



An
Bord
Pleanála

Inspector's Report

ABP-321942-25

Development	Construction of 99 residential units, a childcare facility and all associated site works.
Location	Ard na Sláine, Ballyboggan, Wexford.
Planning Authority	Wexford County Council.
Planning Authority Reg. Ref.	20241132.
Applicant(s)	OLI Developments Ltd.
Type of Application	Permission.
Planning Authority Decision	Grant Permission.
Type of Appeal	Third Party.
Appellant(s)	Marcelino Campo Menendez & Daniela Morales Requena. James O'Connor. Residents of Ard na hAbhann.
Observer(s)	None
Date of Site Inspection	13 th May 2025.

Inspector

Kathy Tuck.

Contents

1.0 Site Location and Description	6
2.0 Proposed Development	6
3.0 Planning Authority Decision	6
3.1. Decision	6
3.2. Planning Authority Reports	7
3.3. Prescribed Bodies	10
3.4. Third Party Observations	11
4.0 Planning History.....	12
5.0 Policy Context.....	13
5.1. National Planning Policy	13
5.2. Section 28 Ministerial Planning Guidelines.	14
5.3. Housing for All - a New Housing Plan for Ireland.	16
5.4. Climate Action Plan, 2025.....	16
5.5. National Biodiversity Action Plan , 2023.	17
5.6. Regional Planning Policy	17
5.7. Wexford County Development Plan 2022-2028	17
5.8. Expired Wexford Town and Environs Development Plan 2009-2015.....	22
5.9. Natural Heritage Designations	22
6.0 EIA Screening.....	22
7.0 The Appeal	22
7.1. Grounds of Appeal	22
7.1.1. James O'Connor	23
7.1.2. Residents of Ard na hAbhann	24
7.1.3. Marcelino Campo Menendez & Daniela Morales Requena	27

7.2.	Applicant Response	34
7.3.	Planning Authority Response	36
7.4.	Observations	36
8.0	Assessment	37
8.1.	Introduction	37
8.2.	Principle of Development	37
8.3.	Density	39
8.4.	Easement of Conduit.	41
8.5.	Traffic Issues	42
8.6.	Creche	45
8.7.	Character of Area	47
8.8.	Open Space	48
8.9.	Housing Mix	51
8.10.	Ecology	51
8.11.	Other issues.	53
9.0	Appropriate Assessment	56
9.1.	Stage 1 - Appropriate Assessment Screening	56
9.2.	Stage 2 - Appropriate Assessment	57
10.0	Water Framework Directive Screening	58
11.0	Recommendation	59
12.0	Reasons and Considerations	60
13.0	Conditions	60
Appendix 1	68
Appendix 2	70
Appendix 3	72

Appendix 4	83
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1.0 Site Location and Description

- 1.1. The subject site is situated on the outskirts of the Wexford suburban area in the townland of Ballyboggan. The site is part brownfield and part greenfield. It is located to the east and north of the recently built Ard na Slaine Residential development. The total area of the current application is approximately c.3.74 Ha.
- 1.2. The northern boundary adjoins the Slaney Hill House and the northeastern boundary of the Phase 3 lands, indicated as being in the ownership of the applicant, adjoin Brookville House both properties being of regional architectural and historical interest.
- 1.3. The proposed development site is accessed through the existing residential estate entrance to Coill Aoibhinn Estate on the R769 Newtown Road. A second entrance through Ard Na hAbhann Estate onto the R769 Newtown Road is also proposed.

2.0 Proposed Development

- 2.1. Permission is sought for the provision of 99 no. residential units, a childcare facility, landscaping and all associated site works. The residential units will provide for 14 no. 1 bed apartment units; 14 no. 2 bed duplex apartments; 42 no. 3 bed semi-detached two-storey houses; 18 no. 4 bed 2 storey semi-detached dwellings and 11 no. 4 bed 2 storey detached dwellings.
- 2.2. The proposed apartment and duplex building are 3 storeys in height while all remaining units proposed are 2 storeys in height. The proposed crèche building is located at the most southern point of the proposed layout and is single storey in height and served with a parking area to the front and a secured play space to the rear.
- 2.3. The layout remained unchanged throughout the assessment period.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority, following a request for Further Information granted permission for the proposed development on the 29th of January 2025 subject to 26 no. conditions.

Conditions of note are as follows:

Condition no. 7 – Section 47 Development Contribution of €131,687.

It is noted that condition no. 8 replicates the wording of condition no. 7.

Condition no. 9 – Security bond of €693,000.00 relating to roads and footpaths.

Condition no. 16 – Security bond of €150,000 relating to open space.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The first report of the Planning Officer notes the location of the subject site, details of the proposed development, relevant planning history, details of pre-planning meetings held, details of internal and external reports received, summary of all submissions/objections received, sets out relevant national, regional and local planning policy and undertakes a EAI and AA Screening determination.

The assessment noted that there are currently no zoning provisions in place for the land. Concern was raised on foot of receipt of a number of objections with regard to the location of a right of way and the pedestrian safety. Furthermore on foot of receipt of the report from the transportation section of the planning authority a recommendation to seek further information was made on the 8th November 2024 which can be summarised as follows:

Item 1

Address concerns raised that there is an easement/wayleave on eastern side of the site.

Item 2

Submit revised road layout with following matters addressed:

- a) Raised table junctions to be provided at all main junctions within the development.
- b) Raised cross tables to be introduced to all sections of road in excess of 50m.
- c) A min of 2m width footpaths throughout the site.

- d) The provision of ramps of suitable gradient rather than steps on paths through the open space on the western side of the site.
- e) Provision of possible future bus services.

Item 3

Appearance of development is car dominant – address this concern which could include for further landscaping to front of buildings.

Item 4

Impact of construction traffic on existing residents – submit measures to overcome this.

Item 5

Submit proposal for enhanced active play areas/equipment on the site.

Items 6

Boundary Treatment:

- a) Clarify all proposals for all boundaries.
- b) Address issues raised in submission relating to boundary treatment.

Item 7

Submit clarification if any means of enclosures are proposed to the integrated constructed wetland.

Item 8

Provision of proposed substantial hedgerow on northern boundary, as recommended in EIAC could be difficult to achieve and retain – address this concern.

A response from the applicant was received by the Planning Authority on the 29th November 2024 and can be summarised as follows:

Item 1

The easement/wayleave has never been registered as a burden on the land in the applicants ownership (Folio 47710F and 62363F). However, layout does not impede upon this section of the site and the possibility of accommodating the easement/wayleave.

Item 2

An amended layout submitted drawing no. A1.2-Rev.C addresses all concerns raised.

Item 3

To reduce visual impact of parking spaces – proposing increased planted areas between parking bays (consolidating a number of footpaths). Softscape areas will be provided in increase quantity. All set out on revised site layout plan. Also providing in-curtilage parking bays.

Item 4

Submitted updated CEMP which highlights additional measures including restricting construction vehicular traffic speed limits and introducing a construction traffic wheel cleaning facility.

Item 5

Submitted updated design from project Landscape Architects.

Item 6

- a) Boundary treatment details indicated on Site Layout Plan A1.3.
- b) 1.8m capped concrete block wall with a paster finish on public opens space side abounding to nos. 13 and 22 Ard Na Slaine.

Item 7

Proposed swales located in open space to the east will not be enclosed but will be maintained as integrated part of open space.

Item 8

The hedge will be located outside of private gardens and will be managed especially during establishment. Rear gardens of 73-82 have been reduced in size to accommodate a rear blockwork boundary wall to be constructed while enabling sufficient space for the ecological corridor to flourish.

The second report of the Planning Officer dated 29th Janurary 2025, notes that the further information response received is acceptable and has overcome all concerns raised. A recommendation to grant permission was made in line with decision issued.

3.2.2. Other Technical Reports

- *Disability Access Officer* – report dated 30th September 2024 states DAC is required.
- *Housing Department* – report dated 2nd October 2024 states agreement in principle for the transfer of 8 no. houses (3 no. 1 beds ground floor apartments; 3 no. 2 bed duplex, and 2 no. 4 bed semi-detached houses).
- *Fire Officer* - report dated 8th October 2024 seeking further information be sought as set out above (section 3.2.1).
- *Environment Scientist* - report dated 17th October 2024 recommends permission be granted subject to condition.
- *Roads Department* - report dated 18th October 2024 seeking further information be sought as set out above (section 3.2.1).

3.3. Prescribed Bodies

Uisce Eireann – a report dated the 21st October 2024 notes that the applicant has engaged with Uisce Eireann prior to the lodgement of the planning application. Regarding water connection the report sets out that the existing watermain will have to be extended by c.380m – works will be required to be funded by applicant. Full costs to be calculated at connection application stage. Similarly works will be required to extend the wastewater network by c.330m at the cost of the applicant.

The report concludes recommended that permission be granted subject to condition.

Department of Housing, Local Government and Heritage: Subject site is located within the environs of a cluster of Archaeological sites including:

- WX037-086 burnt mound
- WX037-087 burnt mound
- WX037-095 fulacht fia.
- WX037-093001 excavation – miscellaneous.
- WX037-093002 burnt mound.
- WX037-093003 burnt mound.

Reference is made to the Archaeological Assessment Report submitted and the report conclude recommends permission be granted subject to condition.

3.4. Third Party Observations

The Planning Authority received a number of submissions relating to the proposed development. Concerns raised can be summarised as follows:

- Concerns over impact on adjoining boundary wall during construction phase.
- Impact of additional Surface run off, drainage and waste management.
- Density higher than permitted in the previous Local Area Plan.
- Development site is transversed by fibre cables and electricity cables will these be impacted.
- Road safety.
- Negative impact on trees.
- Request a 1.8m boundary wall be provided to rear of 13 Ard Na Slaine.
- Plans suggest access to future development through land not in applicants ownership.
- Negative impact on protected structure.
- Lands are not zoned – material contravention of the development plan.
- Insufficient car parking.
- Creche too small – no drop off zone and insufficient details provided.
- Conflicts with a deed of easement – right of way not indicated on plans submitted.
- Road network does not have the capacity for any further traffic.
- Access proposed – no permission given from residents of estates.
- Impact on value of property.

4.0 Planning History

Subject Site:

PA Ref 20221586 Permission REFUSED for 74 no. houses and single storey childcare facility together with all associated site works including relocation of ESB sub-station. Reasons for refusal were as follows:

- Unit mix contrary to Section 4.7.5 and objective SH21 of the Wexford County Development Plan 2022-2028.
- Surface Water Management fails to incorporate SuDS contrary to Objective FRM14 of Wexford County Development Plan 2022-2028.
- Location of site contrary to promoting compact growth.
- Inadequate Surface Water Management – proposal would give rise to significant impact on Slaney River Valley SAC and Wexford Harbour SPA.
- Quantum, location and design of open space not in keeping with Wexford County Development Plan 2022-2028.

PA Ref 20211658 Permission REFUSED for 29 no. 2 storey dwellings and all associated works. Reasons for refusal were as follows:

- Layout fails to comply with DMURS.
- Poor quality of public realm and failure to integrate with existing developments.
- Inadequate density – inefficient use of zoned lands.

Within the Vicinity

To the west:

PA Ref 20181817 Permission GRANTED for 15 no. 2 storey detached houses in lieu of 13 no. houses previously granted under W2010050.

PA Ref 20180774 Permission GRANTED for 5 no. 2 storey house and all site works.

To the south

PA Ref 20181148 Permission GRANTED for 57 no. residential units.

PA Ref 20230150 Permission GRANTED for 93 no. residential units.

PA Ref 20230670 Permission GRANTED for a 10-year permission for 34 no. dwelling units.

5.0 Policy Context

5.1. National Planning Policy

5.1.1. National Planning Framework – First Revision (April 2025).

A number of overarching national policy objectives (NPOs) are of relevance, targeting future growth within the country's existing urban structure. NPOs for appropriately located and scaled residential growth include:

National Policy Objective 3: Eastern and Midland Region: approximately 470,000 additional people between 2022 and 2040 (c. 690,000 additional people over 2016-2040) i.e. a population of almost 3 million Northern and Western Region: approximately 150,000 additional people between 2022 and 2040 (c. 210,000 additional people over 2016-2040) i.e. a population of just over 1 million; Southern Region: approximately 330,000 additional people over 2022 levels (c. 450,000 additional people over 2016-2040) i.e. a population of just over 2 million.

National Policy Objective 7: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements and ensure compact and sequential patterns of growth.

National Policy Objective 9: 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 and ensure compact and sequential patterns of growth.

National Policy Objective 11: Planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Planning and Development Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.

National Policy Objective 12: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

National Policy Objective 22: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth.

National Policy Objective 43: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

National Policy Objective 45: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration, increased building height and more compact forms of development.

5.2. **Section 28 Ministerial Planning Guidelines.**

The following Section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. For ease of reference, I propose using the abbreviated

references for the titles of certain guidelines, as indicated below (listed chronologically).

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

Section 3.3.3 provides for a description of large key towns as areas with populations of 5000 people and sets out the key priorities for their growth. Table 3.5 of the guidelines sets out the density ranges for key towns and large towns (suburban/urban extensions) as 30 dph to 50 dph (net) and that densities of up to 80 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8).

Development standards for housing are set out in Chapter 5, including:

1. SPPR 1 in relation to separation distances (16 m above ground floor level),
2. SPPR 2 in relation to private open space (2-bed 30 m² ; 3-bed 40 m² ; 4+bed 50 m²),
3. SPPR 3 in relation to car parking (1.5 spaces per dwelling in accessible locations) and
4. SPPR 4 in relation to cycle parking and storage.

Section 4.4 of the Guidelines set out Key Indicators of Quality Design and Placemaking. It considers that achieving quality urban design and creating a sense of place is contingent on the provision of an authentic identity that is specific to the settlement, neighbourhood or site in question. Section 4.4 (V) relates to responsive built form.

Policy and Objective 4.2 states that it is a policy and objective of these Guidelines that the key indicators of quality urban design and placemaking set out in Section 4.4 are applied within statutory development plans and in the consideration of individual planning applications

Policy and Objective 5.1 relates to public open space provision and requires development plans to make provision for not less than 10% of the net site area and not more than a min. of 15% of the net site area save in exceptional

circumstances. Sites with significant heritage or landscape features may require a higher proportion of open space.

- Childcare Facilities, Guidelines for Planning Authorities, 2001 (Childcare Guidelines);
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009, (Sustainable Residential Development Guidelines) (as accompanied by the Urban Design Manual: A Best Practice Guide, 2009, and Circular NRUP 02/2021 Residential Densities in Towns and Villages, April 2021)

5.3. Housing for All - a New Housing Plan for Ireland.

This is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes: - To purchase or rent at an affordable price, - Built to a high standard in the right place, - Offering a high quality of life.

5.4. Climate Action Plan, 2025

The Plan lays out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022. Climate Action Plan 2025 builds upon last years plan by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings and it should be read in conjunction with Climate Action Plan 2024. The Plan provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050, as committed to in the Climate Action and Low Carbon Development (Amendment) Act 2021.

5.5. National Biodiversity Action Plan , 2023.

The National Biodiversity Plan sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, while also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to “act for nature”. The following objectives are of note:

Objective 1: Adopt a Whole of Government, Whole of Society Approach to Biodiversity.

Objective 2 - Meet Urgent Conservation and Restoration Needs.

Objective 3 - Secure Nature’s Contribution to People.

Objective 4 - Enhance the Evidence Base for Action on Biodiversity.

Objective 5 - Strengthen Ireland’s Contribution to International Biodiversity Initiatives.

5.6. Regional Planning Policy

5.6.1. Regional Spatial and Economic Strategy for the Southern Region 2019-2031 (RSES).

The Regional Spatial and Economic Strategy (RSES) for the Southern Region, 2020-2032 identifies Wexford as one of fourteen ‘Key Towns’ in the region, and one of four in the Mid-West sub region. The strategic framework in the RSES focuses on enhancing the strong network of towns in the region, with targeted population growth of 30% for the Key Towns.

Specifically relating to Wexford, the RSES identifies that the town has significant potential for services and enterprise-based employment growth with an associated demand for residential development.

5.7. Wexford County Development Plan 2022-2028

Volume 1 – Written Statement

This Plan sets out the overall strategy for the proper planning and sustainable development of County Wexford for the plan period and beyond. It relates to the whole

functional area of Wexford County Council including the areas previously under the jurisdiction of Wexford Borough Council, New Ross Town and Enniscorthy Town. Local Area Plans are to be prepared for these towns.

Chapter 3 - Core Strategy

The Core Strategy seeks for development to provide for Compact growth and liveable sustainable settlements. Table 3-2 notes that Wexford along with Gorey are designated the Level 1 - Key Towns in the County. Section 3.6.1 refers to Wexford Town being designated as Key Town in the RSES.

In order to fulfil its designation as a Key Town in the RSES and in line with RPO 11 and RPO 16, the Development Approach recommends a number of criteria.

- *A set of strategic objectives for the town is set out at the end of this chapter (WT01- WT10). The spatial planning framework for the town will be set out in the new Wexford Town and Environs Local Area Plan.*

Core Strategy Objective CS05 applies to compact development.

Objective CS15 seeks to: *To prepare new local area plans for Wexford Town, Enniscorthy Town and New Ross Town and to ensure all future local area plans are prepared in accordance with the relevant aspects of the Development Plan Guidelines for Planning Authorities (2007), the Local Area Plan Guidelines for the Planning Authorities (2012) and all other relevant Section 28 Guidelines or any updated version of these guidelines.*

Chapter 4- Sustainable Housing

Chapter 4 refers and Section 4.4 provides the Sustainable Housing Strategy. Strategic Housing Objectives include:

Objective SH02: *To ensure that all new residential developments provide a high quality living environment with attractive and efficient buildings which are located in a high quality public realm and are serviced and linked with pedestrian and cycle lanes to well-designed and located open spaces and nature and to the town or village centre and existing and planned services.*

Section 4.7.5 refers to House Types.

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).

Objective SH19 refers to compliance with Part V of the Planning and Development Act 2000 (as amended).

Objective SH21 to provision of a mix of unit types.

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

Section 5.5 refers to the Strategic Objectives TV01 – TV12 refer.

Objectives include the following:

Objective TV10: To prepare Urban Regeneration Framework plans for the four main towns which provide a clear vision, context, rationale and goals for urban renewal and regeneration in each town.

Objective TV15: To ensure that the appearance of buildings, in terms of details and materials (texture, colour, patterns and durability), is of a high standard with enduring quality and has a positive impact on the visual quality of the area.

Objective TV27: The design of streets on all 'route types' must have regard to their 'place context' and a higher quality of design will be required in locations with a higher place value. New developments and their associated streets and spaces shall put primary emphasis on creating attractive places, facilitating social interaction and provide for connectivity, enclosure, active edge and pedestrian facilities.

Chapter 8 Transportation Strategy

Section 8.4.4 refers to Modal Shift.

Section 8.4.5 to Design of Urban Roads and Streets.

Strategic Objectives include:

Objective TS01: To implement the principles and objectives of the Design Manual for Urban Roads and Street (Department of Transport, Tourism and Sport, Department of the Environment Community and Local Government, 2013 and 2019) and the Spatial Planning and National Roads, Guidelines for Planning Authorities (Department of Environment, Community and Local Government, 2012) and the National Sustainable

Mobility Policy 2022 and the other guidance listed in Section 8.3 Policy Context and any updated version of these documents.

Section 8.5 refers to and encourages Walking and Cycling.

Section 8.6 - Public Transport, which includes regard to Bus and the Rail Network.

Objective TS43: To ensure that the public safety of all road users, including pedestrians and cyclists, has the highest priority in the design of development and vehicular access points and in the exercise of traffic management functions. Road Safety Impact Assessments, Road Safety Audits and other road safety reports shall be sought where appropriate to inform planning decisions.

Objective TS46: To ensure that all developments are appropriately located having regard to the principles of sustainable development and the provision of an effective road network. A Traffic and Transport Assessment, prepared in accordance with the relevant national guidelines for such shall be sought where appropriate to inform planning decisions.

Objective TS49: To ensure all new car parks and expansion of car parks provide 20% of the spaces with electric vehicle charging points and provide culverts and infrastructure to “drop in” new charging points.

Objective TS76 seeks to facilitate new accesses and provides the criteria in towns and villages where a speed limit of less than 60kmh applies.

Chapter 9 Infrastructure Strategy

This strategy is focused on the provision of high quality water, wastewater and waste management facilities and telecommunications infrastructure that will facilitate and sustain the planned growth of the county over the lifetime of the Plan and beyond.

Strategic Objectives IS01 – IS07 refer.

Section 9.5 refers to Water Supply.

Table 9-1 to Irish Water Public Water Supplies and Capacities. (Source: Irish Water March 2022). This provides that there is capacity available in the WRZ main networks to cater for the 2027 population target, with the assistance of water conservation measures and network improvements to provide the level of services required.

Section 9.5.4 to Water Conservation.

Objectives WS01 – WS14 refer. Section 9.6 to Wastewater.

Table 9-3 provides an Overview of Public Wastewater Infrastructure in Level 1 - Level 4 Settlements. (Source Irish Water Capacity Register 29th of April 2020 – noting this is subject to change). This includes that Wexford Town has capacity. Wastewater

Objectives WW01 – WW14. WW08: To facilitate the connection of existing developments to public wastewater services wherever feasible and subject to connection agreements with Irish Water and to ensure that any future development connects to the public wastewater infrastructure where it is available.

Section 9.7 refers to Waste Management Infrastructure.

Section 9.11 refers to Flood Risk and Surface Water Management.

Volume 2 – Development Management Manual

Section 3 refers to Residential Developments

Section 3.12– Multi-Unit Residential Schemes in Towns and Villag.

Section 3.12.1 Mix of Dwelling Types.

Section 3.12.2 Dwelling House Design.

Table 3-4 Minimum Floor Area and Private Open Space for Dwellings.

Section 3.12.4 - Public open space.

Section 3.12.5 - Play Facilities.

Section 3.12.6 includes regard to materials, boundary treatment and provision for refuge storage for Multi-Units Schemes.

3.12.7 Social Infrastructure.

3.13 Taking in Charge of Residential Estates.

Section 4 – Community Infrastructure, facilities and Services.

Section 4.1 - Childcare Facilities

5.8. Expired Wexford Town and Environs Development Plan 2009-2015

Wexford County Council provides that the Wexford Town and Environs Development Plan 2009-2015 has now 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 Wexford Town and Environs in the current WCDP.

5.9. Natural Heritage Designations

The subject site is not located within or is not adjoining any Natura 2000 Sites. The subject site is located c.220.34m to the east of the Slaney River Valley SAC (site code 0100781) and c.695m to the south of the Wexford Harbour and Slobs SPA (Site Code 004076). Furthermore, the subject site is also located c. 695m to the south of the Wexford Slobs and Harbour pNHA (Site code: 000712).

6.0 EIA Screening

The development does fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended). However, the scale of the proposed development does not exceed the thresholds set out and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. Appendix 1 and Appendix 2 of my report refers.

7.0 The Appeal

7.1. Grounds of Appeal

Three 3rd Party appeals have been received by An Bord Pleanála:

1. James O'Connor.
2. Marston Planning Consultants on behalf of Residents of Ard na hAbhann
3. Marcelino Campo Menendez & Daniela Morales Requena.

Each appeal is summarised in turn below:

7.1.1. **James O'Connor**

1. History

- Easement/wayleave has been registered as a burden on land contrary to the comments of the applicant in the response to Further Information.
- Legal Opinion has been prepared and accompanies the appeal.
- Appeal site is historically part of a larger land holding.
- Easement of Conduit over the park lands was granted:
 - Entitled dominant owners to lay drainage pipes.
 - Now in the charge of Uisce Eireann and serves the Ard na hAbhann estate.

2. Right of way for the park lands over the Ard na hAbhann estate

- Legal opinion states German Properties Ltd. acquired the benefit of a grant of a right of way of the sold lands.
- Applicant as owner of the park lands has no entitlement of the benefit of a right of way.

3. Easement of Conduit:

- Applicant is not entitled to build over the route of right of way.
- Deeds of grant of easement provide for right of conduit and ancillary rights over identified routes.
- Has not been exercised for 16 years:
 - Does not mean its been extinguished.
 - No development has been carried out that would prevent the right of way being exercised.
- No intention to permanently abandon the right of way and no evidence of such.

4. Public Roads in residential estate:

- Applicant has no right to enter onto the Ard na hAbhann estate to carry out works to connect the proposed development.
- Ard na hAbhann is not taken in charge – won't be until fully completed.
- Ard na hAbhann will not become public road until members make an order under Section 11 of the roads act – open space until operation make an order under Section 180 of the Planning and Development Act 2000 (as amended).
- When estate roads are taken in charge – road authority can consent to works to roads:
 - An Bord Pleanála need to look carefully at taken in charge document to ascertain if immediate land between park lands and established estates shall be taken in charge.
- Once roads in Ard na hAbhann dedicated as public right of way – does not entitle applicant to enter at any other land owned by appellants.
- Not clear level of works required to connect development to road network from plans submitted:
 - Any such works cannot be sanctioned by permission as the location falls outside red line boundary.

7.1.2. Residents of Ard na hAbhann

1. Premature pending the adoption of the Wexford Town LAP:

- Wexford Town Lap currently at draft stage.
- Land not zoned – this was acknowledged within the Planning Officers assessment.
- Reference made to Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities (May 2009) – Section 6.3(A)
“Development in smaller towns and villages must be plan led A local area plan, within the meaning of the Planning and Development Act 2000, is an essential prerequisite for the proper consideration of development proposals in smaller towns and villages mentioned at 6.0 category a)

above. Planning authorities should not consider extensive proposals for new development, including residential development, in these smaller towns and villages in the absence of an adopted local area plan. For towns and villages under 2000 in population, planning authorities can prepare either an LAP or prepare such supplementary local development frameworks as is appropriate and necessary to guide any new development proposals."

- Lap is an essential prerequisite for proper consideration of development proposals – residential developments should not be considered in the absence of such.
- Decision of the Planning Authority is contrary to Section 6.39(a) of the Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities (May 2009).
- Request The Board refuse permission.

2. Poorly considered open space

- Located close to eastern and western boundary of the site.
 - Eastern area is dominated by attenuation ponds – renders it unusable in a flood.
 - Located in areas that are not suitable for development.
 - Appears as an afterthought.
- Play-space in south-western corner of the site – appears to be squeezed in.
 - No passive surveillance.
 - Give rise to anti-social behaviour.
- Underground attenuation tank under western area – bad practice & undermines quality and useability of space.
- Planning Authority recognised inadequacy of open space in further information request - Not materially altered by response.

- Open Space is contrary to Policy Objective GI03 of the Wexford County Development Plan 2022-2028:
 - Poor location.
 - Risk of Flooding.
 - Not useable or safe.
 - Very narrow in places.
- Proposal does not provide well planned and considered open space that is of sufficient size and in locations that respond to identified needs in accordance with best practice.
- No analysis provided as to why open space is located where it is.
- Overall design fails to provide permeable inter collected series of routes.
- Design of streets remains focused on car movement.
- Question if 15% of site has been set aside for public open space- contrary to Table 14-1 of the Wexford County Development Plan 2022-2028.
- Inappropriate surface water management – contrary to Volume 1 – Section 9.11.11; Volume 2 – Section 8.2; Objective FRM 14 and Objective SWM8 of the Wexford County Development Plan 2022-2028.

3. Hedgerow mitigation

- Concern that the hedge row will not be planted to the degree indicated - Therefore not creating a biodiversity corridor indicated.

4. Inadequacy of Creche

- Table 6-7 of the Wexford County Development Plan 2022-2028 set out parking standards:
 - Proposal requires 9 no. parking space – only 4 proposed.
 - Represents a significant deficiency in parking provision.

- Location proposed will divide existing open space serving Ard na hAbhann.
- Applicant failed to provide adequate and safe drop off facilities – haphazard and uncontrolled parking:
 - Contrary to Section 6.3.3 of Volume 2 of the Wexford County Development Plan 2022-2028.

5. Inappropriate proposal via residential street network.

- Development will result in a traffic hazard and public safety concern.
- Proposal remains dominated by roads and surface car parking:
 - Poor design concept.
 - Substandard in form and layout.
 - Fails to establish a sense of place.
 - Poor quality of urban and architectural design.
 - Injurious to residential amenity of future residents.
 - Contrary to Urban Design Manual.
- Requires construction and residential traffic to be routed through the local street network – diminishes the amenities of existing residents.
- Existing dwelling closet to the entrance of the development will be particularly impacted by construction traffic.
- CEMP is lacking on detail of how construction traffic will enter/exit site.
- Child safety is a major concern – profound negative impact on residential environmental surroundings to south and the west.
- Proposal would result in a traffic hazard due to inadequate access.

7.1.3. Marcelino Campo Menendez & Daniela Morales Requena

1. No LAP

- Premature pending the adoption of the Wexford Town LAP – 2009-2015 LAP now expired.
- Reference to the Slaney River SAC and Wexford Harbour SPA and that there are 9 other Natura 2000 sites within 15km pf the site.
- Mandatory to prepare a Lap for a town with a population in excess of 5000 people – Section 2.6 and section 2.7of Sustainable Residential Developments in Urban Areas: Guidelines for Planning Authorities.
- Planning and Development Act 2000 (as amended) – Schedule 4 sets out non compensatory reasons for refusal –
 - Point 3 – Development of the kind proposed would be premature by reference to the order of priority, if any, for development indicated in the development plan or pending the adoption of a local area plan.
 - Point 15 - The proposed development would materially contravene an objective indicated in a local area plan for the area.
 - Point 20 - The development would contravene materially a development objective indicated in the development plan for the zoning of land for the use solely or primarily of particular areas for particular purposes (whether residential, commercial, industrial, agricultural, recreational, as open space or otherwise or a mixture of such uses).

All highlight how a system is in place to ensure permission can only be granted if it adheres to the proper planning and sustainable development of an area.

- Design Manual for Urban Roads and Streets (DMURs) also highlights the importance of LAP's under section 2.

2. Density and Zoning

- Site is not zoned.
- Density proposed 26.47 units/ha.

- Site previously zoned (under expired LAP) Residential Medium with a density cap of 10 units /ha and within zone 5 .
- Zone 5 of previous LAP noted the following:
 - Determination of a sewer catchment required.
 - Storm water – shall not affect the wetlands.
 - N25 road junction to be agreed with the NTA.
 - Additional Road connections required.
- Density proposed differs significantly from that previously envisaged for the site.
- New LAP currently being formulated – permission should not be granted until such time that it is adopted.
- Density and land use zoning need to be formulated – compounded by other applications in the area (PA Ref 20241358).
- Site not suitable for development considering issues with access and construction traffic – more suitable sites within the vicinity which should be developed first.
- Reference made to Section 3.7.2 - Achieving NPF Brownfield/Infill Targets and Section 3.6.1 Level 1 Key Towns Wexford of the Wexford County Development Plan 2022-2023.
- Ard na hAbhann (adjoining estate) permitted at a density of 18.81 units/ha – the subject site is closer to the Natura 2000 sites and as such the density proposed is a contradiction.
- Ard na Slaine also has a lower density than that proposed.
- Section 8 of the design statement submitted states 0.52ha of open space being proposed in 2 no. areas.
- Pre-draft consultation for the new LAP states that in accordance with the Planning and Development Act, 2000 as amended - no presumption land shall remain zoned when the plan expires.
- A number of important habitats will be permanently lost.

3. Housing Mix

- Table 3.2 of County Plan identifies Wexford as a Level 1 town.
- Reference made to Section 2.8 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2022).
- Table 4.4 of WCDP 2022-2028– ‘Forecasts for Dwelling Type of Additional Anticipated Households in County Wexford 2021-2027’ forecasts 6427 houses will be delivered for the county. Proposed mix is not in keeping with table 4.4.
- Section 3.12.1 – Mix of Dwelling Type of Volume 2 of the Wexford County Development Plan 2022-2023 is referenced.
- Section 4.7.5 – House Types of the Volume 1 of the Wexford County Development Plan 2022-2023 is referenced.

4. Insufficient Parking

- 174 parking spaces – 2 per each house; 1 per apartment/duplex and 4 per creche.
- Reference is made to:
 - Section 4.1 Childcare Facilities of Volume 2 of the Wexford County Development Plan 2022-2023.
 - Table 6 - 7 Car Parking Standard of Volume 2 of the Wexford County Development Plan 2022-2023.
- Creche will generate a parking demand of 5 spaces plus 4 staff parking spaces.
- No consideration to ancillary staff parking.

5. Construction Traffic:

- Section 3.2 of the ecological report states “During the construction works, construction vehicles i.e. Heavy Goods Vehicles (HGVs) are proposed to approach the site from via the existing estate entrance to Coill Aoibhinn Estate on the R769 Newtown Road.”

- Site is 804m from centre of Coile Aoibinn estate and 338m from entrance to Cois na hAbhann – use of these for construction traffic will cause disturbance and danger to road users/pedestrians and children at play.
- Access from Coil Aoibhinn runs through the Slaney River Valley SAC – give rise to a negative impact on SAC.
- Already on-going work within the immediate vicinity – no further works are warranted.
- 42-month construction period is far to long.
- Not suitable for construction traffic to egress and access through an established residential area.
- Response to item 4 of the further information request provided 2 additional mitigation measures – wheel washing and restricting speed limits: not considered to be sufficient.
- Access arrangements need to be clarified.

6. AA screening and NIS

- Use of existing road crossing Slaney River Valley SAC – dust and materials can enter the SAC.
- Proposed mature and established ecological corridors indicated for removal should be retained.
- Viability of replacement planting cannot be guaranteed.
- In combination affects do not list any other planning applications either granted/under construction/under review – serious lacuna in the report.
- Mitigation – masterplan submitted indicates proposed development for wider area the NIS should have considered project as a whole. Therefore, mitigation is nonsensical.
- Replacement hedging is compensatory not a mitigation measure.

7. Ecological Impact Assessment Report (EclA)

- pNHA not given adequate assessment in the AA Screening or NIS.

- Member state required to undertake appropriate protective measures to safeguard ecological interests once a site is included in the list transmitted to the omission for possible designations.
- All internal hedge lines to be removed – loss of breeding/feeding grounds for 2 no. red listed birds should not be permitted.
- More detail required for location of construction compound – parking and storage of materials.

8. EIA Screening

- EIA Screening should have been submitted given proximity to numerous Natura 2000 sites.
- Screening by Planning Officer states EIA is required – not raised in Further Information request and not submitted.

9. Arboricultural Report

- None submitted.
- Serious lacuna in the application.
- Proposal includes removal of 174m of tree line.
- Viability of replacement not guaranteed.

10. Boundary Treatment

- No block wall along boundary with no. 32 Ard Na hAbhann – granted as a natural boundary (mound).
- Owner erected a wooden fence on top of mound.
- Developer said 1.8m brick wall will be provided.
- Appellant would like assurance that existing embankment will be removed, and block wall will be provided on rear boundary.

11. Visual Impact

- Location of 3 storey building is inappropriate.
- Site slopes downward from Newtown Road.

- All houses in the vicinity are 2 storeys in height.

12. Lack of Social Infrastructure

- Section 3.6 of the Wexford County Development Plan 2022-2028 references the shortage in schools in the County.
- Nearest primary school – 1.75km.
- Nearest secondary school – 2.68km (boys school) and 2.92km (girls school).
- Majority of children likely to travel to school by car.

13. Phasing

- Masterplan submitted – reference to future Phase 1a contains 6 houses.
- Transport assessment and CEMP refer to the development for 105 units.
- Additional reports would be required under the Wexford County Development Plan 2022-2028 if a development is 100+ units.
- Reason phase 1A contains such a small number of units should be explained.
- Phase 1A is located right at the entrance and would be easy to deliver.

14. Not in keeping with existing character.

- 3 storey is out of character.
- Contrary to Objective TV21 and TV22 Wexford County Development Plan 2022-2028.

15. Traffic and Transport Assessment

- No assessment of junction of Newtown Road and N11 roundabout.
- Delays @ N11/N25 roundabout daily occurrence – proposal will only make this worse.
- Car dependent development given distance to social infrastructure.

16. Green Areas

- Insufficient green/area incorporated –western side has attenuation tanks and not useable.

17. Discrepancies in application

- Section 11 of design statement – 174 car parking spaces.
- Section 9 of Traffic and Transport Assessment – 186 parking spaces.

7.2. Applicant Response

A response to the 3rd party appeals was received from the applicant on the 21st March 2025 and can be summarised as follows:

1. History

- Subject site 1st shown as future phase of development under PA Ref 20061351 – 50 houses with a phase 2 of 50 houses and a phase 3 (subject site) of 106 houses.
- Previous application 20211658 was refused for 3 reasons – related to non-compliance with DMURS and layout failing to provide or a link road to the Newtown Road.

2. New design response – Access Road:

- Development now fully DMURS compliant.
- Link road is provided to the existing housing development to the rear of the site (Cois na hAbhann) which in turn will provide for a through road to the Newtown Road.
- Permission for Phase 2 and 4 of the lands to the south of the subject site (Cois na hAbhann) under PA Ref 20181148 and 20230670 indicate on the site layout plans “links to neighbouring lands”.
- No doubt vehicular links through Cois na hAbhann have been an objective of the Planning Authority for some time – linkages proposed as part of this development will achieve this.
- Appellant correct in his assertion that road connections to subject site cannot be made without the consent of landowner or local authority once

taken in charge – if the road is not constructed as part of the proposed development, then connection will never be made.

- Site layout details indicative possible development linkages to the east of the application site which is in applicants' ownership – provision of such will result in permeable development which meets requirements of design guidance documents.
- Appeals submitted by residents of Ard na Abhainn and Ard na Slaine expressed concern in relation to construction traffic – important to note all of the existing roads connecting to applicant lands are public roads and have been taken in charge by Wexford County Council.
- Construction management plan has been submitted and sets out mitigation measures which will minimise impacts.
- Previous permission PA Ref 20151119 for a haul road to serve the lands was refused by the Planning Authority.

3. Public Open Space:

- Planning assessment notes that 5000sq.m of open space is proposed representing 18% of the site area including public space design by landscape architect.
- Condition no. 9 requires a bond per house and includes the completion of services including open space and condition no. 16 requires a bond for the implementation of landscaping and open space – how can open space be completed if landscaping is not implemented. Request that condition no. 16 be omitted.

4. Conclusion

- Application has been prepared to the highest standard and compliant with national policy.
- The subject site is an infill backland site – well connected in terms of roads, footpaths and services to both the existing surrounding developments and zoned lands identified for future development in the most recent Wexford LAP.

- Site located within the envelope of Wexford Town which is a Tier 1 Town – the highest settlement in term of additional capacity.
- This development would equate to 4.5% of the target of 2174 houses envisaged for Wexford Town in the lifetime of the County Plan.
- Request that the decision is upheld, and condition no. 16 omitted, and condition no. 9 amended.

7.3. Planning Authority Response

A response from the Planning Authority was received on the 3rd march 2025 which can be summarised as follows:

- Assessed in compliance with the Wexford County Development Plan 2022-2028 & all Government Section 28 Guidelines.
- Site considered to be infill – development would be sequential to adjoining residential area as completed, currently under construction and permitted.
- Provides a further piece of the jigsaw in securing the overall development at Ballyboggan.
- Density proposed is considered to be acceptable for the site – higher density will be sought on lands to the east.
- Permeability and linkages provided through the proposed development.
- Site characteristics will inform zoning considerations in the new Local Area Plan (draft plan expected Q3 2025).
- Meets and exceeds relevant amenity residential standards.
- Includes comprehensive assessment of biodiversity and presents SuDS management.
- Not considered that proposal will give rise to significant dis-amenity affecting existing and permitted residential development.
- Condition could be included to agree boundary treatment.

7.4. Observations

None received.

8.0 Assessment

8.1. Introduction

8.1.1. Having examined the application details and all other documentation on file, (including the submissions received in relation to the appeal), and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are:

- The Principle of the Development.
- Density.
- Easement of Conduit.
- Traffic Issues.
- Creche.
- Character of Area.
- Open Space.
- Ecology.
- Other issues.

8.2. Principle of Development

8.2.1. The proposal comprises the construction of 99 no. residential units on lands in Wexford Town, Co, Wexford. The application was assessed by Wexford County Council in accordance with the policies and objectives of the Wexford County Development Plan 2022-2028 (WCDDP) and reference is made within the planning assessment to the Wexford Town and Environs Local Area Plan 2029 which has now expired. Under the expired Wexford Town and Environs Local Area Plan the site was zoned residential, however this no longer applies.

8.2.2. All appellants to the appeal have raised the concern over the proposed development being premature pending the adoption of the new Wexford Town Local Area Plan. It is contended that the site is no longer zoned and that a Local Area Plan is an essential prerequisite for proper consideration of development proposals for the lands. While I note that reference has been made to a Draft LAP of Wexford Town and Environs by

the 3rd Party Appellants, I note from review of Wexford County Council's Web site the Wexford Town and Environs Local Area Plan is currently at pre-draft stage and no evidence is provided as to when the draft plan will be available for public view.

- 8.2.3. Having regard to the above, I consider that the Wexford County Development Plan 2022-2028 (hereafter WCDP 2022-2028) is now the operative plan for the area. As the WCDP 2022-2028 does not include zoning objectives for Wexford Town, I consider it necessary to ensure that the development of these lands for residential purposes as proposed, is adequately supported by relevant planning policy and is appropriate in the context of the site and its location.
- 8.2.4. The National Planning Framework (hereafter NPF), which was revised in April 2025, is the Government's high-level, strategic plan for shaping the future growth and development of the country to 2040. National Policy Objective 3 identifies population growth of an additional 1450,000 people up to 2024 for the southern region. The strategy seeks to accommodate this growth in a sustainable manner which includes the promotion of 'Compact Growth'. To this end, National Policy Objective 9 seeks 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.
- 8.2.5. Informed by the NPF the Regional Spatial and Economic Strategy for the Southern Region 2019-2031 (hereafter RSES) sets out a growth strategy for the Region, identifying key locations for population and employment growth, coupled with investment in infrastructure and services to meet those growth needs. The Regional Policy Objectives of RSES require local authorities, in their core strategy, to set out measures to achieve the compact urban development targets set out in the NPF (including NPO 9). Wexford Town is designated as a Key Town in the RSES. The RSES outlines that, together with five other towns of significant size in the Southern Region, Wexford Town is a self-sustaining regional driver which has a comparable structure to the five centres designated in the NPF.
- 8.2.6. Local authorities are also required to determine a hierarchy of settlements to ensure that towns grow at a sustainable and appropriate level. The Settlement Strategy for Wexford, as set out in the WCDP 2022-2028, designated Wexford Town as a Level 1 - key Town. Table 3.4 of the WCDP 2022-2028 sets out the Core Strategy for the County and allocates a housing target of 2174 no. units to Wexford Town for the period 2021-2027. The proposed scheme would account for approximately 4.6% of the total

housing allocation for the settlement. The development approach set out within Section 3.6.1 of Volume 1 of the WCDP 2022-2028 seeks to allocate significant population growth to the town to contribute to the development of a centre of scale.

8.2.7. The subject site is a greenfield site which is adjoining both an emerging and established residential area located on the periphery of Wexford Town. The development of these lands for residential purposes, as proposed, would support the consolidation and sustainable intensification of the surrounding area while also delivering population growth on serviced lands in accordance with NPF Objectives. The proposal would also accord with Objective CS03 which seeks *To ensure that at least 30% of all new homes that are targeted in settlements are delivered within the existing built-up footprint of the settlement.*

8.2.8. Having regard to the foregoing, I consider that the development of the subject site for residential purposes would facilitate the consolidation of the existing built footprint of the town, in a manner that would reflect the established residential character of the neighbouring lands at this location while providing for a sequential and sustainable urban extension of such. I also consider that there is sufficient policy support at local, regional, and national level to facilitate the residential development of the site. Therefore, I am satisfied that the development of these lands for residential purposes as proposed is acceptable in principle and supported by policies included within the Exford County Development Plan 2022-2028, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on the amenities of neighbouring properties and the overall character of the wider area.

8.3. **Density.**

8.3.1. Concerns have been raised within 3rd party appeals received with regard to the density of the proposed development. It is contended that the density proposed differs considerably from that granted in the adjoining residential areas. Ard na hAbhann, the residential area to the south of the subject site which is still under construction was permitted at a density of 18.81 units/ha. It is argued that this site is closer to the Slaney Valley SAC and as such a reduced density should be proposed. Reference is also made to the prematurity of this application prior to the adoption of the new Wexford Town LAP. As notes in section 8.2 of my report above the Wexford Town and Environs

Local Area Plan has expired and the new LAP is currently at pre-draft stage with no clarity on when the Draft Plan will be placed on public display.

- 8.3.2. The subject site has a stated area of c.3.74ha and permission is being sought for 99 no. residential units. This would generate a density of 26.47 units per ha. As previously stated, in the absence of a local area plan I consider that the Wexford County Development Plan 2022-2028 (WCDP 2022-2028) is now the operative plan for the area. Table 3.4 of Volume 1 of the WCDP identifies that the average density for development within Wexford Town as being 35 units per hectare. However, a caveat attached to table 3.4 with regard to density states that *“Final density will be decided on a site-by-site basis in accordance with the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities when local area plans are being prepared. Population allocation and housing units will be adjusted to the respective plan period.”*
- 8.3.3. I note that under Circular Letter: NRUP 02/2024 issued by the Department of Housing, Local Government and Heritage, the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities have been revoked and are replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024. To ensure consistency Planning Authorities are requested to review statutory development plans currently in force and form a view as to whether the plan(s) is materially consistent with the policies and objectives (including SPPRs) of the new Guidelines. If not, then steps should be taken to vary the statutory development plan so as to remove the material inconsistency(s) concerned. What this means for residential densities for Wexford in general and the appeal site in particular is that the issue of residential density must be assessed in accordance with the Compact Settlements Guidelines until a formal review has been completed. I note that Compact Settlements Guidelines came into effect after the making of the Wexford County Development Plan 2022-2028 and that the County Plan has not yet been varied to accord with the Compact Settlements Guidelines.
- 8.3.4. The Compact Settlements Guidelines refer to residential density in terms of settlements and area types. Section 3.3.3 of the guidelines refers to Key Towns and Large Towns (5,000+ population). As set out in section 8.2.7 of my report above, Wexford is identified as a Key Town within the settlement strategy of the WCDP 2022-2028. The Compact Settlements Guidelines sets out a number of key priorities which

will aid in the growth and expansion of Key Towns and this includes for planning for an integrated and connected settlement overall, avoiding the displacement of development generated by economic drivers in the Key Town or Large Town to smaller towns and villages and rural areas in the hinterland; strengthen town centres; realise opportunities for adaptation and reuse of existing buildings and for incremental backland, brownfield and infill development; and deliver sequential and sustainable urban extension at locations that are closest to the urban core and are integrated into, or can be integrated into, the existing built up footprint of the settlement.

- 8.3.5. Having regard to the location of the subject site relative to the Wexford Town Centre, I consider that it can be considered as a Suburban/Urban Extension in the context of Table 3.5 of the Compact Guidelines which identifies the areas and density ranges for development of sites within Key Towns. As such, table 3.5 of the guidelines identifies that densities in the range 30 dph to 50 dph (net) shall generally be applied at suburban and urban extension locations of Key Towns and Large Towns.
- 8.3.6. I note that the density achieved by this development, 26.47 units per ha, falls slightly below that identified within the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities. However, I note that the subject site forms part of a wider development area which is in the ownership of the applicant and where the density can be increased to accord with that identified in Table 3.5 of the compact guidelines and is therefore considered to be acceptable and in compliance with the requirements of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024.
- 8.3.7. In conclusion, I consider that a density of 26.47 units per ha at this location would be acceptable and in compliance with Table 3.4 of Volume 1 of the WCDP and Table 3.5 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024.

8.4. **Easement of Conduit.**

- 8.4.1. A third part appellant has raised concerns that the plans submitted encroach upon an easement of conduit which has been registered as a burden on land subject to this application and that the applicant has no entitlement to the benefit of the right of way.

It is stated that this easement has been in place for 16 years and while it has not been utilised it does not mean that it has been abandoned or extinguished.

- 8.4.2. The Planning Authority within their assessment requested that the Applicant address this issue of the easement of conduit under item 1 of the request for further information. The applicant stated that the easement has never been registered and that the proposed development does not in fact impede upon it. As such, there is a possibility of accommodating the easement in future.
- 8.4.3. I note that section 5.13 of the Development Management Guidelines for Planning Authorities 2007, states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land - these are ultimately matters for resolution in the Courts. Furthermore, section 34(13) of the Planning and Development Act 2000 (as amended) states, that a person is not entitled solely by reason of a permission to carry out any development.
- 8.4.4. The Board is not an arbiter of title and 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 (as amended). As such, I do not consider this is a matter for the Board include within their assessment of the application.

8.5. Traffic Issues

- 8.5.1. Concerns have been raised over a number of traffic issues with a specific reference to construction traffic, deficiencies in the Traffic and Transport Assessment which accompanied the application and access to the development. I have addressed each of these topics below:

Construction Traffic

- 8.5.2. The appellants are concerned over the proposal for construction traffic to obtain access to the subject site via the Ard Na hAbhainn and Ard na Slaine estates. It is considered that this would give rise to a significant negative impact upon the residential amenities of the residents of these estates and further concern is raised over pedestrian and children safety. It is contended that the subject site is located c. c.338m from entrance to Ard na hAbhainn and c. 800m to the entrance of the Ard na Slaine estate. Furthermore, it is noted by some appellants that the construction route will transverse through the Slaney River Valley SAC. Overall, it is contended that this

is not a suitable solution for construction traffic to egress and access through an established residential area.

- 8.5.3. The Planning Authority sought further information from the applicant with regard to the concerns raised over construction traffic. In response the applicant revised the Construction Environmental Management Plan (CEMP) to include further mitigation measures to ensure pedestrian safety and to protect amenities of the residents. These included for limited speed limits and wheel washing facilities.
- 8.5.4. From review of the CEMP, I note that the timeline proposed for the proposed development is identified as being 12 months and that the operational hours are set out as being 8am to 5pm Monday to Friday, 8am to 1pm on Saturday, however it is envisaged that the site will be closed most Saturdays. While I note all concerns raised by the appellants, I consider that the impacts of the construction period will be short lived and limited to operational hours. Furthermore, the mitigation measures set out within the CEMP will further reduce the impact the works will have on the surrounding area.
- 8.5.5. I consider that the concerns raised with regard to the impact on the Slaney River Valley SAC has been considered within the NIS submitted and mitigation has also been proposed to overcome such. I have undertaken a full assessment of the NIS submitted within Appendix 4 of my report.

Traffic and Transport Assessment (TTA)

- 8.5.6. A TTA was submitted as part of the application documentation. The assessment utilised a TRIGS database to calculate the trip generation for the proposed development. It was utilised to estimate the number of car trips which would be generated by this development during the morning and evening peak hours. Traffic counts were carried out on Wednesday 16th May 2023 for the morning peak hours of 07:30 - 09:30 and the evening peak hours of 16:30-18:30.
- 8.5.7. Counts were undertaken at the following junctions on the R769 Newtown Road; Junction 1 Coill Aoibhinn Estate / R769 Newtown Road; Junction 2 Cotters Lane / R769 Newtown Road; Junction 3 Ard Na hAbhainn Estate / R769 Newtown Road; and Junction 4 Cotter Road / R769 Newtown Road. The expected year of completion for the development is taken to be 2026.

- 8.5.8. The assessment noted that all junctions are operating within capacity in the base year 2024 for the morning and evening peak hours. Table 5.1 sets out the expected trip generation relating the proposed development finding that between the AM hours surveys there would be a total 15 cars arriving to site and 42 departures. While during the PM peak house 40 arrivals would be expected and 21 departures.
- 8.5.9. It is contended that the TTA submitted should have considered the New Ross Road Roundabout (junction of the Newtown Road and N11). Concern is raised that traffic generated from the proposed development will only exacerbate delays at this junction which are now a daily occurrence.
- 8.5.10. I note that the TTA submitted was considered to be acceptable to the Transport Section of the Planning Authority and no concern was raised with regard to the junctions selected as part of the assessment. I consider that the methodology employed, and the junctions selected to be adequate to assess the impact the proposal will have upon the existing traffic and transport situation within the vicinity of the site.

Access to the site.

- 8.5.11. From assessment of plans submitted it is noted that the applicant is proposing to provide access to the site from both the south via the Ard Na hAbhann estate and from the west from the Ard na Slaine estate and also provide for potential connection links to lands located to the east which are not yet developed.
- 8.5.12. It is contended by a 3rd party appellant that the applicant has no right to entre the Ard Na hAbhann estate to carry out works to connect the proposed development. It is stated that Ard na hAbhann is not taken in charge as it is under construction. Furthermore, it is stated that it is unclear from plans submitted as what level of works are required to connect the proposed development to the adjoining residential estates.
- 8.5.13. From undertaking a review of Wexford County Councils list of estates that have been taken in charge, which is available on their web site, on the 16th May 2025 I note that Ard na Slaine has been taken in charge by the Local Authority. The list confirms the comments of the appellant with regard to Ard Na hAbhann.
- 8.5.14. I consider that the subject site can be accessed via the Ard na Slaine estate until such time that the Ard Na hAbhann estate is taken in charge and the secondary access can be provided. Works indicated on plans submitted have been contained within the red

line boundary of the site and until such time that the Ard Na hAbhann residential estate is taken in charge no works outside of this boundary will be undertaken.

- 8.5.15. I would draw the board attention to section 34(13) of the Planning and Development Act 2000 (as amended) states, that a person is not entitled solely by reason of a permission to carry out any development.

8.6. Creche

- 8.6.1. Concerns have been raised over the proposed creche in terms of the quantum of parking being proposed and the lack of safe drop of facilities. It is contended that in accordance with the requirements of Table 6-7 of the WCDP 2022-2028 that the applicant should have provided 9 no. parking spaces to serve the creche and that no consideration was given to the provision of ancillary staff parking. Furthermore, it is contended that the lack of adequate and safe drop of facilities would be contrary to Section 6.3.3 of Volume 2 of the WCDP 2022-2028.
- 8.6.2. The proposed creche has a stated area of c.131.5 sq.m and is located at the most southern point of the subject site where it adjoins the Ard na hAbhainn estate. The applicant has indicated that the creche will serve 20 no. children and is provided with an enclosed outdoor garden of c.170 sq.m. In addition, from assessment of the plans submitted I note that the creche is also served with 4 no. parking spaces one of which is an accessible space located within a dedicated parking area to the side of the crèche building.
- 8.6.3. The main concern to the proposed creche relates to parking and drop of issues. The Planning Authority in their assessment recognises that the creche may be subject to some traffic congestion associated with drop off and collection times given the nature of the premises. However, this was considered acceptable as it was envisaged that the crèche will mainly be utilised by residents of the existing and proposed estates who could walk to the premises.
- 8.6.4. Section 6.3.3 of Volume 2 of the WCDP 2022-2028 states that creche facilities will be required to make provision for adequate and safe vehicular drop off facilities, in addition to the car parking requirements. Table 6-7 of Volume 2 of the WCDP 2022-2028 sets out the parking requirements for the County and requires a maximum provision of 1 space per 4 children and 1 space per employee.

- 8.6.5. As such, the applicant would be required to provide a maximum of 9 no. spaces. The applicant is proposing to provide 4 no. spaces so this would equate to a shortfall of 5 no. spaces, 55.5% below maximum requirement.
- 8.6.6. There is a deviation from the standards set out in table 6.3.3 of Volume 2, I note that the standards set out in the WCDP are at a maximum and are not required to be met. In this context, I would draw the Boards attention to the location of the appeal site as being a part of a wider existing residential area where there is no provision of childcare. In this instance the shortfall of parking provision to serve the creche facility would be a material contravention of Table 6-7 of Volume 2 of the WCDP 2022-2028.
- 8.6.7. In this instance, I would draw the Boards attention to Section 37(2)(a) of the Planning and Development Act, 2000 (as amended) which states *“subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.”* And also to Section 37(2)(b)(iii) of the Act which states *“permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government”.*
- 8.6.8. I note that section 4.4 (i) of the Section 28 Compact Guidelines, 2024, states *“The quantum of car parking in new developments should be minimised in order to manage travel demand and to ensure that vehicular movement does not impede active modes of travel or have undue prominence within the public realm”.* Furthermore Section 5.3.4 of the same guidelines further notes that *“the availability of car parking has a critical impact on travel choices for all journeys, including local trips and that in areas where car-parking levels are reduced studies show that people are more likely to walk, cycle, or choose public transport for daily travel”.*
- 8.6.9. As such, I consider that while the car parking associated with the proposed creche facility would constitute a material contravention of Table 6-7 of Volume 2 of the WCDP 2022-2028 however, having regard to Section 37(2)(a)(b)(iii) of the Planning and Development Act, 2000 (as amended) and section 4.4 (i) and section 5.3.4 of the

Section 28 Compact Guidelines, 2024, I consider that the quantum of parking proposed to serve the creche to be acceptable.

- 8.6.10. However, notwithstanding the above, I do have some concern over the layout of the parking provision to serve the creche as I consider that in its current form it could give rise to conflict between pedestrian and vehicular movement. It is unclear from documentation and plans submitted how it is proposed to access the creche facility from the car parking area. While I do not consider that this warrants a reason for refusal, I do consider that it can be overcome with an amendment to the car park layout by way of condition in the event that the Board are minded to grant permission.

8.7. Character of Area

- 8.7.1. The appellants raise concern over the provision of 3 storey units as part of the proposed development which they consider not to be in keeping with the established character of the surrounding area and would be contrary to a number of objectives within the WCDP 2022-2028 most notably Objective TV21 and TV22. It is contended that all dwellings within the adjoining residential dwellings are either dormer bungalows or two storeys in height.
- 8.7.2. Objective TV21 of the WCDP 2022-2028 seeks *“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.”* While Objective TV22 of the WCDP 2022-2028 seeks *“to ensure that new development has regard to the scale of the settlement and ability of the settlement to absorb further development. In deciding whether any given development exceeds the absorption capacity of the settlement, as well as the absolute quantum of development, the Planning Authority will also have regard to scale, bulk and massing of the individual buildings and groups of buildings.”*
- 8.7.3. The proposed development provides for 7 no. 3 storey building which will provide for 1 bed apartment units at ground floor with 2 bed duplex units located above. These units have been located centrally within the subject site and are finished in a manner that allows them to read as a single dwelling unit, with the access stairs to the upper units having been internalised into the footprint of the building. The ridge level of these units sits approximately c.1.6m higher than the traditional dwelling units proposed within the scheme.

- 8.7.4. I consider the inclusion of the 3 storey units provide for a variety in the overall design ethos and creates a sense of place through the slight deviation in height. The inclusion of these units having regard to their central location within the overall site layout would not visually impact on the established surroundings.
- 8.7.5. I note that it has been contended within one of the 3rd party appeals submitted that the overall layout represents a poor and substandard design concept, fails to establish a sense of place, is of poor quality of urban and architectural design and is serious injurious to residential amenity of future residents and would be contrary to the requirements of the Urban Design Manual. However, I further note that no other evidence in terms of assessment s or references to relevant development plan policies have been include to support these statements.
- 8.7.6. The application as submitted includes for a design statement which has assessed the application against the 12 principles as identified within the Urban Desing Manual and demonstrated how the proposal complies with all relevant objective of the WCDP 2022-2028, how it will be absorbed into the surprising landscape, and is in keeping with the existing character of the area. I therefore, do not accept the assumptions made by the appellants and consider that the proposal represents a high quality residential scheme which will afford all future residents a high quality of amenity and is in keeping with the established character of the area and not be visually dominant. I consider that the proposed development would be in keeping with Objectives TV21 and TV22 of the WCDP 2022-2028.

8.8. Open Space.

- 8.8.1. Concern has been raised by the appellants with regard to the location, quantum and quality of the open space being proposed to serve the proposed development. It is asserted that insufficient space has been provided. It is further stated that the western area of open space is dominated by attenuation tanks which is considered to be bad practice as it undermines quality and useability of space. Overall, the appellants are of the opinion that the proposal fails to comply with the requirements of Policy Objective FRM 14 and Objective SWM08 of the Wexford County Development Plan 2022-2028.

- 8.8.2. Objective FRM 14 requires the use of sustainable drainage systems (SuDS) and nature-based solutions while Objective SWM08 seeks to incorporate an integrated area-based approach to SuDS and nature-based solutions and green infrastructure in the preparation of future local area plans.
- 8.8.3. The applicant states that they have provided 0.52ha which equates to 20% of open space which is predominantly located in two large areas on opposing sides of the site. The open space located to the east of the site forms the first phase of a larger central parkland area within the overall area masterplan, submitted as part of the application documentation but not subject to this permission, and contains play and gathering spaces with robust furniture and adventure playground, and large attenuation area swales Incorporating a level mown grass area for informal play. The open space on the western boundary provides a green buffer zone to the previously built Ard Na Slaine residential area, creating a soft transition to the higher density volume of the proposed development. In addition to providing a visual amenity, this space also accommodates pedestrian movement, nature-based drainage solutions, and biodiversity. It is proposed to locate 2 no. underground storm tech attenuation tanks under the western area of open space which has also been described as in integrated constructed wetland.
- 8.8.4. With regard to useability and the concern raised relating to the location of the attenuation tanks, I note that section 8.2 of Volume 2 of the WCDP 2022-2028 states that *“in some cases and at the discretion of the Planning Authority, where it is demonstrated that SUDS devices are not feasible, consideration may be given to the installation of underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality. Such alternative measures will only be considered as a last resort.”*
- 8.8.5. The engineering reports accompanying the application notes that the site has been designed with a combination of both soft and hard storm water attenuation. The soft SuDS proposal comprises a combination of 3 ponds with selected planting to treat storm water. The lower section of the site is proposed to be serviced by A Storm Tech SuDS system which comprises of 3 pods of cells constructed into the green area. These cells are designed to collect and store the water and are easily serviced and maintained and will be required to be serviced yearly. Other SuDS features will include for infiltration trenches and swales.

- 8.8.6. The Planning Officer in their assessment notes that the surface water management proposal was considered to be acceptable, and I note that Objective ROS05 seeks to ensure that open spaces and recreational facilities are multi-functional spaces incorporating biodiversity, SuDS and flood attenuation, where appropriate.
- 8.8.7. While reference is made to a number of objectives within the County Plan pertaining to sustainable drainage systems (SuDS) by the 3rd party Appellants, namely Objective FRM 14 and Objective SWM08 of the WCDP, I do not consider them to be relevant in this instance and I consider that the SuDS proposal and the inclusion of attenuation tanks to be acceptable and in accordance with the requirement of Objective ROS05 and Section 8.2 of Volume 2 of the WCDP 2022-2028. I consider that the open space in its proposed form would be usable for the future potential residents.
- 8.8.8. With the regard to the quantum of open space, Table 14-1 of Chapter 14 Volume 1 of the WCDP 2022-2028 sets out the Hierarchy of Public Open Space for the county. It states that in general 15% of the total area of a residential site will be allocated to public open space. There is a caveat to this stating that *“It will not be appropriate to provide small parcels to aggregate to the required 15% public open space. A minimum of 10% must be in one large useful space.”* Objective ROS 17 of the WCDP 2022-2028 requires that the provision of public open space to comply with the quantitative standards set out in Section 14.5.4 (Table 14-1) of the County Plan.
- 8.8.9. Policy and Objective 5.1 of the Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) states that *“the requirement in the development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances.”*
- 8.8.10. Objective ROS16 of the WCDP 2022-2028 requires that a detailed landscaping plan, for both hard and soft landscaping, prepared by a suitably qualified landscape architect be submitted for all residential schemes of 10 units or more. I note that a detailed Landscape Plan which was prepared by a suitably qualified persons did accompany the application.
- 8.8.11. As previously sated the applicant have asserted that they have provided for c.0.52ha of open space which equates to 20% of the overall site area located in two large areas on opposing sides of the site. I note that the site area is given at 3.74ha and that 20%of

such would equate to 0.748ha. Therefore, as the applicant is providing for c.0.52ha this would equate to 14% of the overall site area. Notwithstanding the slight discrepancy made by the applicant, I note that the provision of 14% of open space would still accord with the requirements of Policy and Objective 5.1 of the Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and I therefore consider it to be acceptable.

8.9. Housing Mix

- 8.9.1. It is contended that the housing mix proposed does not comply with Table 4.4 of Volume 1 of the Wexford County Development Plan 2022-2023 (WCDP) and Section 3.12.1 of Volume 2 of the Wexford County Development Plan 2022-2023.
- 8.9.2. Section 3.12.1 of Volume 2 of the WCDP refers back to Section 4.7.5 in Volume 1 Chapter 4 of the County Plan which sets out the requirements relating to type mix in both houses and apartment developments.
- 8.9.3. The proposed development provides for 14% 1 bed units, 14% 2 bed units, 42% 3 bed units, and 19% 4 bed units. Section 4.7.5 of the WCDP sets out the house types and appropriate mixes for developments that are in excess of 25 no. units. It notes that where a residential scheme is proposed with houses, the development should provide for the following house type mix: 25% 2 bed; 30% 3 beds; 60% 4 beds; and 15% to be allocated to any of the above based on evidence of demand. The Planning Authority consider the unit mix proposed to be acceptable.
- 8.9.4. Having regard to the above I consider the mix proposed to be appropriate and in accordance with the requirements of Section 4.7.5 of the Wexford County Development Plan 2022-2023.

8.10. Ecology

- 8.10.1. Concerns have been raised within a 3rd Party Appeal with regard to the Ecological Impact Assessment (EclA) submitted. The concerns relate to the removal of all internal hedge lines within the subject site which in turn will lead to the loss of grounds for breeding and feeding of bird species. This is further considered to not be acceptable given that 2 no. red listed bird species were found to be present on the subject site. It was asserted that replacement hedging is compensatory not a mitigation measure and

that the viability of replacement planting cannot be guaranteed. In addition, it is argued that pNHA sites should have been considered as part the AA screening or NIS submitted.

- 8.10.2. In the first instance I note that Section 9 and appendix 3 and 4 of my report provides for a detailed assessment of the NIS and AA Screening Report submitted as part of this application and that in accordance with Section 177U of the Planning and Development Act 2000 (as amended) pNHA sites are not required to be considered as part of the Appropriate Assessment process.
- 8.10.3. The Planning Authority in their assessment also raised concern over the loss of the broad hedgerow on the northern boundary of the site. It was stated that that while the ecology assessment and plans submitted noted that it is to be retained that this could provide difficult to achieve. The applicant was requested to address this under item 8 of the request for further information.
- 8.10.4. The applicant in their response noted that the existing hedgerow will be located outside of the back garden boundary's of the dwellings located along the northern boundary of the site and the additional and supplementary planting will be managed accordingly with a maintenance access gate being provided at the western end to the rear of proposed unit no. 73. I accept the mitigation proposed in this instance with regard to the maintenance and supplementary planting of the northern hedgerow.
- 8.10.5. The EclA submitted notes that habitat surveys were undertaken of the subject site on the 21st of September 2023 and the 7th August 2024 and it is stated that no constraints to the survey being undertaken were encountered. EclA examines the potential ecological impact of the proposed development, noting the location of the appeal site, impacts on bats, birds, trees and water quality predominate the assessment.
- 8.10.6. I note that the bat survey was undertaken in June and July which is within the correct period for doing so as outlined by the National Parks and Wildlife on their website. The survey found 3 no, species of Lislars bats on site which are recorded as being the most common and widespread species in Ireland. The survey concluded that at the height of the season bat activity could be rated as medium. The subject site is located within a sub-urban area with lands located to the west and south having already been developed for housing. Mitigation measures have been proposed in terms of the use of directional lighting during the construction phase which will restrict excessive light

pollution from the site for bats. Therefore, I do not consider that the development as proposed will be detrimental to the species which were found on site.

- 8.10.7. With regards to Birds, during the field study 32 species were identified. One of the species found was a red listed species being the Meadow Pipit specie which is noted as being a widespread specie in Ireland. The conclusion of the bird conservation evaluation noted that the overall site was considered to be lower value.
- 8.10.8. Section 7.3 of the EclA submitted sets out specific mitigation measures relating to the loss of the internal hedgerow which includes for hedgerow planting to replace the internal treelines and reinstate connectivity across the site, to plant a robust wide green native hedgerow corridor along the northern boundary of the site, retain the project ecologist in conjunction with the landscape consultant during the construction and planting phase to ensure that the hedgerow planting along the western and northern boundary of the site is carried out according to the landscape plan, and Habitat Management Plan for the meadow grassland, which will be devised by the project ecologist.
- 8.10.9. From review of the EclA submitted to the Planning Authority on the 18th of September 2024 and amended report submitted on the 29th November 2024, together with the CEMP, also updated report submitted 29th November 2024, I am satisfied that on foot of the mitigation measures set out being implemented that the potential negative impacts of the proposed works would not impact upon the ecology of the subject site. In the event that the Board are minded to grant permission for the proposed development a specific condition should be included to ensure that mitigation measures proposed within the EclA and updated documentation together with the CEMP, are adhered to during the construction phase.

8.11. Other issues.

8.11.1. EIA Screening

It is contended that the applicant should have submitted an EIA Screening Report as part of the application documentation. In addition, reference is made to the EIA screening which was undertaken by the Planning Authority and that it indicated that an EIA Screening was required given that 'the development is within part 1 or part 2

is less than the threshold' was ticked. The Planning Authority never sought an EIA Screening to be submitted.

In the first instance I would draw the Boards Attention to Section 6 and Appendix 1 and Appendix 2 of my report where I have undertaken a detailed EIA Screening Assessment and determined that EIA is not required. I further note that an EIA Screening Assessment is not a statutory requirement to be submitted with an application for permission. It is part of the role of the Planning Authority and subsequently the Board being the competent authorities to undertake such assessment.

With regard to EIA screening, which was undertaken by the Planning Authority, while I note a tick was placed next to EIA Screening being required, this was undertaken on the preliminary examination which formed part of the Planning Authorities assessment. The Planning Authority determination indicated that the proposed development would not require an EIA to be submitted. Under section 6.0 and Appendix 1 and Appendix 2 of this report I have undertaken a EIA screening determination and found that while the proposed development is within a class as described within Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, (as amended), however, the scale of the proposed development does not exceed the thresholds set out and I do not consider that any characteristics or locational aspects (Schedule 7) apply and therefore concluded that as EIA is not required.

8.11.2. Social Infrastructure

The appellants have raised concern over the lack of social infrastructure serving the proposed development. Reference is made to section 3.6 of the WCDP 2022-2028 where it states that there is a shortage of schools within the county. It is contented that having regard to the proximity of the subject site to the nearest schools within Wexford Town that the majority of children will travel by car.

I note that the proposed development provides for a creche facility which is considered to be social infrastructure and is easily accessible for pedestrian and cycle movements from the proposed development and the surrounding existing residential area of Ard na hAbhann and Ard Na Slaine. No other creche was proposed as part of any permission granted on the adjoining lands.

Furthermore, while I note the proximity of the subject site for the surrounding school facilities, from undertaking a site visit I note that there is a cycle track and pedestrian footpath along the R769 which connects the subject site to Wexford town centre. I note that the nearest primary school, Scoil Mhuire, is located c. 2.9km from the entrance to the subject site which is formed with Ard Na Slaine which would equate to a c.11-minute cycle time. As such, I do not consider the concerns raised with regard to proximity of subject site to social infrastructure to be warranted.

8.11.3. Boundary Treatment

Concerns have been raised over the proposed boundary treatments with a particular reference to No. 32 Ard Na hAbhann which forms its northern boundary with the subject site. The concerns relate to the location of an embankment which currently forms the boundary between the private amenity space and the appeal site.

The appellant is unclear from plans submitted if it is the intention of the applicant to retain the embankment and construct the proposed boundary wall on top of this or to remove the embankment. The appellant has requested that the embankment be removed from the side and rear of the property and the 1.8m wall to then be constructed.

I consider this concern to be valid and in the event that the Board are minded to grant permission the final boundary treatment of the site can be subject to a condition for agreement of the Planning Authority.

8.11.4. Bond Conditions

The applicant in their response to the 3rd party appeals submitted has raised concerns over the condition no. 9 and condition no. 16 of the Planning Authorities decision which relate to the requirements for 2 no. bonds to be lodged with the Planning Authority prior to the commencement of development. It is contended that there is no need for the 2-no. condition.

I note that a 1st party appeal was received by the Board on the 25th of February which was deemed to be invalid. As such there is no 1st party appeal against any conditions relating to this application and I therefore will not consider this concern.

8.12. Phasing

Concerns have been raised over the masterplan documents submitted as part of the planning application documentation. It asserted that reference is made to Phase 1A which only contains 6 units and is located at the entrance to the subject site. It is stated that report submitted as part of the application makes reference to the proposed development seeking permission for 105 units such as the CEMP and the Transport Assessment. It is argued that had the applicant sought permission for a development that was in excess of 100 units they would have been required to submit additional report in line with the requirements of the WCDP 2022-2028

I note that an applicant is entitled to apply for a development of any number of units once they can demonstrate it to be acceptable and in accordance with the County Development Plan along with other requirements as prescribed by the Planning and Development Act 2000 (as amended). Furthermore, had this permission been in excess of 100 residential units the Applicant would have had to proceed through the LRD (Large Scale Residential) as prescribed by Section 32A of the Planning and Development Act 2000 (as amended). I therefore do not consider this to be a substantive issue for the Board to consider in their assessment of this appeal.

9.0 Appropriate Assessment

9.1. Stage 1 - Appropriate Assessment Screening

- 9.1.1. I am satisfied that the information on file which I have referred to in my assessment allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites. I have reviewed the applicant's 'Screening for Appropriate Assessment' and I have carried out a full Screening Determination for the development and it is attached to this report in Appendix 3.
- 9.1.2. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects could give rise to significant effects on the Slaney River Valley SAC (site code 00781); Wexford Harbour and Slobs SPA (site code 004076); The Raven Point Nature Reserve SAC (site code 000710); and The Raven SPA (site

code 004019) in view of the conservation objectives of these sites and is therefore require further consideration. Appropriate Assessment is required.

9.1.3. This remote hydrological connectivity to the Lower Slaney Estuary

determination is based on:

- Nature of works.
- Due to the ecological corridor connectivity a potential for spread of non-native invasive plant species was identified to the Slaney River Valley SAC.
- Hydrological connection provided by the drainage ditch adjacent to the existing way leave and also a drainage ditch located within the adjacent Phase 2 lands and along the eastern boundary of the Phase 2 &3 lands.
- negative effects on transitional water quality only with associated potential negative effects on qualifying interest habitats and species that are sensitive to changes in water quality.

9.1.4. An appropriate assessment is required on the basis of the effects of the project 'alone'. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000, is required on the basis of the effects of the project 'alone'.

9.2. Stage 2 - Appropriate Assessment

9.2.1. The following is an objective assessment of the implications of the proposal on the relevant Conservation Objectives (CO) of the Slaney River Valley SAC (site code 00781); Wexford Harbour and Slobbs SPA (site code 004076); The Raven Point Nature Reserve SAC (site code 000710); The Raven SPA (site code 004019) based on the scientific information provided by the applicant and taking into account expert opinion. It is based on an examination of all relevant documentation, analysis and evaluation of potential impacts, findings and conclusions. A final determination will be made by the Board.

9.2.2. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects on site integrity are examined and evaluated for effectiveness. Possible in-combination effects were also considered. A full description of the proposed development is set out in section

3.2 of the AA Screening Report submitted by the applicant and the potential impacts from the construction and operational phases are set out in Section 8 of the NIS submitted.

- 9.2.3. From undertaking a screening for the need of Appropriate Assessment, it was determined that the proposed development could result in significant effects on Slaney River Valley SAC (site code 00781); Wexford Harbour and Slobbs SPA (site code 004076); The Raven Point Nature Reserve SAC (site code 000710); The Raven SPA (site code 004019) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.
- 9.2.4. Following an examination, analysis and evaluation of the NIS, as set out within appendix 4 of my report, and all associated material submitted, I consider that in light of the mitigation measures proposed, that adverse effects on site integrity of the Slaney River Valley SAC (site code 00781); Wexford Harbour and Slobbs SPA (site code 004076); The Raven Point Nature Reserve SAC (site code 000710); and the Raven SPA (site code 004019) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.
- 9.2.5. My conclusion is based on the following:
- Detailed assessment of construction and operational impacts.
 - the proposed development will not affect the attainment of conservation objectives or prevent or delay the restoration of favourable conservation condition of the Slaney River Valley SAC (site code 00781); Wexford Harbour and Slobbs SPA (site code 004076); The Raven Point Nature Reserve SAC (site code 000710); and The Raven SPA (site code 004019).
 - Effectiveness of mitigation measures proposed and adoption of CEMP submeter.
 - Application of planning conditions to ensure the mitigation measures proposed are undertaken.

10.0 Water Framework Directive Screening

- 10.1. The subject site is located the outskirts of the Wexford suburban area in the townland of Ballyboggan. The proposed development comprises of 99 no. residential units, a

childcare facility and all association site works. The Coolree Stream flows approximate 606m to the east of the subject site and the Lower Slaney Estuary is located c.867m to the north of the site.

10.2. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

10.3. The reason for this conclusion is as follows:

- Nature of works regard the scale.
- The context of the surrounding area.
- Location-distance from nearest Water bodies.
- The mitigation included within Construction Environmental Management Plan.
- The Natura Impact Assessment which accompanied the application.

10.4. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

11.0 Recommendation

11.1. Having regard to the above it is recommended that the decision of the Planning Authority be upheld, and permission is granted based on the following reasons and considerations and subject to the attached conditions.

12.0 Reasons and Considerations

Having regard to the provision of the Wexford County Development Plan 2022-2028, the provision of Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), Section 28 Guidelines, the and the design, scale and layout of the proposed development and pattern of existing and proposed development in the surrounding area, it is considered that subject to compliance with the conditions set out below, would provide for an appropriate form of development and would not adversely impact upon the residential amenity of the area, would provide for a good quality of residential amenity for future potential residents, would not undermine traffic safety of the surrounding area and, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1.	<p>The development shall be carried out and retained 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 18th day of September 2024, and the 29th Day of November 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Mitigation measures outlined in the Natura Impact Assessment lodged with the application on the 18th November 2025, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p>Reason: in the interest of protecting the.</p>
3.	<p>Prior to the commencement of development, the applicant shall submit plans for the written agreement of the Planning Authority plans indicating a revised parking area to serve the creche facility which eliminates the possibility of</p>

	<p>conflict between pedestrian and vehicular movements and demonstrates clearly how it is proposed to access the crèche from the parking area.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
4.	<p>Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed (at this time).</p> <p>Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.</p>
6.	<p>Proposals for an estate/street name, house/apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
7.	<p>The construction of the development shall be managed in accordance with the Construction Management Plan submitted to the Planning Authority on the 18th September 2024 and the updated Construction Management Plan</p>

	<p>submitted to the Planning Authority on the 29th Day of November 2024. All mitigation measures set out within these plans shall be implemented in full.</p> <p>Reason: In the interest of amenities, public health and safety and environmental protection</p>
8.	<p>If, during the course of site works any archaeological material is discovered, the Planning Authority shall be notified immediately. The applicant/developer is further advised that in this event that under the National Monuments Act, the National Monuments Service, Dept. of Housing, Heritage and Local Government and the National Museum of Ireland require notification.</p> <p>Reason: In the interest of preserving or preserving by record archaeological material likely to be damaged or destroyed in the course of development.</p>
9.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works. Reason: In the interests of visual amenity.</p>
10.	<p>The site shall be landscaped in accordance with the Landscape Plan submitted to the Planning Authority in the 18th September 2024. 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 or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
11.	<p>All boundary treatments shall be implemented and constructed in accordance with plans submitted prior to the first occupation of the proposed development, unless otherwise agreed in writing with the planning authority.</p>

	Reason: In the interest of residential amenity.
12.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage</p>
13.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards. In the absence of specific local standards, the standards as set out in the 'Recommendations for Site Development Works for Housing Areas' issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p>Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
14.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the Planning Authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity</p>
15.	<p>Prior to the commencement of development, the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply and wastewater collection</p>

	<p>network. All works shall comply with Uisce Éireann's Connection and Developer Services Standard Details and Code of Practice.</p> <p>Reason: In the interest of public health and to ensure adequate water/wastewater facilities.</p>
16.	<p>All drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services. Prior to the commencement of development, the developer shall submit all drainage details to the Planning Authority for written agreement.</p> <p>Reason: In the interest of public health and surface water management.</p>
17.	<p>Prior to the commencement of the development as permitted:</p> <p>(a) The applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant residential units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by ABP-319092-24 Inspector's Report Page 57 of 70 individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or</p>

	<p>any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
18.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, coupled with an agreement empowering the planning authority to apply such security or part thereof to secure the taking in charge of roads, footpaths, sewers, water mains, drains, public car parking, public lighting and other services proposed or required in connection with the development to the satisfactory requirement of the Planning Authority. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.</p>
19.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory implementations of open space, any play areas and landscaping. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of traffic safety and the proper planning and sustainable development of the area.</p>
20.	<p>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</p>

	<p>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.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area</p>
21.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>

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

Kathy Tuck
Planning Inspector

28th May 2025

Appendix 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321942-25		
Proposed Development Summary	Construction of 99 residential units, a childcare facility and all associated site works.		
Development Address	Ard na Sláine, Ballyboggan, Wexford.		
5. Does the proposed development come within the definition of a 'project' for the purposes of EIA? <small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>	Yes	X	
	No		
6. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Proceed to Q3.
No			Tick if relevant. No further action required
7. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No	X	S. 5 P.2 10(b)(ii) construction of more than 500 dwelling units.	Proceed to Q4
8. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	X	Tick/or leave blank	Preliminary examination required (Form 2)
9. Has Schedule 7A information been submitted?			

No	X	Screening determination remains as above (Q1 to Q4)
Yes	Tick/or leave blank	Screening Determination required

Inspector: _____ **Date:** _____

Appendix 2

EIA Preliminary Examination

An Bord Pleanála Case Reference Number	ABP-321942-25
Proposed Development Summary	99 no. residential units including a creche and all associated site works.
Development Address	Ard na Sláine, Ballyboggan, 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>	
Characteristics of proposed development	<p>The proposed development is for 99 no. dwelling houses and a single storey creche.</p> <p>The proposed development would not be exceptional in the context.</p> <p>The development would not result in the production of significant waste, emissions, or pollutants</p>
Location of development	<p>The subject site is located to the east of the existing residential estate, Ard Na Slaine, Co. Wexford.</p> <p>The River Slaney is located c. 676m to the north of the subject site.</p> <p>There is a connection present which would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors). The application has been accompanied by a Natura Impact Assessment which was submitted as response to clarification to additional information stage.</p>
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	There are no other locally sensitive environmental sensitivities in the vicinity of relevance.

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Y
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	N
There is a real likelihood of significant effects on the environment.	EIAR required.	N

Inspector: _____

Date: _____

Appendix 3

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Case File: ABP-3217942-25				
Brief description of project	Normal Planning Appeal 99 no. residential units and a single storey creche.			
Brief description of development site characteristics and potential impact mechanisms	<p>The subject site is a greenfield site which is relatively flat in nature and is located to the east of an established residential area and to the north of the Town Centre of Wexford.</p> <p>The devolvment will comprise of the construction of a single storey creche and 99 no. residential units which comprises of a mix of houses and apartment units.</p> <p>The development includes for a car park area and on site drainage infrastructure including SUDS measures with connections to the existing watermain and foul waste water services also being proposed.</p> <p>The Carrig Stream is located approximately 440m due west of the site. The stream flows south to north through an area of woodland and saltmarsh included within the Slaney River Valley SAC.</p>			
Screening report	Yes Accepted by Wexford County Council.			
Natura Impact Statement	Yes			
Relevant submissions	None			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
Four European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection or pathway in this screening determination.				
European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N

Slaney River Valley SAC(site code 000781)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnus incanae, Salix alba) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twait Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p> <p>Slaney River Valley SAC National Parks & Wildlife Service</p>	c.215m	Yes	Yes
Wexford Harbour and Slobs SPA (site code 004076)	<p>Little Grebe (Tachybaptus ruficollis) [A004]</p>	c.550m	Yes	Yes

Great Crested Grebe (Podiceps cristatus) [A005]			
Cormorant (Phalacrocorax carbo) [A017]			
Grey Heron (Ardea cinerea) [A028]			
Bewick's Swan (Cygnus columbianus bewickii) [A037]			
Whooper Swan (Cygnus cygnus) [A038]			
Light-bellied Brent Goose (Branta bernicla hrota) [A046]			
Shelduck (Tadorna tadorna) [A048]			
Wigeon (Anas penelope) [A050]			
Teal (Anas crecca) [A052]			
Mallard (Anas platyrhynchos) [A053]			
Pintail (Anas acuta) [A054]			
Scaup (Aythya marila) [A062]			
Goldeneye (Bucephala clangula) [A067]			
Red-breasted Merganser (Mergus serrator) [A069]			
Hen Harrier (Circus cyaneus) [A082]			
Coot (Fulica atra) [A125]			
Oystercatcher (Haematopus ostralegus) [A130]			
Golden Plover (Pluvialis apricaria) [A140]			
Grey Plover (Pluvialis squatarola) [A141]			
Lapwing (Vanellus vanellus) [A142]			
Knot (Calidris canutus) [A143]			

	<p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Wetland and Waterbirds [A999]</p> <p>Wexford Harbour and Slob SPA National Parks & Wildlife Service</p>			
The Raven Point Nature Reserve SAC (site code 000710)	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	c.7.6km to the east	Yes	Yes

	Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170] Humid dune slacks [2190] Raven Point Nature Reserve SAC National Parks & Wildlife Service			
The Raven SPA (site code 004019).	Red-throated Diver (<i>Gavia stellata</i>) [A001] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Common Scoter (<i>Melanitta nigra</i>) [A065] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Sanderling (<i>Calidris alba</i>) [A144] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wetland and Waterbirds [A999] The Raven SPA National Parks & Wildlife Service	c.12km to the east	Yes	Yes

The proposed development site and adjacent phase 2& 3 lands are connected to the SAC via the treelines that border the site. The treelines bordering the future development lands in particular are significant treelines and provide an ecological corridor between the Slaney River Valley SAC and the hinterland of Wexford Town. Due to the ecological corridor connectivity a potential for spread of non-native invasive plant species was identified to the Slaney River Valley SAC.

There is a possible but uncertain remote hydrological connectivity to the Lower Slaney Estuary provided by the drainage ditch adjacent to the existing way leave and also a drainage ditch located within the adjacent Phase 2 lands and along the eastern boundary of the Phase 2 &3 lands. Whether these drainage ditches eventually outfall to a watercourse is unclear. Existing surface water infrastructure on the adjacent built development and access road is assumed to eventually outfall to the Lower Slaney Estuary or Wexford Harbour providing hydrological connectivity.

There is therefore potential for impacts to transitional water quality from the construction phase with associated potential negative effects on qualifying interest habitats and species that are sensitive to changes in water quality either alone or in combination with other construction projects in the area and other pressures on water quality.

Potential effects on the Raven Point Nature Reserve SAC, the Wexford Harbour and Slobbs SPA and The Raven SPA are related to a potential for negative effects on transitional water quality only with associated potential negative effects on qualifying interest habitats and species that are sensitive to changes in water quality either alone or in combination with other construction projects in the area and other pressures on water quality.

I consider that the proposed development would generate impacts that could affect the potential zone of influence on any ecological receptors of the above noted protected sites.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p>Site 1: Name (code)</p> <p><u>Slaney River Valley SAC(site code 000781)</u></p> <p>estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>	<p><u>Direct:</u></p> <p>treelines bordering the future development lands in particular are significant treelines and provide an ecological corridor between the Slaney River Valley SAC and the hinterland of Wexford Town. Due to the ecological corridor connectivity a potential for spread of non-native</p>	<p>Uncertain in the absence of construction management.</p>

<p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>	<p>invasive plant species was identified to the Slaney River Valley SAC.</p> <p><u>Indirect:</u></p>	
Y	Likelihood of significant effects from proposed development (alone): Y/N	
NA	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	Effects
<p>Site 2: Name (code)</p> <p><u>Wexford Harbour and Slobbs SPA (site code 004076)</u></p> <p>Little Grebe (Tachybaptus ruficollis) [A004]</p> <p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Cormorant (Phalacrocorax carbo) [A017]</p>	<p><u>Direct:</u> None</p> <p><u>Indirect:</u> Existing surface water infrastructure on the adjacent built development and access road is assumed to eventually outfall to the Lower Slaney Estuary or Wexford Harbour providing hydrological connectivity.</p>	<p>Uncertain in the absence of construction management.</p>

<p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Bewick's Swan (<i>Cygnus columbianus bewickii</i>) [A037]</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Mallard (<i>Anas platyrhynchos</i>) [A053]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Scaup (<i>Aythya marila</i>) [A062]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Hen Harrier (<i>Circus cyaneus</i>) [A082]</p> <p>Coot (<i>Fulica atra</i>) [A125]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p>		
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<p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p> <p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p> <p>Wetland and Waterbirds [A999]</p>		
Y	Likelihood of significant effects from proposed development (alone): Y/N	
N/A	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
<p>Site 3: Name (code)</p> <p><u>The Raven Point Nature Reserve SAC</u> <u>Site Code 000710</u></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila</i></p>	<p><u>Direct:</u> None</p> <p><u>Indirect:</u> potential for impacts to transitional water quality from the construction phase with associated potential negative effects on qualifying interest habitats and species that are sensitive to changes in water quality either alone or in combination with other construction projects in the area and other pressures on water quality.</p>	<p>Uncertain in the absence of construction management.</p>

arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Dunes with Salix repens ssp. argentea (Salicion arenariae) [2170] Humid dune slacks [2190]		
Y	Likelihood of significant effects from proposed development (alone): Y/N	
N/A	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Site 4: Name (code) <u>The Raven SPA (Site Code 004019)</u> Red-throated Diver (Gavia stellata) [A001] Cormorant (Phalacrocorax carbo) [A017] Common Scoter (Melanitta nigra) [A065] Grey Plover (Pluvialis squatarola) [A141] Sanderling (Calidris alba) [A144] Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Wetland and Waterbirds [A999]	<u>Direct:</u> No <u>Indirect:</u> potential for impacts to transitional water quality from the construction phase with associated potential negative effects on qualifying interest habitats and species that are sensitive to changes in water quality either alone or in combination with other construction projects in the area and other pressures on water quality.	Uncertain in the absence of construction management.
Y	Likelihood of significant effects from proposed development (alone): Y/N	
NA	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	

Step 4 Conclude if the proposed development could result in likely significant effects on a European site

Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result significant effects on the Slaney River Valley SAC (site code 00781); Wexford Harbour and Slobbs SPA (site code 004076); The Raven Point Nature Reserve SAC (site code 000710); The Raven SPA (site code 004019).

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SACs and SPAs when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species. I recommend that proceed to AA.

Appendix 4

Appropriate Assessment

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of the provision of a single storey food-store and all associated works, in view of the relevant conservation objectives of the Slaney River Valley SAC (site code 00781); Wexford Harbour and Slobbs SPA (site code 004076); The Raven Point Nature Reserve SAC (site code 000710); The Raven SPA (site code 004019) based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement submitted by the applicant.
- National Parks and Wildlife website.
- Ecological Impact Assessment submitted by the applicant.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. All aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions/observations

Concerns were raised by a number of 3rd Parties with regard to the impact the proposed development will have namely on the Slaney River Valley SAC. They can be summarised as follows:

- Use of existing road crossing Slaney River Valley SAC – dust and materials can enter the SAC.

- Proposed mature and established ecological corridors indicated for removal should be retained.
- Viability of replacement planting cannot be guaranteed.
- In combination affects do not list any other planning applications either granted/under construction/under review – serious lacuna in the report.
- Mitigation – masterplan submitted indicates proposed development for wider area the NIS should have considered project as a whole. Therefore mitigation is nonsensical.
- Replacement hedging is compensatory not a mitigation measure.
- Concern that the hedge row will not be planted to the degree indicated - Therefore not creating a biodiversity corridor indicated.

NAME OF SAC/ SPA (SITE CODE):

Slaney River Valley SAC (Site Code 00781)

Summary of Key issues that could give rise to adverse effects (from screening stage):
[examples]

(i) Water quality degradation (construction and operation)

Qualifying Interest features likely to be affected	Conservation Objectives	Potential adverse effects	Mitigation measures (summary)
Tidal Mudflats and Sandflats	To maintain the favorable conservation condition of mudflats and sandflats not covered by seawater at low tide in the SAC	There is potential for discharge of pollutants and sediments to tidal mudflat habitat from construction site run-off transferred via drainage ditches and/or public water drainage infrastructure to the Lower Slaney Estuary or Wexford	A Project Ecologist/ Ecological Clerk of Works should be appointed to oversee specific aspects of the landscaping of the site primarily to ensure in collaboration with landscape consultant that a strong ecological corridor is created across the proposed development site, that only

Atlantic Sait Meadows [1330] and Mediterranean salt meadows [1410]	No conservation objectives	No significant negative effect on tidal regime is likely alone or in combination with other plans and projects due to the appropriate design of the surface water drainage system	native species are sued within the native hedgerows and/ tree lines. The Project Ecologist will be available for consultation and periodically attend on site to oversee the implementation of the mitigation measures and undertake any pre-construction surveys as required.
Floating river vegetation [3260]	To maintain the favourable conservation condition of water courses in the Slaney River Valley SAC	<p>No significant negative effect on tidal regime is likely alone or in combination with other plans and projects due to the appropriate design of the surface water drainage system</p> <p>Mitigation measures are required to avoid or minimise the risk of pollutants being transferred to the Lower Slaney Estuary.</p>	<p>Construction site management measures will be implemented to avoid any contamination of groundwater or drainage ditches and stormwater gullies at the site or on the public road. Surface water quality is to be protected having regard for relevant construction industry guidance</p> <p>Construction surface water drainage and sediment control measures will be installed prior to earthworks commencing.</p>
Sea Lamprey Petromyzon marinus [1095]	To restore the favourable conservation condition of Sea lamprey in the SAC	Water quality is not a specific target for this species but potential effects on population targets could arise from direct toxicity and/or deterioration in habitat quality as a result of in combination effects on water quality or sedimentation impacts. As spawning habitats are upstream in freshwater,	All set out in detail in Section 9 of the NIS

		<p>spawning habitat is not subject to impacts from this project. However, adult fish and their habitat could be negatively affected by transitional water quality with consequent effects on the juvenile population targets.</p> <p>Mitigation measures are required to avoid or minimise the risk of pollutants being transferred to the Lower Slaney Estuary.</p>	
River Lamprey <i>Lampetra fluviatilis</i> [1099]	To restore the favourable conservation condition of River lamprey in the Slaney River Valley SAC	<p>Water quality is not a specific target for this species but potential effects on population targets could arise from direct toxicity and/or deterioration in habitat quality as a result of in combination effects on water quality or sedimentation impacts. As spawning habitats are upstream in freshwater courses spawning habitat is not subject to impacts from this project. However, adult fish and their habitat could be affected by transitional water</p>	

			quality with consequent effects on the juvenile population targets. Mitigation measures are required to avoid or minimise the risk of pollutants being transferred to the Lower Slaney Estuary.	
Twaite <i>Alosa</i> [1103]	Shad <i>faifax</i>	To restore the favourable conservation condition of Twaite shad in the SAC	Water quality (O2 level) is a specific target for this species. There is potential for the development in combination with other pressures on water quality to negatively impact on this target. As spawning habitats are upstream in freshwater/upper tidal reaches. Spawning habitat is not subject to impacts from this project. However, adult fish and their habitat could be affected by transitional water quality with consequent effects on the juvenile population targets.	
Atlantic <i>Salmo</i> [1106]	Salmon <i>salar</i>	To restore the favourable conservation condition of Salmon in SAC	The conservation targets relate to salmon in freshwater and therefore will not be directly affected by potential impacts from this project.	Same as above

		<p>However, adult fish and their habitat could be affected by transitional water quality with consequent effects on the juvenile population targets.</p> <p>Mitigation measures are required to avoid or minimise the risk of pollutants being transferred to the Lower Slaney Estuary.</p>	
<p>Otter <i>Lutra lutra</i> (1355]</p>	<p>To restore the favourable conservation condition of Otter in the Slaney River Valley SAC,</p>	<p>The conservation targets relate to salmon in freshwater and therefore will not be directly affected by potential impacts from this project. However, adult fish and their habitat could be affected by transitional water quality with consequent effects on the juvenile population targets.</p> <p>Mitigation measures are required to avoid or minimise the risk of pollutants being transferred to the Lower Slaney Estuary.</p>	<p>Same as above</p>
<p>Harbour Seal <i>Phoca vitulina</i></p>	<p>To maintain the favourable conservation condition of Harbour Seal in the Slaney River</p>	<p>The only otter conservation target potentially affected is fish biomass availability which could be</p>	<p>Same as above</p>

	Valley SAC	negatively affected by a decline in water quality of the lower Slaney Estuary as a result of impacts from the proposed development either alone or in combination with other pressures on water quality. Mitigation measures are required to avoid or minimise the risk of pollutants being transferred to the Lower Slaney Estuary.	
Harbour Seal <i>Phoca vitulina</i> 1365	To maintain the favourable conservation condition of Harbour Seal in the Slaney River Valley SAC	No impacts to harbour seal. None of the conservation targets are likely to be affected by the potential impacts from this development as there is no potential for negative impacts to breeding or haul out sites or any disturbance impacts due to the distance of the site to these areas in Wexford Harbour.	Same as above

Assessment of issues that could give rise to adverse effects view of conservation objectives

(i) Water quality degradation

The habitats and species determined to be within the zone of influence of potential water quality impact are those located in the Lower Slaney Estuary and Wexford Harbor and those influenced by discharges to Wexford Harbor and tidal water movements. In the absence of mitigation measures, the transfer of pollutants and/or sediment via the drainage ditches or existing surface water drainage infrastructure adjacent to the proposed development site has potential to have negative direct and or indirect effects on the habitats and species within the zone of influence.

The potential for significant effects would be dependent on the magnitude of the pollution and/or sedimentation event, the resilience of the habitat and the in-combination effects of that event with other water quality pressures due to other activities in the catchment.

(i) Mitigation measures and conditions

Mitigation measures are required to avoid any pollution or sediments entering to drainage ditches or the public storm water drainage systems and have been set out in Section 9 of the NIS. Theu

Mitigation measures set out within the NIS submitted are captured under condition no. 2 on my recommendation.

In-combination effects

While I note the concerns raised by the 3rd Party Appellants I am satisfied that in-combination effects has been assessed adequately in section 11 of the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Slaney River Valley SAC (Site Code 00781). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

NAME OF SAC/ SPA (SITE CODE):

Raven Point Nature Reserve SAC (site code 000710)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- Water quality degradation

(1140] Tidal Mudflats and Sandflats:	To maintain the favourable conservation condition of mudflats and sandflats	The tidal mudflats within the Raven Point Nature Reserve are remote from the discharge point of emissions from the proposed development but may be subject to in combination effects of pressures on tidal mudflats as a result of water quality.	A Project Ecologist/ Ecological Clerk of Works should be appointed to oversee specific aspects of the landscaping of the site primarily to ensure in collaboration with landscape consultant that a strong ecological corridor is created across the proposed development site, that only native species are sited within the native hedgerows and/ tree lines.
1210 Annual vegetation of drift lines:	To maintain the favourable conservation condition of Annual vegetation of drift lines	Targets relate to habitat area, distribution and vegetation composition are not likely to be negatively affected by this proposed project due to the remote distance and the location of the habitat along the upper shoreline	The Project Ecologist will be available for consultation and periodically attend on site to oversee the implementation of the mitigation measures and undertake any pre-construction surveys as required.
[1330] Atlantic Salt Meadows:	To maintain the favourable conservation condition of Atlantic salt meadows	Atlantic salt meadows within the Raven Point Nature Reserve are remote from the discharge point of emissions from the proposed development but may be subject to in combination effects of pressures on the habitat as a result of water quality.	Construction site management measures will be implemented to avoid any contamination of groundwater or drainage ditches and stormwater gullies at the site or on the public road. Surface water quality is to be protected having regard for relevant construction industry guidance.

			<p>Construction surface water drainage and sediment control measures will be installed prior to earthworks commencing.</p> <p>All set out in detail in Section 9 of the NIS</p>
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Assessment of issues that could give rise to adverse effects view of conservation objectives

Examples:

(i) Water quality degradation

The Raven Point Nature Reserve located on the northeastern edge of Wexford Harbour is remote from the site and therefore is unlikely to be subject from pollution impacts from this project in isolation due to the dilution and dispersion effect of tidal waters and the anticipated limited scale of any pollution event.

Mitigation measures and conditions

As above.

In-combination effects

While I note the concerns raised by the 3rd Party Appellants I am satisfied that in-combination effects has been assessed adequately in section 11 of the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Raven Point Nature Reserve SAC (site code 000710). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

NAME OF SAC/ SPA (SITE CODE):

Wexford Harbour and Slobbs SPA (site code 004076) and The Raven SPA (site code 004019).

Summary of Key issues that could give rise to adverse effects (from screening stage):**1. Water quality degradation (construction and operation)****Assessment of issues that could give rise to adverse effects view of conservation objectives****(i) Water quality degradation**

Wintering bird species feed within the estuary and on the tidal mudflats and saltmarsh habitats within Wexford Harbour. There is potential for pollution either alone or in combination with other pressures on transitional water quality to alter the quality of the foraging habitats in Wexford Harbour used by the SCI bird species of the Wexford Harbour and slobbs SPA and/or the Raven SPA.

The conservation targets for the wintering waterbirds species include a target of no significant decrease in the range, timing or intensity of use of areas by the SCI species, other than that occurring from natural patterns of variation. The conservation objectives for tern species include a target for no significant decline in prey biomass available. Therefore, any significant degradation of habitats (tidal mudflats, saltmarsh habitats) caused by pollution or a decline in water quality alone or in combination with other plans and projects as a result of this project could undermine the conservation objectives of the Wexford Harbour and Slobbs SPA and The Raven SPA.

The conservation objective for wetlands habitat is defined in terms of habitat area only. There will be no decrease in area of wetland habitat as a result of this development and therefore there is no potential to negatively affect the conservation target for wetland habitat.

Mitigation measures and conditions

Mitigation measures are required to avoid pollution or sediment transfer to the Lower Slaney Estuary or Wexford Harbour during the construction phase to avoid potential effects on water quality.

In-combination effects

While I note the concerns raised by the 3rd Party Appellants, I am satisfied that in-combination effects has been assessed adequately in section 11 of the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Wexford Harbour and Slobbs SPA (site code 004076) and The Raven SPA (site code 004019). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appendix 5

Screening the need for Water Framework Directive Assessment

Determination.

The subject site is located at the outskirts of the Wexford suburban area in the townland of Ballyboggan. The proposed development comprises of 99 no. residential units, a childcare facility and all association site works. The Coolree Stream flows approximate 606m to the east of the subject site and the Lower Slaney Estuary is located c.867m to the north of the site

I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. 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 surface and/or groundwater water bodies either qualitatively or quantitatively.

- Nature of works regard the scale.
- The context of the surrounding area.
- Location-distance from nearest Water bodies.
- The mitigation included within Construction Environmental Management Plan.
- The Natura Impact Assessment which accompanied the application.

Conclusion

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.