordance with the policies and objectives of the Wexford County Development Plan 2022-2028 and also having regard to the zoning context in the aforementioned Enniscorthy Town Plan.

7.2.2. The site is an infill site that is currently undeveloped and is within the Enniscorthy ‘Town Centre’ (TC) zoning (Zone 6) as shown on the Enniscorthy Town & Environs Development Plan 2008-2014 (as extended). The Zoning Objective is: To protect and enhance the special physical and social character of the existing town centre and to provide for new and improved town centre facilities and uses. The Zoning Matrix provides that residential is permitted within the town centre. I consider the principle of the development is therefore acceptable, subject to the detailed considerations below.

7.3. Density of development – New Issue

7.3.1. It is an objective of the Wexford County Development Plan 2022-2028 (Objective TV 44) ‘to ensure the scale of infill development reflects the location of the site and the characteristics of the settlement’.

7.3.2. The stated site size is 0.12 hectares and the proposal is for 18 new apartments and for the conversion of protected structure to 2 apartments. This would result in a density of 166 dwellings per hectare (dph). I note that section 3.12 of the Wexford County Development Plan states that the Council will have regard to the Sustainable

Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities (DEHLG, 2009) in the provision of advice on and the assessment of residential proposals. The Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024 replace the 2009 guidelines. It is a policy objective of Compact Settlements Guidelines that for the town centre site for large towns with a population that residential densities in the range 40 dph-100 dph (net) shall generally be applied in the centres and urban neighbourhoods.

- 7.3.3. The density of development as proposed at 166 dph is far in excess of the guidelines figure, does not reflect the location of the site and leads to other areas of concerns as discussed below.

7.4. Apartment Amenity: Sunlight/Daylight – New Issue

- 7.4.1. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued under Section 28 of the Planning and Development Act, 2000 (as amended) July 2023 require that Planning authorities should ensure appropriate expert advice and input where necessary, and have regard to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings EN17037 or UK National Annex BS EN17037 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future guidance specific to the Irish context, when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision.
- 7.4.2. The provision of acceptable levels of natural light in new apartment developments is an important planning consideration as it contributes to the liveability and amenity enjoyed by apartment residents. I note that an assessment report for the daylight/sunlight entering the apartments was not submitted with the application and the issue was not raised in the assessment by the planning authority.
- 7.4.3. I have concerns relating to the amount of daylight and sunlight reaching the single aspect ground floor apartments in this tight urban site. Given the change in levels the windows of ground floor apartments are 5m or less to a bank gable. This is the same for apartments no. 4 and 6 on the first floor and 9 and 11 on the second floor and 16 on the third level, From an assessment of the information presented in the submitted

architectural drawings and the 3D view, I consider that the apartments listed above and in particular the ground floor apartments and their private open space would receive an inadequate amount of daylight and sunlight.

- 7.4.4. I recognised that there are design constraints associated with this town centre site and that it is desirable to provide additional residential development in the town centre to facilitate urban regeneration and to ensure the continued appropriate use of the protected structure. However, I consider that the density of the development, as proposed, would result in a residential scheme with inadequate residential amenity for the occupants.
- 7.4.5. I do consider that the reduction in the height of three blocks by one storey will increase the amount of light penetration to the lower level and therefore an acceptable balance can be achieved between increased residential amenity and the contribution to rejuvenation and protection of Enniscorthy Town Centre. If the Board is minded to grant permission, I recommend that a condition be attached requiring the omission of the second-floor level.

7.5. **Visual Amenity and Heritage – New Issue**

The front section of the site is included in the Enniscorthy Town Architectural Conservation Area 2 and the rear of the site shares a boundary with the Enniscorthy Town Architectural Conservation Areas 1 and 2.

The Architectural Conservation Statement contained in Volume 6 of the Wexford County Development Plan 2022-2028 states that ‘it is particularly important that any new development within the ACA is carefully planned and implemented with a full appreciation and understanding of area’s significance.’

The Development Plan’s Development Management Manual -7.3 Architectural Conservation Area states that the scale of new structures should be appropriate to the general scale of buildings within the ACA.

It is also a stated objective in the Development Plan (Objective ACA01) ‘To protect and enhance the character of the designated Architectural Conservation Areas in Wexford, Enniscorthy, New Ross, Gorey and Bunclody, including the views and prospects to and from these areas.’

The rear of the site where it is proposed to build the three new residential blocks, is elevated. The proposed eastern elevation consists of a four-storey blank elevation which is over 33m long. It can be seen from the East Contiguous Elevation (Dwg. No. A214) that the majority of the blank elevation will be visible from the surrounding area. It will be visible from both Irish Street and other viewpoints in the town such as Island Road and Enniscorthy Bridge. I consider that the proposed height of the eastern elevation will have significant negative impact on the setting of St Aidan's Cathedral which is contained in Architectural Conservation Area 1. The removal of a floor and the resulting reduction in overall height of the proposed blocks as recommended in Section 7.4.5 of this report will significantly reduce the visual impact of the proposed development and render the new structure appropriate to the general scale of the Architectural Conservation Area and the characteristics of the surrounding area.

7.6. Impact on Northern Boundary Wall.

- 7.6.1. The appellant is the stated owner of No.3 and No.4 Irish Street which adjoins the appeal site at its northern boundary. The appellant states that a large section of the boundary wall has collapsed into his property and that it would appear that in order to build a new boundary wall works would have to take place outside the applicant's red line boundary and the applicant does not have permission for this.
- 7.6.2. The appellant has submitted a photograph showing the collapse of the rear boundary wall of the existing single structure annotated on the Existing Site Plan as 'Hennessy.' The rear open spaces of No.3 and 4 are at a considerably lower level than the application site.
- 7.6.3. In the appeal response the applicant confirms that the structure is to be removed and that no new structure is to be built with 3/3.6m of the boundary wall. It is stated that the demolition of the structure will be addressed in the detailed design phase of the project and at the Project Supervisor for the Design Process (PSDP) & Project Supervisor Construction Stage (PSCS).
- 7.6.4. As part of the appeal response the applicant has submitted a report from GDCL Consulting engineers who states that the demolition works should be straightforward and that they should be carried out in a careful manner with the normal detailed risk

assessments and method statements etc prepared in advance of the works commencing on site.

- 7.6.5. I note that a proposed demolition methodology has been included in the Outline Construction Management Plan submitted as further information. It states that the contractor must prepare a Demolition Method Statement in accordance with the 'Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects' (Department of Environment, Heritage, and Local Government, 2006). I note that 'Best Practice Guidelines for the preparation of resource & waste management plans for construction & demolition projects' published in 2021 are a revision of the 2006 guidelines.
- 7.6.6. The Outline Construction Management Plan also states that work shall be carried out on accordance with BS EN 6187:2011 Code of Practice for Full and Partial Demolition.
- 7.6.7. The circulation area of proposed apartment block will be constructed 2.484 m of the northern boundary. The proposed north contiguous elevation (Dwg. No: A214) shows a new replacement upper section of the northern boundary wall. No design details of this wall have been submitted.
- 7.6.8. In the grounds of appeal, the appellant states that while the archaeological importance of this boundary wall has been identified in the archaeological report the collapsed section of the wall has not been identified. I note that the Archaeological Impact Assessment recommends that every effort should be made to retain the 19th century walls to the rear of the site as they are part of the historic architectural fabric of Enniscorthy.
- 7.6.9. If the Board is minded to grant permission Therefore, I recommend that a condition be attached requiring the applicant to submit for agreement details of the reinstatement of the northern boundary.
- 7.6.10. As the proposed development is contained within the application red line boundary, which is in the applicant's ownership, I am satisfied that for the purposes of the planning application the applicant has sufficient interest in the lands the subject of the application. Any further agreements required with the neighbouring property owners, or any further legal dispute is considered a civil matter and outside the scope of the planning appeal. In any case, this is a matter to be resolved between

the parties, having regard to the provisions of s.34(13) of the 2000 Planning and Development Act.

- 7.6.11. The appellant states that no geotechnical engineering assessment or design has been carried out to ensure that the proposed development will not have an impact on the neighbouring properties and the safety of the persons using them due to further compromise of the stability of the northern boundary wall. The appellant also has concerns about the deep excavations for a manhole in the vicinity of the northern boundary wall and the storing of construction materials on the site and its impact on the retaining northern boundary wall.
- 7.6.12. The structural stability of the site and its boundaries and the structural engineering of the proposed development are not included with the scope of a planning permission or of this appeal. Part A of the Buildings Regulations deals with the structure of a building including loading and ground movement. The issue of compliance with the building regulations will be evaluated under a separate legal code and thus need not concern the Board for the purposes of this appeal.
- 7.6.13. The appellants states that there are a number of trees that appear to be on the subject site, and he has concern that the removal of these trees to facilitate the development will impact the stability of the northern boundary wall. In response to this the applicant states that the methodology for the removal of the trees will be developed at the detailed design stage and be coordinated with the structural engineer. There is no evidence on file to suggest that the removal of these trees will cause damage to the existing boundary wall. I am satisfied that at this planning stage that proposed landscaping plan is acceptable.
- 7.6.14. In the grounds of appeal, the appellant states that the proposed drainage system uses bioretention basin with drainage infiltration into the ground and that the drainage system will be approximately 1-2m from the northern boundary wall. The appellant states that there is evidence from the wall collapse of a layer of common fill and not the assumed undisturbed soil as stated in the application. The appellant contends that this may lead to increased hydrostatic water pressure on the boundary wall.
- 7.6.15. The report from Donal Power Chartered Engineer submitted as part of the applicant's response to the appeal states that the drainage proposal will ensure that the surface water is maintained at a low level and that the invert levels of the

drainage network proposed is appreciably below existing ground levels. I note that the drainage system includes an outfall to a storm management system that is only required if there is inadequate ground water infiltration. I consider that the proposed surface water system has been designed to prevent a build-up of surface water and therefore I do not consider the surface water system has the potential to result in hydrostatic water pressure on the northern boundary wall.

7.6.16. In conclusion I consider that subject to the attachment of a condition agreeing the details of the reinstatement and alterations to the northern boundary wall that the proposed development will not impact the amenities of the adjoining properties.

8.0 AA Screening

8.1. I have considered the proposed refurbishment of the protected structures and the development of 18 apartments in light of the requirements S177U of the Planning and Development Act 2000 as amended.

8.2. The subject site is located on a town center site, approximately 600m from the Slaney River Valley Special Area of Conservation.

8.3. The proposed development comprises of the demolition of three outbuildings on the site for the change of use from retail/office to retail/residential use consisting of two apartment units in a listed building. The development also consists of the construction of an apartment block with 18 apartments units with all associated site works.

8.4. No nature conservation concerns were raised in the planning appeal.

8.5. Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is as follows:

- The small scale and nature of the development
- The town center location on a serviced site and the lack of connections to the SAC.
- Taking into account screening report/determination by LPA.

- 8.6. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.
- 8.7. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

I recommend that the Board uphold the decision of Wexford County Council and grant permission, subject to the following conditions:

10.0 Reasons and Considerations

Having regard to the location of the site in Enniscorthy town centre, the design and scale of the proposed development, and the provisions of the Wexford County Development Plan 2022 - 2028, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in accordance with the zoning objective for the site, would not detract from the visual amenity or the architectural character of No.19/20 Main Street, a protected structure, would provide an acceptable standard of residential amenity for the prospective residents, and would not seriously injure the residential amenity of surrounding properties. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 8th day of February 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the

development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

(a) The proposed second floor level of Blocks A, B and C shall be omitted and the proposed third floor shall become the second floor level.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

3. Details of the northern boundary reinstatement, including materials and construction methodology shall be submitted to the planning authority for the written agreement before the commencement of development.

Reason: In the interest of visual and residential amenity.

4. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is

shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

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

5. Prior to the commencement of development on the Protected Structure the applicant/developer shall submit, for the written agreement of the planning authority, a detailed method statement covering all works proposed to be carried out, including:
 - (a) a full specification, including details of materials and methods, to ensure the development is carried out in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage & the Gaeltacht,
 - (b) methodology for the recording and/or retention of concealed features or fabric exposed during the works,
 - (c) details of features to be temporarily removed/relocated during construction works and their final re-instatement,
 - (d) protection of shop front, fireplaces, windows, fan lights, staircase, plaster work and coving during the construction works,
 - (e) materials/features of architectural interest to be salvaged,

Reason: In the interest of the protection of architectural heritage [in

accordance with the provisions of the Architectural Heritage Protection Guidelines for Planning Authorities

6. Details of the materials, colours and textures of all the external finishes to the proposed Block A, B and C shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

7. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a detailed Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and amenity.

8. The landscaping scheme shown on drawing number A004, as submitted to the planning authority on the 21st day of June 2024 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

9. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

10. Prior to the commencement of development, the developer shall enter into a Connection Agreements with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

11. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority [in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended], unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

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

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

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

Peter Nelson
Planning Inspector

20th December 2024

Form 1

EIA Pre-Screening

An Bord Pleanála	ABP- 319407-24		
Case Reference			
Proposed Development Summary	Demolition of 3 outbuildings on site for the change of use from retail/office to retail/residential use consisting of 2 apartment units in a listed building. Development also consists construction of an apartment block with 18 apartments units with all associated site works. Development involves works to a protected structure listed in the National Inventory of Architectural Heritage		
Development Address	19 and 20 Main Street, Enniscorthy, Co. Wexford		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?		Yes	√
(that is involving construction works, demolition, or interventions in the natural surroundings)		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	√	Part 2 Class 10. (b) (i) & (iv)	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes		State the relevant threshold here for the Class of development.	EIA Mandatory EIAR required

No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	Part 2 Class 10. (b) (i): 500 dwellings Class 10. (b) (iv): Urban Development on area greater than 2 hectares in Business District	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No	√	Screening determination remains as above (Q1 to Q4)
Yes		

Inspector: _____ **Date:** _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP- 319407-24	
Proposed Development Summary	Demolition of 3 outbuildings on site for the change of use from retail/office to retail/residential use consisting of 2 apartment units in a listed building. Development also consists construction of an apartment block with 18 apartments units with all associated site woks. Development involves works to a protected structure listed in the National Inventory of Architectural Heritage	
Development Address	19 and 20 Main Street, Enniscorthy, Co. Wexford	
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector’s Report attached herewith.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development.</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment.</p>	<p>The proposed development of 18 apartments and the conversion of a protected structure to two apartments is not considered exceptional in this urban area of Enniscorthy Town.</p>	<p align="center">NO</p>

<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>The proposed residential development will not create significant waste, emissions or pollutants.</p>	<p>NO</p>
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there significant cumulative considerations having regard to other existing and / or permitted projects?</p>	<p>The size of the proposed development of 18 new apartments is not considered to be exceptional in context of this town centre urban environment.</p> <p>There are no significant cumulative considerations have regard to other existing and/or permitted projects.</p>	<p>NO</p> <p>NO</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</p>	<p>While the site is approximately 600m from the Slaney River Valley Special Area of Conservation given the nature of the development in this urban area it does not have the potential to significantly impact on an ecologically sensitive site or location, or protected species.</p> <p>The proposed site is within an archaeological zone of potential, however any impacts will be</p>	<p>NO</p> <p>NO</p>

<p>area, including any protected structure?</p>	<p>localised, monitored and recorded.</p> <p>The proposal includes improvement works to a protected structure which will result in the reuse of the building. Any affects will be localised and not significant.</p>	
<p>Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector:

Date:

DP/ADP: _____ Date: _____

(only where Schedule 7A information or EIAR required)