



An
Coimisiún
Pleanála

Inspector's Report

ACP-323521-25

Development	Construction of 9 houses and all associated site works.
Location	Ballyboggan, Wexford Rural, Co. Wexford.
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20241042
Applicant(s)	Oli Developments Limited
Type of Application	Planning Permission
Planning Authority Decision	Grant permission with conditions
Type of Appeal	First and Third Party
Appellant(s)	Oli Developments Limited Rory Bracken Dan & Susan Finnerty Patrick & Margaret Geoghegan
Observer(s)	Tom Enright
Date of Site Inspection	17 th October 2025
Inspector	Sarah O'Mahony

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Appendix 1 – EIA Pre-Screening

Appendix 2 – AA Screening

1.0 Site Location and Description

- 1.1. The 1.645ha site is situated northwest of Wexford town centre and comprises a greenfield infill site. The N11 is situated 740m west while the Slaney estuary and Iarnród Éireann railway line are 400m to the northwest. The Coolree stream/Carrig river is situated 175m west of the site and flows north into the estuary.
- 1.2. Access is provided from a cul-de-sac off a local road to the north variously referred to as the Ballyboggan Road, the Park Road, the L7600 and the L3012. This report refers to it as the L3012. The cul-de-sac is included within the site boundary and already serves 2no. detached dwellings via offshoots from it to the east and west. It comprises a steep, poorly surfaced road with mature trees overhanging on both sides.
- 1.3. The site is situated at the south of the cul-de-sac and comprises 1.31ha of a slightly larger field set out roughly in a rectangular shape. The omitted portion of the entire field is a small area in the northwest which is already subject to a grant of planning permission for 2no. dwellings (ref. 20220088) however construction work had not commenced at the time of the site inspection in October 2025. The field slopes steeply down from southeast to the west and north with a differential of 10m across the site. The remainder of the stated 1.645ha total site area comprises the access lane to the north and works at the public road.
- 1.4. The site is finished with tall, rough grass and scrub. There is evidence of earlier groundworks on the site and I noted the presence of large manholes/inspection chambers in concrete surrounds above the adjacent ground level situated in the west of the site. There are a number of informal walking tracks, possibly mammal tracks, through the site.
- 1.5. Boundaries comprise a variety of natural hedgerows, treelines and timber post and rail fencing at the east and west adjacent greenfield land. The land at the west comprises a narrow, wooded tract of land adjoining the Slaney River Valley Special Area of Conservation which also is situated adjacent to the southwest corner of the site.
- 1.6. Árd na Sláine housing estate is situated on the adjacent land to the south and boundaries between it and the site comprise a mix of blockwork walls at the rear of

dwelling and heras fencing alongside public open space which appears to be designed to connect to the site. Boundaries at the north adjoining an existing detached dwelling also comprise timber post and rail fencing.

2.0 Proposed Development

2.1. Planning permission is sought for development which comprises the following:

- 9no. detached, two-storey, 3 and 4-bed dwellings,
- Access from existing cul-de-sac to the north including provision of new road surface, pull-in bay, drainage, fencing and footpaths all on the cul-de-sac,
- Associated ancillary development including SuDS, footpaths, public open space and connections to public water, wastewater and surface-water drains.

2.2. The following documentation was submitted with the application:

- Planning Statement/Cover Letter
- Construction and Environmental Management and Safety Plan
- Surface Water and SuDS Design Report.
- Confirmation of Feasibility from Uisce Éireann regarding connection to the water and wastewater networks. A 200m upgrade to the wastewater network will be required. It also states that there are both water mains and wastewater mains already running through the site which require either appropriate wayleaves or else diversion agreements to be put in place.
- Part V confirmation from Wexford County Council outlining an agreement to transfer 1no. new build unit off-site to the Local Authority or Approved Housing Body.

3.0 Planning Authority Decision

3.1. Further Information

3.1.1. The following further information was sought from the applicant:

- Submit a revised site layout plan providing raised table junctions and crossings in accordance with DMURS, 2m wide footpaths along the cul-de-sac, improved

pedestrian connectivity to Árd na Sláine, visitor and EV car parking, alternative boundary treatments, connectivity with the permitted 2no. dwellings in the northwest.

- Archaeological Impact Assessment
- Boundary treatments between proposed dwellings.
- Universal Access Statement.
- Appropriate Assessment Screening Report.

3.1.2. The further information response submitted a revised layout which relocated the dwellings slightly to provide one single area of public open space. All the additional requested information was submitted including boundary treatments, car parking details and footpaths etc.

3.1.3. An Archaeological Impact Assessment was submitted which was based on desktop and field studies. Teste trenches were opened on the site which did not reveal any archaeological material however the report recommended archaeological monitoring is undertaken during ground disturbance works.

3.1.4. An Appropriate Assessment Screening Report was submitted which screened out impacts to the adjacent SAC due to a lack of watercourses on the site connecting to the SAC and a limited scale of excavations and groundworks.

3.2. Decision

3.2.1. Wexford County Council issued a notification of decision to grant planning permission for the proposed development on 15th August 2025 subject to 24no. conditions including the following:

2: The proposed dwellings identified as sites 1 and 2 on the submitted layout plan shall be omitted from the development:

Reason: The Planning Authority is not satisfied that the development of these dwellings can be carried out at this time without additional measures to secure the embankment and the boundaries of the adjoining dwellings.

4: The inter-site boundary finishes to the side, rear and between dwellings shall be a 1.8metre high wall of concrete block construction.

Reason: In the interests of residential and visual amenity.

6. Prior to the commencement of development full details (including timescales for construction) shall be submitted for the written agreement of the Planning Authority, of measures to provide effective natural surveillance of all areas of the public realm including public open space and parking courts.

The measures shall be provided in full in accordance with the agreed details (including timescales for construction).

Reason: In the interests of residential amenity.

14. Before any development is commenced on the site, the developer shall lodge with Wexford County Council security for the satisfactory completion of the proposed development (including the maintenance until taken in charge by the Local Authority of roads, footpaths, drains, public open space, public car parking space, public lighting, and other services proposed or required in connection with the development), coupled with an agreement empowering the Council to apply such security or part thereof for the satisfactory completion or maintenance as aforesaid of any part of the development. The security shall be provided by way of cash deposit of €49,000 or the bond of an approved Insurance company in the amount of €49,000. The bond shall be maintained until such time as the development has been taken in charge or satisfactorily completed in accordance with the plans and documentation submitted.

Reason: As provided for in Section 34(4)(g) of the Planning and Development Act 2000 (as amended) and Section 23(3) of the Planning and Development Amendment Act 2018 and in the interests of the proper planning and development of the area, to ensure the satisfactory completion and maintenance of the development.

24. (a) Prior to the 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, for the amount of €70,000 to secure the satisfactory implementation of landscaping requirements and tree and hedgerow protection measures, tree planting, provision of shelter belts etc, coupled with an agreement empowering the Planning Authority to apply such security or part thereof to the satisfactory implementation of said landscaping measures.

(b) This security shall remain in place until the requirements of part (a) above are completed to the satisfaction of the Planning Authority and for a further period of 1 year following completion of said landscaping works, or as otherwise agreed by the Planning Authority.

(c) In default of agreement on (a) and /or (b), the matter(s) shall be referred to An Coimisiún Pleanála for determination.

Reason: To ensure satisfactory implementation of the requirements of Condition 19 relating to landscaping/tree protection measures.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- There are two case planner's reports, one recommending further information and the latter assessing it.
- The Planners report recommendation to grant permission is consistent with the notification of decision which issued.
- Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) issues were screened out.
- The report noted that the site '*previously benefitted from a land use zoning for residential use, the site is located close to the town centre and to a large number of amenities and public transport and is considered suitable for residential development.*'

- The report considered the development acceptable in principle and noted that the layout follows existing contours on the site while also facilitating connections to north and south.
- The second report was accompanied by a supplementary report from the Senior Planner recommending the omission of 2no. dwellings on plot nos. 1 and 2 in the southeast corner of the site due to concerns regarding ground stability adjacent to existing dwellings on a higher ground level in Árd na Sláine. The report also referenced concerns that supporting reports such as the Archaeological Impact Assessment did not reflect the updated layout of the development submitted at further information stage.

3.3.2. Other Technical Reports

- Housing Dept: No response received however the Case Planner's report refers to a letter from the Housing Department submitted with the application outlining that a Part V agreement is in place.
- Roads Department: Two reports submitted, one prior and one post the further information request and both recommend further information be sought. There is some overlap and similarities in both requests however the latter sets out more condition type recommendations such as adherence to technical standards.

3.4. Prescribed Bodies

- Development Applications Unit (DAU): Report received referring to archaeology and recommending that a fieldwork based Archaeological Impact Assessment is prepared and that care is taken to ensure no negative impacts on the adjoining SAC. A further response was received from the DAU following a referral of the appeal case by An Coimisiún Pleanála. It acknowledges that an extensive programme of archaeological testing was completed within the footprint of the development which did not identify any archaeological remains and therefore the Department does not recommend any further archaeological mitigation as it is considered unlikely that the development as proposed will have any negative impact on archaeological heritage.

- Department of the Environment, Climate and Communications: Highlighting datasets available to aid development management. The report states the department has no specific comments or observations in relation to this application.

3.4.1. The application was also referred to the following who have not responded:

- Uisce Éireann
- An Taisce
- Fáilte Ireland
- The Heritage Council
- An Comhairle Ealaíon

3.5. Third Party Observations

3.5.1. 3no. observations were received from the following:

1. Dan and Suzan Finnerty
2. Rory Bracken on behalf of residents of 16no. dwellings in Árd na Sláine.
Signatures provided.
3. Margaret and Patrick Geoghegan

3.5.2. They raised the following matters:

- Drawing inconsistencies and misrepresentations.
- No reference to existing underground water assets serving Ferrycarrig Heights dwellings to the northwest.
- Validation issues such as in correct red site boundary and failure to comply with previous permissions, particularly regarding an overlap between the site and ref.2006/1351 regarding Árd na Sláine and a requirement to provide a 10m wide landscaped woodland style buffer along the embankment at the south of the site/north of Árd na Sláine.
- Lands not zoned. Development would be premature pending the adoption of a new LAP.

- Poor and haphazard layout and design with amenity space to the rear of dwellings contravening Section 14.5.7 of the CDP due to a lack of passive surveillance. Unit nos. 1 and 2 cannot be feasibly constructed due to proximity to embankment supporting Árd na Sláine. No retaining walls proposed.
- Poor dwelling design out of character with existing dwellings. Inappropriate finished floor levels.
- Visual impact contravening section 11.10.1 and objective L03 of CDP due to elevated and exposed nature of the site.
- No environmental assessment on European sites.
- No public lighting proposed.
- Lack of landscaping proposals.
- Permission was previously refused due to traffic hazard. Existing cul-de-sac is substandard with insufficient width, surface and inappropriate alignment and gradient. Gradient does not comply with DMURS or Part M of the Building Regulations. Concern regarding access for emergency vehicles and refuse trucks. Construction HGVs cannot access the site. Subsequent concern the applicant could seek temporary construction access via Árd na Sláine.
- No footpath is proposed, no turning circles. Layout conflicts with layout permitted under ref. 2022/0088. Increased traffic generation would be a hazard particularly at the junction with the L3012 at the north due to a lack of two-way traffic on the lane requiring vehicles to queue on the L3012.
- Cul-de-sac is incorrectly identified as a public road. It is not taken in charge but privately owned by the applicant with a right of way for the 3no. other dwellings accessed from it. Another submission states the red line overlaps with private property on the laneway.
- Privacy and security concerns from additional traffic. No proposals made to screen existing traffic dwelling on the cul-de-sac.
- No existing footpaths or streetlighting on the L3012. Pedestrian/cycle connections to Árd na Sláine would increase vulnerable road user movements to the L3012.

- Inadequate capacity in surface water drain. Poor SuDS proposals providing private attenuation cells in public areas or water hazards for children. Reliance on attenuation tank permitted under ref. 2022/0088 is inappropriate. Inaccurate drawings mixing up surface and foul water. Existing manholes to be situated within private curtilage.
- Concern regarding adequacy of surface water proposal and SuDS design following previous landslides at Ferrycarrig Heights dwellings to the northwest.
- Developer has poor record of complying with planning legislation and therefore permission should be refused under Section 35 of the Planning and Development Act 2000, as amended.

4.0 Planning History

- 20151119: Planning permission sought by Oli Developments Limited for the installation of a construction access from the public road to the construction site. Permission was refused for one reason relating to traffic hazard due to the substandard width, alignment and surface of the existing cul-de-sac.
- Enforcement case 0061-2020: Possible unauthorised groundworks.
- One appeal refers to an enforcement case with a different reference number of SK/GR/PE 0034/2016 regarding the construction of a temporary construction road on the site.

Adjacent land to the northwest. Part of the access to this site overlaps with the northern boundary of the subject site:

- 20220088: Planning permission granted to Ken Maher consequent on the grant of outline permission, relevant outline permission register no. 20181575 for the proposed erection of 2 no. fully serviced dwelling houses with associated and auxiliary site works.
- 20181575: Outline permission granted to Ken Maher for the proposed erection of 2 no. fully serviced dwelling houses with associated and auxiliary site works (outline planning permission previously granted under planning register no. 20151055).

- 20151055: Outline planning permission granted to Ken Maher for the proposed erection of 2 no. fully serviced dwelling houses with associated and auxiliary site works.

Adjacent land to the south. The southern boundary of this site overlaps with the northern boundary of the subject site.:

- WCC ref. 20160416, ACP ref. 246856: Planning permission sought by Oli Developments Limited for the erection of a fully serviced dwelling house and all associated site works at 10A Árd na Sláine. Permission was refused for one reason relating to the public open space use of the site.
- 20061351: Planning permission granted for the erection of 50 no. fully serviced dwelling houses and associated and auxiliary site works (phase 2 of development previously granted under planning reg. no. 20045084). Condition no. 18 requires a bank of woodland planting on the northern side of the site to be planted within 1 year of commencement of development.

Nearby land to the southeast, east of Árd na Sláine:

- WCC ref. 20241132, ACP ref. 321942-25: Planning permission granted to Oli Developments Ltd for construction of 99 residential units, a childcare facility and all associated site works. Decision made in June 2025.
- 20250980: Planning permission granted to Oli Developments Ltd for the proposed erection of 6 no. additional residential units which are supplementary to the 99 residential units and creche facility permitted under previously granted Planning Permission Reg. No.20241132/ABP-321942-25.

5.0 Policy Context

5.1. National Planning Framework (first revision, 2025)

- 5.1.1. The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country out to the year 2040. First published in 2018, it replaced the National Spatial Strategy as the overall spatial planning and development strategy for Ireland.

- National Strategic Outcome (NSO) 1: Compact Growth ‘achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority’.
- National Policy Objective (NPO) 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.
- NPO 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.
- NPO 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.
- NPO 79: Support the management of stormwater, rainwater and surface water flood and pollution risk through the use of nature-based solutions and sustainable drainage systems, including the retrofitting of existing environments to support nature based solutions.

5.2. Regional Spatial and Economic Strategy

- 5.2.1. The Regional Spatial and Economic Strategy (RSES) provides the strategic framework for regional development in the Southern Region. Its primary goal is to implement Project Ireland 2040—the National Planning Framework—at a regional level, ensuring balanced and sustainable growth across the region.
- 5.2.2. Wexford is identified as a key town in the RSES and Regional Policy Objective 11 sets out guidance for such settlements. Part (a) recommends that key towns achieve 30% growth subject to capacity analysis and sustainability. It states that the appropriate level of growth is to be determined by the core strategy of development plans.

- 5.2.3. Regional Policy Objective 16 refers specifically to Wexford town and seeks the following regarding its growth and development:
- a. To strengthen the role of Wexford as a strategic location, a self-sustaining regional economic driver and Key Town on the Eastern Corridor. The RSES seeks to leverage its strategic location and accessibility to Rosslare Europort and to build upon its inherent strengths including digital connectivity, skills, innovation and enterprise, tourism, culture and retail services.*
 - b. To develop supporting industrial, commercial infrastructure and residential development in Wexford Town for the Port function at Rosslare Europort.*
 - c. ...*
 - d. ...*
 - e. ...*
 - f. To support the delivery of the infrastructural requirements identified for Wexford subject to the outcome of the planning process and environmental assessments*
 - g. ...*
 - h. Transport measures through a Local Transport Plan including retention and expansion of the town bus network, improvements to cycling and walking infrastructure and rural transport services into the town.*

5.3. Development Plan

- 5.3.1. The site is governed by the policies and provisions contained in the Wexford County Development Plan 2022-2028 (referred to hereafter as the CDP). Chapter 3 refers to the core strategy of the county and Table 3.5 therein specifically classifies Wexford as a key town with provision for 652no. additional units within the plan period at an average density of 35 units/ha.
- 5.3.2. Objectives CS05 and SH08: 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.

- 5.3.3. Chapter 4 seeks to provide develop sustainable housing throughout the county. Table 4-5 sets out indicative density and scales for housing developments in key towns such as Wexford and in relation to outer suburban/greenfield sites, it recommends net densities in the range of 35-50 dph and that densities below 30dph should be discouraged on sites over 0.5ha.
- 5.3.4. The following objectives are particularly noted:
- SH15: To ensure the density of residential development is appropriate to the location of the proposed development having regard to the benefits of ensuring that land is efficiently used and in accordance with the Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual-A Best Practice Guide (DEHLG, 2009) and subject to compliance with normal planning and environmental criteria and the development management standards in Volume 2.
- 5.3.5. Chapter 14 provides for Recreation and an Open Space Strategy. I note the provisions therein, particularly the following objective:
- ROS11: To require the provision of good quality, accessible, well located and functional open spaces in new residential developments in accordance with the guidance in this chapter, the standards in Sustainable Residential Development in Urban Areas- Guidelines for Planning Authorities and its companion document Urban Design Manual (Department of the Environment, Heritage and Local Government, 2009), and where applicable, the standards in Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (Department of Housing, Planning and Local Government, 2020) and any future version of these guidelines documents and save as otherwise required by the objectives and development management standards in this Plan.
- 5.3.6. Volume 2 of the CDP is a development management manual I note the provisions therein including sections 2.6 amenity, 2.7 public lighting, 2.8 open space and green infrastructure, 2.9 boundary treatments and Section 3 regarding residential development. Section 3.12 regarding multi-unit residential schemes requires planning applications for residential schemes of two or more dwellings to be accompanied by a phasing schedule detailing the number of dwellings, quantum of public open space and infrastructure which will be developed as part of each phase.

5.4. Wexford LAP

- 5.4.1. A note on the Wexford County Council website states that the Wexford Town and Environs Development Plan 2009-2015 (as extended) has expired. A pre-draft consultation to inform the preparation of a new Wexford Local Area Plan (LAP) was undertaken in 2023 however no draft LAP has been published to date.
- 5.4.2. The site was zoned for residential purposes with a specific 'low' level of housing. All residential lands had the following objective in the Plan:

'To protect and enhance the residential amenity of existing and developed communities.'

'This zoning relates to existing residential lands. The purpose of this zone is to preserve existing residential uses and to provide for infill residential development at a density that is considered suitable to the area and to the needs of the population. While infill or re-development proposals would be acceptable in principle, careful consideration would have to be given to protecting residential amenities.'

5.5. Section 28 Guidelines: Sustainable Residential Development and Compact Settlement Guidelines, 2024

- 5.5.1. The guidelines, hereafter referred to as the Compact Settlement Guidelines, set out a context to create higher density settlements to underpin sustainable development principles. Specific Planning Policy Requirements (SPPRs) are set out including SPPR 1 which refers to minimum standards for separation distances between residential units and opposing windows in habitable rooms, SPPR 2 regarding private open space for houses, SPPR 3 provides for car parking rates while SPPR 4 provides for cycle parking and storage.

5.6. Additional Guidance

- Design Manual for Urban Roads and Streets, DTTS & DoHPLG, 2013
- Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities, DoEHLG 2010

- OPR Practice Note 01 Appropriate Assessment Screening for Development Management, 2021

5.7. Natural Heritage Designations

- 5.7.1. The Slaney River Valley Special Area of Conservation (SAC) and proposed Natural Heritage Area (pNHA) is situated immediately adjacent to the southwest corner of the site. Wexford Harbour and Slobbs Special Protection Area (SPA) is situated 330m north of the site.

5.8. EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. 1no. third party appeal and 3no. third party appeals were received. The first party appeal related solely to condition nos. 2, 4 and 24 attached to the notification to grant permission and requests their removal as follows:
- Condition no. 2 to remove unit nos. 1 and 2 was inserted by the Senior Planner and referenced ground instability of the slope between the site and the rear of Árd na Sláine. No technical assessment was undertaken to support this decision. The appeal submitted a geotechnical report concluding that the bank is stable with no evidence of erosion or instability to support omitting the dwellings. It also outlines mitigation measures in the event of any failure including ensuring structures are set back a minimum of '20' from the slope crest (note a unit of measurement is not provided) or constructing retaining walls or installing gabion baskets at the toe 'if

space and budget permit'. It later states in the conclusion that the bank could be faced or dressed with gabion baskets if sections of it require removal.

- Omitting the two units would reduce residential density, contrary to compact growth objectives in the NPF and CDP. The site can safely accommodate an access road designed in accordance with DMURS and would result in an efficient use of serviced land. The appeal states: '*The technical assessment is that the access road can accommodate the number proposed.*'
- Condition no. 4 requires the provision of concrete block wall boundaries to the curtilage between dwellings. The appeal suggests this is contrary to good environmental practice and that the proposed timber boundaries are far less damaging to the environment.
- Condition no. 24 requires a landscaping bond of €70,000 based on a rate of €10,000 per permitted unit. The appeal highlights that this was not required by the case officer but instead inserted by the Senior Planner with no justification provided. Landscape bonds are not common practice in Wexford and no assessment or calculation was provided to demonstrate how the figure was reached. The applicant has a proven track record of completing developments in Wexford which were taken in charge by the Local Authority and there is no record of non-completion, including landscaping. Condition no. 14 already requires a bond of €49,000 for general completion and at a rate of €7,000 is the highest in the country and sufficient to include landscaping.

6.1.2. The third-party appeals were received from:

1. Rory Bracken, on behalf of Árd na Sláine residents.
2. Dan and Susan Finnerty
3. Patrick and Margaret Geoghegan

The following matters were raised in the third-party appeals:

Planning and Procedural

- Lack of zoning. The backland development is premature pending the adoption of a Local Area Plan for Wexford.

- Poor layout with open space situated to the rear of dwellings representing disorderly development which does not comply with Section 14.5.7 of the CDP which requires passive surveillance as well as 'Planning Guidelines for Sustainable Residential Development in Urban Areas' which also requires passive surveillance.
- Red line boundary overlaps an appellant's property with no consent sought or given. The application drawings incorrectly suggest a right of way is in place and the applicant owns the cul-de-sac. Concerns regarding property management and value due to uncertainty in ownership. The applicant has not demonstrated a legal interest for the cul-de-sac.
- The red line also overlaps with adjoining sites where permission was granted at the north and south:
 - The overlap at the northwest relates to ref. 20222088 and precludes construction of permitted access proposals including a turning circle and two-way access, conflicting with the proposed one-way access.
 - The overlap at the south alongside the Árd na Sláine boundary prevents implementation of a landscaped woodland buffer required under condition 18 of ref. 20061351 buffer to be provided in tandem with the Árd na Sláine development.
- The further information response was not deemed significant and re-advertised thereby preventing third parties from making submissions. The Planning Authority therefore failed to comply with Article 35 of the Planning and Development Regulations 2001, as amended.
- No evidence that the Archaeological Impact Assessment (AIA) and Appropriate Assessment Screening Report (AASR) were referred to the Development Applications Unit of the Department of Housing, Local Government and Heritage to inform the final decision.
- There are no records on the Planning Authority's website demonstrating their appropriate assessment screening determination.
- The applicant has a history of non-compliance with planning permission including condition 18 of ref. 20061351 at the south of the site which requires a landscaped woodland buffer to be provided in tandem with the Árd na Sláine development.

Granting permission for development of housing on the same land where the woodland buffer should be situated is inconsistent with proper planning and sustainable development. Local residents referred this matter to the Local Authority in November 2024 who responded by saying the matter was statute barred however this is incorrect as Section 257 4(a)(i) of the Planning and Development Act 2000, as amended, was referenced in reply by the LA however this refers to situations where no development has been granted. Further, an extension of duration was granted to ref. 20061351 effectively meaning the development was not statute barred at the time of the complaint. This has been raised with the relevant Director of Services. The Local Authority could have inserted a condition requiring the same landscaping to be carried out but failed to do so. If An Coimisiún Pleanála decides to grant permission then the same condition should be included.

- The applicant has a record of carrying out unauthorised development in the area including construction of a temporary construction road and later the importation of a large quantity of soil and stone both of which required enforcement action from the Local Authority. Permission should be refused according to Section 35 of the Planning and Development Act 2000, as amended, regarding past failures to comply.
- Existing Árd na Sláine boundary wall is incorrectly labelled as 1.8m high when it is actually 1.2m in height.

Environmental Matters and Assessments

- The site is situated adjacent to 4no. recorded monuments as well as the Slaney River Valley SAC and is close to the Wexford Harbour and Slob's SPA.
- Hedgehogs are present in appellants property 60m from the site and typically hibernate during the period when the appropriate assessment site walkover was undertaken. No mitigation is proposed in the Appropriate Assessment Screening Report (AASR) for hedgehogs.
- The AASR fails to consider impacts of surface water discharge to the Coolree stream 175m north of the site which in turn discharges to the Slaney River SAC and Wexford Harbour and Slob's SPA. Visual inspection of the stream shows sewage fungus consistent with moderate organic pollution.

- The site is classified as being situated in an area of high groundwater vulnerability and the AASR fails to assess hydraulic connectivity to groundwater via SuDS proposals.

Water Services

- Insufficient surface water management details provided. Proposals are difficult to read and assess.
- SuDS have limited ability to treat surface water and lack adaptability to climate change. Inadequate surface water proposals.
- Impact of development on existing water mains pipes traversing the site which serve 4no. dwellings at Ferrycarrig Heights northwest of the site. There are no conditions attached to the notification to grant permission which specifically protect these pipes and the supply to Ferrycarrig Heights.
- Application has not demonstrated that the increased areas of hard surface will not generate flooding of the public road at the north.

Transport and Access

- The cul-de-sac is substandard and unsuitable for accessing the proposed development due to its gradient preventing access for HGVs such as fire tenders and refuse trucks, the latter of which already won't use the lane. A supporting opinion on fire access is submitted with one appeal. The gradient does not comply with Section 4.4.6 of DMURS or Part M of the Building Regulations.
- The proposed one-way system with passing bays would result in traffic queuing on the L3012 leading to traffic hazards for drivers and pedestrians. The development therefore does not comply with 'Recommendations for Site Development Works for Housing Areas', DMURS, 'Planning Guidelines of Sustainable Residential Developments in Urban Areas' and Objective T34, TS43 and TS47 of the CDP. Permission was refused under ref. 20151119 for a construction access on the site due to creation of a traffic hazard. The same reasons apply now for the construction and operational phases.
- The L3012, to which the cul-de-sac connects, is also unsuitable due to excessive gradients, insufficient width, horizontal alignment and lack of footpaths, lighting and

drainage. Providing footpaths on the cul-de-sac which terminate at the L3012 with no connecting footpaths creates a hazard for both pedestrians and motorists.

- The access proposal drawing references an entrance which does not exist and provides inaccurate measurements.
- The turning circle does not comply with the 'Requirements of Site Development Works for Housing Areas'.
- The further information response and revised access proposals were not referred to the Roads Department.

Embankment

- Risk of structural damage to Árd na Sláine dwellings due to impacts to the existing embankments. Proposed dwellings in southeast of the site have insufficient space and cannot be constructed without intersecting with the embankment. There is already evidence of ground instability in this area.

6.2. Applicant Response

- Administrative failures are a matter for the planning authority and beyond the remit of the applicant.
- The applicant is aware of existing water services on the site and that the agreement of Uisce Éireann is required to relocate them.
- With regard to the landscaped berm required by condition 18 of ref. 20061351 at Árd na Sláine, the applicant acquired and completed an unfinished housing estate. At the time of acquisition, the Planning Authority carried out completion works financed by the cash bond provided by the previous developer. The applicant completed the development to the satisfaction of the Planning Authority who took the estate in charge following a public consultation to which no objections were raised regarding the landscaping in question. The applicant is willing to carry out landscaping of the bank if the Coimisiún condition it as necessary.
- Regarding an enforcement case against the applicant, this relates to an application to provide a construction access through the site in order to reduce

impacts to Árd na Sláine during the construction phase. Following notification of the refusal of permission, the land was made good again.

- The private road access to the site is in the ownership of the applicant with a copy of the land registry map submitted. One appeal refers to access to the Finnerty property at the north of the site, west of the laneway/access road and permitted under ref. 20020999. It expresses concerns regarding complying with the grant of permission relating to that dwelling. The layout already in place does not comply with that permitted development.
- Some appeals refer to a development for 2no. dwellings and an associated turning circle permitted under ref. 20022088 and how access proposals and turning circle will not be implementable under the current proposed layout. The applicant was not consulted or made aware of the planning application at the time it was lodged in 2018 despite being the landowners of the area where the turning circle is permitted.
- Layouts permitted under refs. 20020999 and 20022088 both illustrate the laneway as upgraded to a local road standard. Informal copies of the permitted layouts are submitted with the response. The applicant is willing to implement this two-way layout to assist the applicants of both permitted developments in complying with their respective permitted layouts.
- One appeal submitted a report relating to fire tender access on the laneway which suggests the site is inaccessible for such large vehicles. The author of the report was the Chief Fire Officer in the Local Authority at the time planning permission was granted for 2no. dwellings at the northeast of the site under ref. 20181575 and no objections were raised in the Chief Fire Officer's report at that time.
- With regard to concerns regarding local wildlife and ecology, there is no proposal to remove ditches or hedgerows and the quantum of open space proposed far exceeds the minimum requirement.

6.3. Planning Authority Response

- None.

6.4. Observations

One observation was received from Tom Enright which raised the following concerns:

- Stability of the embankment to the north of Árd na Sláine.
- Removal of public open space and landscaping from permitted Árd na Sláine scheme. Part of the site is situated within the red line boundary of ref. 20061351. The applicant has failed to carry out the required landscaping.
- Rear boundary wall of no. 12 Árd na Sláine is 1m in height due to its position at the top of the embankment. Concern regarding proximity of original layout which proposed new dwelling 2m from the rear boundary wall.
- Construction for those dwellings would require removal of the existing wall and part of the rear private open space associated with no. 12 Árd na Sláine as well as undermining the dwelling thereon. The revised further information layout would still result in similar impacts. There is existing evidence of subsidence in the area with the boundary wall turning and tilting north. Impacts to the observer's property would result in property devaluation.
- Concerns were raised in third party submissions but not addressed by the Planning Authority.
- The Geotechnical report submitted in the Applicant's response to the appeal was not prepared by an independent author as the author also prepared much of the planning application. The report is flawed in terms of data and methodology. Measurements for the bank are incorrect which is actually three times the height and twice as steep as quoted. Even when using the measurements provided in the report, the bank does not meet the required factor of safety.
- The response also refers to a technical assessment deeming the proposed access safe and appropriate however no technical assessment was submitted. The proposed one-way system and waiting areas would create a traffic hazard. The author of the observation outlines a history of working in the professional planning field and claims a lack of awareness of permission being granted for any similar access proposal.

6.5. Further Responses to First Party Appeal

6.5.1. Two responses to the first party appeal were received from Patrick and Margaret Geoghegan and from Rory Bracken and residents of Árd na Sláine estate which raised the following issues:

- There is no basis for the applicant's appeal and it does not address the rationale behind condition no. 2 omitting the 2no. dwellings.
- The applicant has a history of non-compliance including the embankment area which was subject to condition no. 18 of 20061351 requiring landscaping and becoming an amenity area. The applicant is aware of this condition and now overlaps the red line with proposals to construct 2no. dwellings in this amenity area which is contrary to planning law. No permission was sought to amend ref. 20061351 and failure to comply with condition 18 would lead to property devaluation. The Local Authority's enforcement process is flawed.
- The soil stability report has numerous inaccuracies in terms of data and measurements including the height of the slope, the gradient of the slope and the distance to the nearest dwelling all of which are significantly under represented and do not align with the information provided in the drawings submitted. Cross section drawings submitted with the application indicate that significant removal of the bank is required in order to site the dwellings within 2m of the rear boundary wall of Árd na Sláine. The revised proposal submitted at further information stage relocates proposed unit nos. 1 and 2 however significant interference with the bank would still be required.
- The report suggests there are no signs of movement or failure of the bank currently however this is incorrect with photographs submitted of the boundary walls at no. 12 Árd na Sláine indicating cracks and subsidence despite its recent construction in 2020. The data outlined in the report also does not meet the thresholds recommended in the report itself.
- The embankment comprises made ground which has a different composition to the surrounding area. The dwellings at nos. 11, 12 and 13 are constructed on raft foundations to respond to the ground conditions. No soil or ground investigations were undertaken within the Árd na Sláine properties, the locations of boreholes

referred to are not provided and no certified or accredited soil laboratory reports are provided. Any works to the bank would cause structural damage to those existing dwellings.

- Construction of the 2no. dwellings would undermine the embankment and impact existing dwellings. Support expressed by one third party to retain the condition.
- The soil stability report outlines potential mitigation measures which, if required, would require planning permission in themselves but which could also cause further movement of the bank. Such movement could not be rectified at a later date as it would be situated within the private curtilage of the 2no. dwellings.
- The applicant did not submit a technical assessment of the access road as referred to in the appeal. Any technical assessment of the proposed unconventional one-way access road would demonstrate it is unsafe and would not comply with road design standards.
- The applicant's grounds for removing condition no. 4 and providing timber-based rear and side boundaries is that timber is a more sustainable product however sustainable development in the construction sector can only occur through the use of durable and robust materials. Timber boundaries are a cheap alternative unsuitable for the Irish climate.
- The applicant seeks to remove condition no. 24 requiring a landscaping bond on the grounds of not having a record of non-completion however this is untrue having regard to the absence of landscaping on the embankment.

6.6. Further Responses to the Applicants Response

6.6.1. Four further responses to the applicant's response to the third-party appeals were received from the following:

1. Dan and Susan Finnerty
2. Tom Enright
3. Rory Bracken and residents of Árd na Sláine
4. Patrick and Margaret Goeghegan

The points raised largely reflect the items already raised in previous submissions and are summarised as follows:

- Applicant's response includes maps and drawings which are illegible and unclear.
- Section 131 of the Planning and Development Act should not be used to provide additional information by the applicant, particularly when the information is significant and should be advertised as such. New information requires a new planning application and should not be utilised to amend or address issues.
- Failures and shortcomings in the Planning Authority's administrative procedures relating to the application.
- Applicant did not accept responsibility for procedural matters such as readvertising statutory notices in accordance with significant further information.
- Granting permission would devalue existing property.
- Overlapping red line boundaries and failure to comply with condition no. 18 of ref. 20061351. The applicant's response outlines how the estate was satisfactorily taken in charge and was subject to public consultation however the Local Authority does not take in charge amenity areas or utilities, and therefore the taking in charge process did not take account of condition 18. The applicant took over the construction of the estate and therefore responsibility to comply with the condition lies with them.
- The applicant is now proposing to trade permissions and carry out landscaping in exchange for a grant of permission which is outlandish and should not be accepted by any regulating authority. The requirement to comply with condition 18 of ref. 20061351 is not statute barred. The applicant's response offers to landscape the embankment which nullifies the applicant's appeal to remove condition 2 of the subject development. The offer to carry out landscaping acknowledges non-compliance with condition 18 of ref. 20061351.
- Poor quality water services drawings do not illustrate all existing services. Applicant's response does not confirm continuity of supply to existing dwellings.
- The applicant's response states previous ground works were carried out to provide a construction access however the response fails to highlight how the works, which were the subject of enforcement action, were undertaken following a refusal of

permission for the same development in 2016. The response also fails to refer to a later 2020 unauthorised development.

- The applicant's response regarding ownership of the laneway is incorrect. Third-parties have a full right of way over the route while the red line boundary for one appellant's dwelling overlaps with the red line boundary for the proposed development. No consent was sought by the applicant from the third party for works to the laneway. The proposed footpath cannot be provided without third party consent.
- Proposals to upgrade the lane to two-way traffic fails to consider matters such as the gradient or connectivity to the public road which itself is substandard. The proposal is inappropriate and does not have regard to matters such as third-party landowner consents or the requirement to remove mature trees. Proposed two-way route was subject to designs and drawings associated with third parties which do not form part of the subject application which reinforces the speculative nature of the development and the applicant's unwillingness to properly address infrastructure. Any such proposal is a material change which requires a new planning application and full advertisement of the proposals.
- Proposed two way route requires removal of trees which does not align with the applicant's response stating no hedgerows would be removed or the AA Screening Report which states the same.
- Proposed one-way layout with waiting area represents a traffic hazard and lacks a Road Safety Audit which would highlight hazards.
- Lack of proper infrastructure including full two-way road with footpaths and upgrading the junction to meet relevant standards. There is a requirement to provide a footpath on the local road and comply with condition 18 of ref 20061351.
- The applicant's response refers to a fire safety report associated with ref 20220088 which refers to the grant of permission northwest of the site for 2no. dwellings and a turning circle. The report confirmed the non-compliance of the development with Building Regulations. Another response states that the report did not assess the existing laneway while the third-party fire safety report submitted with

an appeal provides a detailed access assessment definitively outlining issues with the access.

- The applicant did not object to ref 20220088 at the time the application was made. The applicant's response stating they own the land on which the turning circle is located does not address the matter of how ref 20220088 would be unimplementable under the proposed development's layout.

7.0 Assessment

7.1. Introduction

- 7.1.1. The principle of development is questioned in the appeals due to a lack of zoning on the site. The site is situated on lands previously zoned for residential purposes under the Wexford Town and Environs Development Plan 2009-2015 which has since expired. The Wexford County Development Plan 2022-2028 does not include land use zonings for Wexford Town but states that a Wexford Town and Environs Local Area Plan (LAP) would be adopted within the lifetime of the CDP. I note pre-draft LAP consultation was held in August 2023 however no draft plan has been published to date and there is therefore no zoning objective in place for the subject site.
- 7.1.2. I do not agree however that the principle of development is premature based on the absence of a zoning objective or LAP for the site. As is the case for any other proposal on un-zoned lands such as those in rural areas, the CDP and relevant national policies provide a framework and guidance to aid assessing such planning applications on their own merits.
- 7.1.3. The site is situated between existing occupied housing to the north, south and west and with significant permitted housing situated to the southeast also. The site is therefore, in my opinion, situated within the existing built-up footprint of the town which is defined in the Compact Settlement Guidelines as *'the built up area of a settlement i.e. lands that are subject to urban development.'* Objectives CS05 and SH08 of the CDP seek 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. Residential development on the site is therefore supported by those objectives.

- 7.1.4. Objective TV34 seeks to prevent 'leap-frogging' and promotes sequential development and specifically states that '*Development of lands with no links to the town or village centre will be refused.*' The site is situated at the northwest of the town, 2.5km from the town centre by vehicular movements or 800m via Árd na Sláine and Coill Aoibhin housing estates to the R769 at the south which has pedestrian and cycle path connectivity to the town centre as well as bus stops.
- 7.1.5. The characteristics and context of the site therefore indicate its classification in my view as an infill site within the footprint of Wexford town and therefore it's development for residential purposes would facilitate the consolidation of the existing built footprint of the town, in a manner reflecting the established residential character of the neighbouring lands at this location while providing a sequential and sustainable urban extension of Wexford town. I therefore conclude that the principle of residential development is acceptable at the site.
- 7.1.6. Therefore, having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:
- Layout – Public Open Space
 - Layout - Embankment
 - Transport and Access
 - Water Services
 - Environmental Matters
 - Condition nos. 4 and 24
 - Procedural Matters

7.2. Layout - Public Open Space

- 7.2.1. This section of the assessment relates to the main rectangular 1.31ha area of the site where the dwellings and open space are to be situated. The layout initially submitted set out 7no. detached dwellings in a curved arc from southwest to

northeast and positioned 2no. additional dwellings at the southeast facing a new access road to be situated alongside the eastern boundary of the site. The southern of those 2no. dwellings was to be situated 3m from the southern boundary of the site which comprises the rear boundary wall of no. 12 Árd na Sláine, which is incorrectly labelled as 1.8m in height but is actually c.1.2m. The layout provided 0.235ha of open space in the centre of the site which would connect to the existing open space at Árd na Sláine. It also set back the proposed dwellings from the north and western boundaries providing a second open space area of 0.155ha. It proposed two access points to each dwelling, one each at the front and rear for vehicular access to the road and pedestrian access to the open spaces. Houses at the east of the row faced south with tall boundary walls at the north alongside the access road, while those at the west faced north or northwest with their taller rear boundary walls at the southeast facing the central open space. The two dwellings in the southeast of the site had a similar arrangement with a stated front lawn and wide pedestrian connection to the central open space and then taller boundary walls at the rear facing the access road which terminated in the southeast of the site.

- 7.2.2. The layout was revised at the further information stage in order to retain rights of way to adjoining property according to the further information response. The revised layout provides one large area of public open space comprising 0.393ha which wraps around a similar arc of dwellings from north through the western boundary and connecting to Árd na Sláine at the south. The revised layout also resituated the two dwellings in the southeast corner to a horizontal arrangement located directly adjacent the southern boundary with Árd na Sláine but with an increased separation distance of 11m from the existing boundary wall to the dwellings themselves.
- 7.2.3. The layout in both cases appears to be based on maintaining wayleaves for existing water services which traverse the site in a north-south axis along both the western and eastern boundaries. These pipes comprise a wastewater sewer and watermain respectively. Both layouts provide indicative access to the permitted scheme of 2no. dwellings in the smaller portion of the field at the north west, and also provide for future access to lands to the southeast. A setback is maintained from all boundaries, with the exception of unit nos. 1 and 2 in the southeast adjacent Árd na Sláine, with the resulting retention of all existing hedgerows and treelines. Both layouts also

maintain a setback from the Slaney River Valley Special Area of Conservation at the southwest. In this regard, there are positive aspects to both layouts.

- 7.2.4. I have however, significant concerns regarding the overall quality of both layouts due to the location of public open space and its lack of passive surveillance. The appeals raise this issue and highlight how the development does not comply with Section 14.5.7 of the CDP which requires passive surveillance on all sides. Objective ROS11 requires public open space to comply with the requirements of housing and apartment guidelines and any future versions. In this case the most relevant guidance document is the Sustainable Residential Development and Compact Settlement Guidelines which was published in 2024 and is hereafter referred to as the Compact Settlement Guidelines. Section 5.3.3 states *'there is a need to focus on the overall quality, amenity value and biodiversity value of public open spaces'* and later *'the public open spaces should also form an integral part of the design and layout of a development'*.
- 7.2.5. The open space in both layouts provides an access road to the 2no. units in the southeast which terminates in a hammerhead and landscaped area with new hedgerows proposed to be situated alongside the southern and eastern boundaries. This narrow space of c.11-15m in width, depending on the layout, would not be adequately overlooked under either proposal. The water services drawings state there is an easement in place in this location relating to foul and water sewers.
- 7.2.6. There is also no connectivity proposed to lands to the southeast which were recently granted planning permission under WCC ref. 20241132, ACP ref. 321942-25 for 99no. dwellings and a creche, and without any proposed connectivity to this site. Therefore, in my view the space is designed as such simply to uphold the easement and protect the infrastructure underneath. This does not however provide for a high quality, or even an acceptable quality of design and represents left over peripheral space which is not overlooked or usable.
- 7.2.7. This is also the case for the revised layout submitted under further information which proposed a similar narrow pedestrian route at the north of the site, 5m in width and which would not be overlooked due to its location to the rear of dwelling nos. 6 and 7. This layout similarly appears to also be the result of the water infrastructure underneath.

- 7.2.8. The initial layout proposed a wider more usable and safer area of open space in this location at the north however the overall layout was poor quality with an unusual arrangement providing vehicular access to the dwellings from the road at the north and pedestrian access with low boundary walls at the south to provide overlooking to the open space at the south. That layout also resulted in a narrow tract of open space in the southwest corner adjacent to unit no. 9 and no connectivity between the two areas of open space.
- 7.2.9. Both layouts illustrate a pedestrian connection as far as the southern boundary with an amenity space in Árd na Sláine however neither layout addresses the actual connection and how the embankment would be made accessible for wheelchair/buggy/bicycle access users who may wish to access the public bus service further south on the R769.
- 7.2.10. In conclusion, I consider the proposed layout would result in poor quality public open space. The generous allocation of public open space does not overcome the shortcomings in terms of the lack of overlooking which would detract from residential amenity in my view and would represent a poor relationship between dwellings and the open space. This layout would contravene Objective ROS11 of the CDP as well as Section 5.3.3 of the Compact Settlement Guidelines and I therefore recommend that planning permission is refused accordingly.

7.3. Layout - Embankment

- 7.3.1. The issue of the layout and its interaction with an earthen embankment along the southern boundary of the site is raised in both the first- and third-party appeals. The third-party appeals state that it comprises made ground, and following a site inspection, I am of the opinion that its appearance does reflect that of made ground as it has a sudden and unnatural looking change in slope which does not follow the topography of the wider area.
- 7.3.2. The Planning Authority granted planning permission subject to condition no. 2 which omitted unit nos. 1 and 2 due to concerns with the stability of the bank and clarity regarding works required to accommodate the development. Concerns regarding stability and damage to Árd na Sláine properties were raised in the third-party submissions and are repeated in the third-party appeals which provide photographic

evidence of damage to boundary walls allegedly caused by ground movement. They also contend there is insufficient space within each plot to construct the dwellings so close to the rear boundary wall without intersecting with the embankment.

7.3.3. Site section N-N on drawing no.BB-P-10A suggests the slope would be entirely removed and a very tall retaining wall installed, 5-8m in height yet drawing no. BB-P-06A provides the letters P and Q at the east and west of this southern boundary on which is clarified on drawing no.BB-P-11A which outlines boundary wall designs stating that P to Q would comprise timber panel and concrete post fencing with a lattice top section and total height of 1.8m above ground level. No site section drawings are submitted to illustrate the relationship between the proposed dwellings on either layout with the embankment.

7.3.4. The applicant's appeal response provided a report titled 'Stability Report on Soil Bank' which described the bank as being 2.6m in height and '*located within 18/50 meters of the nearest residential structure*'. It concludes that the bank is stable with no signs of failure but goes on to recommend measures '*in the event reinforcement is required*'. These measures include soil nails, retaining walls, gabion baskets and setback distances including a statement to '*ensure structures are set back at least 20 from the slope crest*'. Section 7 'Conclusion' states

'The existing soil bank poses no risk of failure and is stable. The bank has been in place for many years and is stable. If required that bank could be faced or dressed (sic) with a gabion basket structure if sections of this bank needs to be removed.'

7.3.5. There are inconsistencies and inaccuracies in the report including:

- the nearest residential structure comprises no.12 Árd na Sláine which is situated within 10m of the bank.
- Neither proposed layout provides a set back of 20m from the crest of the slope.
- A lack of clarity over the extent of mitigation measures required, if any.
- A lack of clarity if any excavation of the bank would occur.

7.3.6. The third party appeals also raise an enforcement issue relating to the embankment and compliance with the parent permission for Árd na Sláine, ref. 20061351. The permitted layout provided a 10m buffer of woodland style planting along the

embankment. Condition no. 18 of that permission required this woodland planting to be provided within one year of commencement of development and I was unable to locate evidence of any tree planting during the site inspection. Proposed unit nos. 1 and 9 in the initial layout would likely interact with and preclude the provision of this planting due to their close proximity to the site boundary, while the private open space for unit nos. 1 and 2 in the revised layout are also entirely situated within the 10m zone from the rear boundary wall. This concern is echoed in the Senior Planner's supplementary report.

- 7.3.7. While enforcement is ultimately the remit of the Planning Authority, I consider it would be inappropriate and premature to grant permission for development in this location in the absence of clarity on the matter. The Planning Authority did not comment on this issue or engage with it. It was raised in the third party submissions but is not referred to in the summary of issues.
- 7.3.8. In conclusion, I agree with condition no. 2 omitting the 2no. units due to uncertainty regarding the layout, its interaction with the embankment and subsequent requirement for works to stabilise the bank. I also recommend that the 2no. units are omitted due to a lack of clarity regarding compliance with condition no. 18 of ref. 20061351.

7.4. Transport and Access

- 7.4.1. There is an existing single carriageway laneway/semi-private road which provides vehicular access to the site and which is also utilised by the other existing and permitted dwellings. The lane is poorly surfaced and has no footpaths or lighting at present with mature trees overhanging the carriageway which is steep and informal in character. It is proposed to upgrade it with a new surface and passing bays. Following the further information request it is also proposed to provide a footpath along the entire eastern side of the lane, a cycle lane along approximately half of its distance and a raised traffic table where the width reduces to 4.4m along a 42m single-carriageway section. Two-way access would be provided for the remainder of the carriageway with a dwell area provided at the north and south in the event there was an oncoming vehicle.

- 7.4.2. Third-party appeals suggest increasing traffic movements to the L3012 local road at the north is unsafe and would represent a traffic hazard due to excessive gradients, insufficient width, horizontal alignment and lack of footpaths, lighting and drainage on that local road. I note the Local Authority did not comment on this matter or raise any deficiencies with the road network. I further note that the road in question is subject to a 60km/h speed limit and that the principle of development at the site is acceptable, representing an infill development at a scale suitable for the area. In my opinion, the scale of traffic likely to be generated from the proposed development would be small and unlikely to result in any perceptible impact on the L3012. I do not agree that the current condition of the L3012 cannot safely accommodate the traffic generated by the proposed development.
- 7.4.3. The appeals suggest that providing footpaths on the laneway which terminate at the L3012 with no connecting footpaths to provide access to the town centre creates a hazard for both pedestrians and motorists. In my view the principle of providing footpaths in tandem with a development represents proper planning by improving safety for existing pedestrians as well as futureproofing the area. I consider that a lack of connectivity is an insufficient rationale to refuse permission as this element of the development does not represent a hazard in my view. On balance I consider the principle of utilising and improving the vehicular access in this location together with provision of footpaths and cycle lanes is acceptable and contributes to sustainable development by creating compact settlements, utilising an infill site within the footprint of the town and enhancing existing access points with sustainable transport options.
- 7.4.4. The appeals voice concerns that the one-way system with a queuing area immediately south of the junction with the L3012 would result in the queue of vehicles backing onto the L3012 and creating a traffic hazard. The one-way section is 42m in distance and the scale of the proposed 9no. dwellings, existing 2no. dwellings and permitted 2no. dwellings is not likely, in my opinion, to result in significant numbers of vehicles entering the laneway at the same time. The queuing area is over 15m deep and therefore comfortably accommodates a minimum of 2no. standard domestic vehicles. In my opinion the time required for an oncoming vehicle exiting the laneway to traverse the 42m one-way section, would not result in

queueing of incoming vehicles on the L3012 and is also unlikely to impede emergency access.

- 7.4.5. I note the applicant's appeal response includes a suggestion to implement a full two-way carriageway as permitted under ref. 20220088 for 2no. dwellings northeast of the site. The response included screenshot type copies of the permitted layout however full scaled and legible drawings and particulars for such a layout were not however submitted with the appeal and therefore cannot be considered in my view. Additionally, based on the landowner mapping submitted it would appear that additional third party consents would be required to implement such a proposal as landowner constraints are the rationale requiring the partial one-way solution in the first place.
- 7.4.6. In this regard, I note some appeals suggest there are inaccuracies on the drawings submitted in terms of the location of an existing vehicular entrance and the availability of queuing space at the northern end of the lane. Having reviewed the drawings and inspected the site, I can confirm that on the eastern side of the existing laneway there is one vehicular entrance serving a dwelling where the laneway splits in two. There are also 2no. agricultural type gates at the east accessing some woodland and a paddock which do not appear to be in regular use.
- 7.4.7. I do not consider this to be a material issue and consider the information submitted is sufficient to enable a full assessment of the proposal. With regard to the alleged inaccuracy regarding measurements, one appeal states '*the available distance for the proposed vehicle stacking area is less than that shown*'. No measurement is called out on the drawing however I am of the opinion that the drawing is accurate, notwithstanding the previous paragraph regarding agricultural accesses.
- 7.4.8. One appeal submitted a third-party report prepared by a fire consultancy which outlines concerns on the structural integrity of the base of the existing road to carry the full weight of a fire tender. It is however proposed to upgrade the surface of the lane and therefore I recommend that in the event of a grant of permission, a condition is included also requiring the detailed design of the base of the road to be agreed with the Local Authority in advance of the commencement of works. I note the applicant made a reference in the appeal response regarding stability of the road which was allegedly set out in the soil stability report. That report however does not

make any references to the access road/lane. I also note that the third-party appeals reference an unauthorised construction access through the site where HGVs were allegedly able to manoeuvre over the existing laneway at that time without any stated difficulty.

- 7.4.9. The third-party appeals suggest the gradient of the road would not comply with Section 4.4.6 of DMURS and Part M of the Building Regulations and would also allegedly prevent access for HGVs such as fire tenders and refuse trucks. It should be noted at this stage that Building Regulations are a different legislative code than planning and the issue of compliance with Building Regulations will be evaluated under a separate legal code and thus need not concern the Commission for the purposes of this appeal. In terms of DMURS, Objective TS01 of the CDP seeks to *'implement the principles and objectives'* of DMURS. The preface of DMURS states *'This Manual does not purport to account for every scenario that a designer will encounter, particularly when retrofitting existing streets'* while Section 1.3 clarifies its application and states that a degree of flexibility is required.
- 7.4.10. As outlined earlier, HGVs have accessed the site previously. There are also existing and permitted dwellings at the top of the laneway and therefore, on balance, I consider that permitting the proposed development together with the proposed improvements to the laneway would in fact ultimately improve access for the existing and permitted dwellings, including for emergency access. In my view flexibility with DMURS standards are therefore acceptable in this instance due to the existing and operational nature of the lane, proposed surface improvements and efficiency gained in terms of land use and contribution to compact settlements.
- 7.4.11. For clarity, Section 4.4.6 of DMURS refers to alignment and curvature and outlines a recommended maximum gradient of 5% on streets where pedestrians are active, but that steeper gradients may be required in hillier terrain as in the case of the subject site. The existing gradient varies with the steepest section noted to comprise 1 in 5 (20%) with no alterations proposed. DMURS goes on to state that wheelchair users can negotiate up to 8.3% and therefore a designer may need to consider mitigation measures such as intermediate landings. It also states that steeper gradients may not be significant where there are alternative routes available and in this case an alternative route would be provided via the connection to Árd na Sláine to the R769 at the south which has full footpath connectivity to the town centre as well as bus

stops. As outlined previously the detailed connection between the site and Árd na Sláine has not been provided and there is therefore a requirement to design an appropriate connection over the embankment which is accessible to all in order to provide a viable alternative route. DMURS does not make reference to gradients and vehicular accessibility.

7.4.12. Some appeals suggest the proposed turning circle does not comply with the 'Requirements of Site Development Works for Housing Areas' however the CDP does not expressly require adherence to this document which is a non-statutory guidance document. Further, in the event that planning permission was granted, I consider there is sufficient scope in the layout proposed to redesign the turning circle by means of a condition without materially altering the layout or proposed development.

7.4.13. Many of the appeals reference the applicant's proposal to provide a temporary construction access through the site under ref. 20151119 in relation to the construction of Árd na Sláine estate. Permission was refused for one reason as follows:

The proposed development would endanger public safety by reason of traffic hazard because the private lane giving access to the site is substandard in width, alignment and surface and would therefore be contrary to the proper planning and development of the area.

The appeals suggest that permission should be refused for the same reasons, however I disagree as it is proposed to upgrade the existing road and junction in this instance which would result in a significant improvement to the condition of the lane. Further, while some of the appeals suggest that this decision sets a precedent, I disagree and am of the view that each application should be assessed on its own merits according to the policy framework in place at the time.

7.4.14. Concerns are raised regarding accessibility of the lane during winter months as the overhanging trees would lead to frost and ice, allegedly making the road inaccessible however I consider this is unlikely to occur given the proposed new road surface and proposed drainage. In any event, a programme of salting or alternative improved grip/texture on the road surface could be easily implemented if such a scenario were to regularly arise. An appropriate condition could be attached in the event of a grant

of permission requiring the detailed design of the road to be agreed with the Planning Authority in advance of the commencement of works.

- 7.4.15. The third-party appellants suggest that the further information response and revised access proposals were not referred to the Roads Department. The Case Planner's report states that no further comments were received, which in my view implies that the further information response was referred to the Roads Department. Nonetheless there are two reports from the Roads Department on file, one dated 02nd Oct 2024 and one dated 07th August 2025 which correspond with the pre- and post- further information periods. The Case Planners report considering the further information response is dated 14th August 2025 and it is not clear why it stated no further comments were received from the Roads Department.
- 7.4.16. The latter report from the Roads Department states '*the revised site layout plan presented in requested FI documents shows a completely new scheme layout which is primarily acceptable*'. It requests additional further information including autotrack analysis, re-designed turning circle compliance with DMURS and other guidelines, extending the footpaths and provision of public lighting etc. These items can be addressed by way of condition and would not materially alter the layout of the development in my view.
- 7.4.17. To conclude the topic of access, I consider the proposed use and improvement of the existing laneway would result in a planning gain for the existing and permitted dwellings. I consider the proposed alterations to the laneway and the principle of providing vehicular access for the proposed 9no. dwellings to the L3012 would not result in a traffic hazard and in my view the proposed arrangement would represent proper planning and sustainable development.

7.5. Water Services

- 7.5.1. Third-party appeals suggest SuDS have a limited ability to treat surface water and lack adaptability to climate change and therefore there is inadequate surface water proposals to cater for the increased areas of hard surfaces which will contribute to flooding the public road. In my view, SuDS is an established surface water management technique which is proven to be effective and widely accepted as the first tier of surface water management as demonstrated by NPO 79 of the National

Planning Framework. The proposed development includes SuDS features such as swales and rain gardens both within the public open areas as well as within the curtilage of each dwelling which is an acceptable approach in my view.

- 7.5.2. Some appeals suggest the surface water management proposals are difficult to read and assess and that insufficient details are provided however I disagree. A clear rationale is set out including the provision of SuDS features such as swales, filtration pits, permeable paving and rain gardens while attenuation tanks with flow control devices ensuring that surface water is discharged from the site at a greenfield rates is also proposed. Additional volume has been included to cater for climate change and urban creep. The information submitted does not expressly state that hydrocarbon interceptors are proposed and I therefore consider it appropriate in the event of a grant of planning permission that a condition is attached requiring the provision of same prior to discharge to the public network.
- 7.5.3. One aspect of the development however which would require a revision in the event of a grant of permission is that in the revised layout submitted with the further information response, it is proposed to site 4no. swales alongside the southern boundary of the site in the general location of the existing embankment. This is also the highest ground level of the site and therefore the practicality of providing swales at this location is unclear. The swales should be relocated in my view to the south of that area of public open space, adjacent to the access road and turning circle.
- 7.5.4. One third-party appeal is concerned regarding impacts to existing water mains traversing the site and serving Ferrycarrig Heights. It argues that no specific conditions were attached to protect these pipes. I note that no works are proposed or permitted in the area around the pipes and that the Uisce Éireann Confirmation of Feasibility does not permit any works or diversions to them. In this regard I consider there are adequate safeguards in place to maintain the safety of the supply and ensure no impacts to the pipe.
- 7.5.5. Another appeal suggests that it increased areas of hard surface could generate flooding of the public road however I disagree given the extent of drainage proposals submitted for both the subject site and lane. I am not aware of any existing drainage serving the lane and therefore consider the proposed attenuation tank to be located at the west of the lane would likely reduce flooding in this location.

7.6. Environmental Matters

- 7.6.1. One appeal highlights the proximity of the site to recorded monuments and the adjacent SAC however impacts to these have been addressed in an Archaeological Impact Assessment and Appropriate Assessment Screening.
- 7.6.2. The closest record from the Sites and Monuments record comprises a fulacht fia situated 310m southeast of the site in an area now occupied by housing. The Archaeological Impact Assessment submitted with the application included both a desk top study as well as test trenching and no archaeological material was discovered on the site.
- 7.6.3. One appeal highlights the presence of hedgehogs on the site and suggests they would have been hibernating when the site walkover for the Appropriate Assessment Screening Report (AASR) was undertaken. The commentary is critical of a lack of mitigation outlined in the AASR to protect hedgehogs. Appropriate Assessment however is not a general ecological impact assessment and has a narrow focus on European sites and their qualifying interests. It is strictly legislated by both European directives and national legislation and does not comment on species which do not feature on the specific list of qualifying interests relevant to each European site. Hedgehogs are not on the list associated with the adjacent Slaney River Valley Special Area of Conservation or on any other list of qualifying interests for European Sites in Ireland and therefore it would not be appropriate to include mitigation measures in an AASR for this species.
- 7.6.4. The layout as proposed seeks to retain all boundaries including all existing hedgerows and treelines as well as retaining a significant buffer of grassland at the west of the site alongside existing woodland. Retaining this buffer and carrying out groundworks on the remainder of the site would not, in my opinion, result in a significant impact on the local population of hedgehogs as the scale of works proposed and overall reduction of grassland habitat is not significant
- 7.6.5. The appeal was referred to the Development Applications Unit (DAU) of the Department of Housing, Local Government and Heritage which includes the National Monuments Service and National Parks and Wildlife Service. A submission was received from the DAU which did not raise any concerns in relation to archaeology or ecology.

7.7. Condition nos. 4 and 24

- 7.7.1. Condition no. 4 requires the provision of concrete block wall boundaries to the curtilage between dwellings. The first party appeal requests the omission of this boundary as the applicant contends that the proposed timber boundaries are far less damaging to the environment. It also suggests that the requirement to provide concrete boundaries runs contrary to sustainable development however I disagree, given the robustness of blockwork walls and the requirement for privacy and security to the rear of dwellings. Further, Section 3.12.6 of the CDP refers to boundary treatments in multi-unit residential schemes. It states: *'The side and rear boundaries of gardens shall be 1.8-2 metres in height and shall be formed by concrete block walls. Wooden fences will not be permitted.'* In this regard I do not recommend that condition no. 4 is omitted.
- 7.7.2. The applicant also appealed condition no. 24 which attached a landscaping bond of €70,000 at the rate of €10k/unit. Condition no. 14 was also attached requiring a separate €49,000 bond for general completion works including 'public open space'. I note An Coimisiún Pleanála's recent decision in June 2025 for an adjacent development of 99no. dwellings imposed two separate bond conditions, one regarding public open space and landscaping and the latter for aspects of the development to be taken in charge including roads, footpaths, sewers, and lighting etc. I consider this approach is more appropriate as it avoids duplication and provides clarity to both the applicant and Local Authority. I recommend omitting condition nos. 14 and 18 and insertion of alternative conditions requiring separate bonds as set out above.

7.8. Procedural Matters

- 7.8.1. The third-party appeals consider the Local Authority's decision was inappropriately made as the further information response was not referred to the DAU however as outlined above the appeal was referred and a response received, outlining no objection to the proposed development.
- 7.8.2. A number of appeals highlight how the red line boundary for the subject site overlaps with that relating to previous grants of permission including ref. 20061351 for Árd na Sláine to the south and ref 20222088 relating to a grant of 2no. dwellings to the

north. The principle of overlapping red line boundaries is not grounds for invalidating an application or refusing permission as there is no provision in the legislation suggesting this is unacceptable, subject to provision of the landowner's consent in each case. In this case, the applicant is the same landowner and developer who constructed the Árd na Sláine estate. Land Registry Maps were submitted with the application to demonstrate the applicant's ownership of all areas within the red line, including the overlapping sections.

- 7.8.3. The appeals suggest that both overlaps referenced above would preclude full implementation of the permitted developments and therefore prevent compliance with the conditions attached. This matter insofar as it relates to the landscaped embankment and condition 18 of ref. 20061351 is already discussed above. With regard to access proposals for ref. ref. 20222088, Section 34(13) of the Planning and Development Act, 2000 (as amended) provides that a grant of planning permission does not give rise to an entitlement to carry out the development as the landowners consent is required. In this case, the applicant for this subject application is the landowner of the overlapping area of land and who is therefore entitled to apply for planning permission on their own property.
- 7.8.4. Another landowner consent issue relates to works to the laneway. The third-party appeals suggest there is a right of way in place for third parties and that the applicant has not demonstrated a legal interest. I again refer to the land registry maps which show the full extent of property in the applicant's ownership which includes all land within the red line. The proposed works would not extinguish the right of way and it is proposed to upgrade the quality of the lane, not remove it or permanently obstruct it.
- 7.8.5. A last red line boundary overlap is also raised on the laneway. One third party suggests the red line for the planning application relating to their existing and occupied dwelling overlaps with that subject of this application. The appellant contends that no consent was sought or given for works within this line however as outlined above, a grant of planning permission does not infer property rights and the permission of the landowner is required to implement any permission. The applicant has demonstrated ownership of all land within the red line in this case and existing rights of way will be maintained. I therefore consider all landownership matters to be addressed.

- 7.8.6. The third-party appeals suggest that permission should be refused as the further information response was not deemed significant and re-advertised thereby preventing third parties from making submissions. They suggest that the Planning Authority therefore failed to comply with Article 35 of the Planning and Development Regulations 2001, as amended. I note that it is the Planning Authority's responsibility under Article 35 to require the applicant to readvertise the development highlighting that significant additional data has been received, if the Planning Authority considers that data to be significant. The Planning Authority in this case did not consider it significant and the further information response was not advertised. I am however satisfied that this did not prevent the concerned party from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.
- 7.8.7. Third party appeals suggest there are no records on the Planning Authority's website demonstrating their appropriate assessment screening determination however this is embedded in the case planners report. Ultimately such procedural matters relating to internal processes of the Local Authority are outside the scope of a planning appeal.
- 7.8.8. The appeals suggest that permission should be refused under Section 35 of the Planning and Development Act 2000, as amended as the applicant allegedly has a record of carrying out unauthorised development in the area. Section 35 provides for a refusal of permission due to a range of issues relating to an applicant's planning history including past failures to comply with a previous permission, a substantial unauthorised development or a conviction. The Local Authority in this case has not provided any evidence to clearly determine that the applicant falls into any of the 3no. categories.

8.0 AA Screening

- 8.1.1. 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 would not be likely to give rise to significant effects on Slaney River Valley SAC in view of the conservation objectives of this sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

8.1.2. This determination is based on:

- The small scale and domestic nature of the works.
- The layout proposed with a setback from the western boundary.
- The topography of the site which generally slopes down from south to north.
- The relationship between the site and SAC, the lack of hydrological connections therein and the lack of connectivity to qualifying interests.
- Proposed connection to public foul network.

8.1.3. The third-party appeals raised a number of points regarding appropriate assessment. It was contended that the AASR submitted with the application failed to consider surface water discharges or groundwater discharges. These have both been considered in the screening report appended to this report.

8.1.4. I noted a number of typographical errors in the applicant's AASR as well as the omission of notable permitted housing schemes in the consideration of in-combination effects. The AASR did not list ref. 20220088 for 2no. permitted dwellings at the north of the site, or refs. 20241132, ACP ref. 321942-25 granting permission for 99no. dwellings immediately adjacent the southeast of the site and a later amendment ref. 20250980 adding an additional 6no. units to the 99no. The latter of those 3no. applications was lodged following preparation and submission of the applicant's screening report however the first two were decided in advance of its preparation and submission and therefore were not considered in the AASR. I have considered these in the screening report appended below when screening out impacts to European sites.

9.0 WFD Screening

9.1. Screening

9.1.1. The subject site is located 350m south of the River Slaney estuary and 6.5km west of Wexford Harbour. The southwest Irish Sea is situated 10km southeast of the site. The site overlies the Castlebridge North groundwater body which is classified as poorly productive bedrock or '*generally unproductive except for local zones*'. The majority of the site is classified as having moderate vulnerability.

- 9.1.2. The proposed development seeks to construct 9no. dwellings and associated access road as well revisions and improvements to existing access lane and connections to existing public services.
- 9.1.3. 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.
- 9.1.4. The reason for this conclusion is as follows:
- The urban infill nature and modest scale of the works.
 - The location of the site removed from any waterbodies and lack of any hydrological connectivity.
 - Proposed connection to public water services.

9.2. Conclusion

- 9.2.1. 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.

10.0 Recommendation

I recommend that planning permission is refused in accordance with the reason set out below.

11.0 Reasons and Considerations

1. Objective ROS11 of the Wexford County Development Plan 2022-2028 requires the provision of good quality, accessible, well located and functional open spaces in new residential developments in association with guidelines including the 'Sustainable Residential Development and Compact Settlement' Guidelines for Planning Authorities published under Section 28 of the Planning and Development Act 2000 (as amended). Section 5.3.3 of those guidelines require public open spaces to form an integral part of the design and layout of a development. Having regard to the proposed layout which would result in excessive areas of poorly designed and narrow tracts of open space, situated to the rear and side of dwellings which would not be overlooked or lit, it is considered that the layout does not comply with Objective ROS11 of the Wexford County Development Plan 2022-2028 or Section 5.3.3 of the Sustainable Residential Development and Compact Settlement Guidelines. The lack of passive surveillance would represent a poor relationship between dwellings and open space and would result in a poor quality of open space and residential amenity. The proposed development would therefore conflict with the objectives of the Development Plan and national guidance and would be contrary to the proper planning and sustainable development of the area.

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

Sarah O'Mahony
Planning Inspector

10th December 2025

Form 1 - EIA Pre-Screening

Case Reference	323521-25
Proposed Development Summary	Construct 9no. dwellings and associated access road as well revisions and improvements to existing access lane and connections to existing public services.
Development Address	Ballyboggan, Wexford Rural, Co. Wexford
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed	

<p>type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 11(b)(i) Construction of more than 500 dwelling units.</p> <p>Threshold = 500 units.</p> <p>Proposal = 9no.</p> <p>Class 11(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere</p> <p>Threshold = 10ha</p> <p>Proposal = 1.645ha.</p> <p>Class 11(dd) All private roads which would exceed 2000 metres in length</p> <p>Threshold = 2km</p> <p>Proposal = New internal roads: approximately 160m</p> <p>Roads Regulations, 1994, as amended:</p> <p>Article 8(a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length</p>

	<p>in a rural area, or 500 metres or more in length in an urban area;</p> <p>Threshold = 4 lanes and 500m in length.</p> <p>Proposal = New internal roads: approximately 160m</p>
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Form 2 - EIA Preliminary Examination

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> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The urban site is serviced and its size is not exceptional in the context of the prevailing plot size in the area.</p> <p>A short-term construction phase would be required and the development would not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance due to its scale. The development, by virtue of its type and nature, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Its operation presents no significant risks to human health.</p> <p>The size and scale of the proposed development is not significantly or exceptionally different to existing dwellings.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural</p>	<p>The development is situated in an urban area adjacent to and in close proximity to existing residential properties which is not exceptional in the context of surrounding development.</p>

resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	<p>It is not likely to have any cumulative impacts or significant cumulative impacts with other existing or permitted projects.</p> <p>The site is situated immediately adjacent to the Slaney River Valley Special Area of Conservation however impacts to this European site are screened out.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development and works constituting development within an existing built up area, likely limited magnitude and spatial extent of effects, and absence of in combination effects, there is no potential for significant effects on the environmental factors listed in section 171A of the Act.</p>
Conclusion	
Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.

Inspector: _____ Date: _____

Standard AA Screening Determination Template
Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects				
Step 1: Description of the project and local site characteristics				
Brief description of project	Construct 9no. dwellings and associated access road as well revisions and improvements to existing access lane and connections to existing public services			
Brief description of development site characteristics and potential impact mechanisms	<p>The 1.645ha site is situated in the northwest of Wexford town, within the footprint of the town. It partially comprises greenfield land but has been subject to some development and disturbance in the past including provision of water services, manholes and a temporary construction road.</p> <p>At the time of the inspection the site was covered with long grass and scrub type vegetation. The north, west and east boundaries comprised dense and mature hedgerows and treelines.</p> <p>The Slaney River Valley Special Area of Conservation (SAC) is situated immediately adjacent to the southwest corner of the site.</p>			
Screening report	Yes			
Natura Impact Statement	No			
Relevant submissions	Two submissions were received from the DAU, one of which referred to the presence of the SAC and the requirement to ensure there are no negative impacts to the SAC.			
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Slaney River Valley SAC	Estuaries habitats Salt meadow habitats Dune habitats Alluvial forests and oak forests	Immediately adjacent southwest corner of site.	Based on the source-pathway-receptor model the only connectivity between the subject site and the qualifying interests for which the SAC has been designated comprises an ecological connection for mobile species solely confined to otter. There are however no	Yes

	<p>Freshwater pearl mussel Sea, brook and river Lamprey Shad, salmon, otter, seal</p> <p>NPWS Conservation Objectives</p>		<p>watercourses on the site and the grassland habitat provides little benefit in terms of otter habitat. No evidence of otter presence was noted during the site walkover. Further, the proposed layout retains a wayleave over the existing Uisce Éireann pipes which provides a setback from the SAC boundary and adjacent woodland, minimising impacts to any potential otter.</p> <p>There is no hydrological connection as any surface water run off would be significantly diluted by the presence of dwellings, woodland, vegetation and a road all situated between the site and the Carrig River/Coolree stream which is situated 200m west of the site and which forms part of the SAC.</p> <p>Surface water from the operational stage of the site would be attenuated and treated via SuDS measures with any overflow discharging to the public network.</p>	
Raven Point Nature Reserve SAC	<p>8no. habitats including 5no. dune types, mudflats, sandflats, salt meadows and drift lines.</p> <p>NPWS Conservation Objectives</p>	8km east	No	No
Long Bank SAC	<p>Sandbanks which are slightly covered by sea water all the time.</p> <p>NPWS Conservation Objectives</p>	14km southeast	No	No
Wexford Harbour	<p>Waterbirds including some</p>	350m north	No	No

and Sloba SPA	wintering species x 28 Hen harrier Golden and grey plover NPWS Conservation Objectives			
The Raven SPA	6no. bird species including wintering species. Also, wetland and waterbirds. NPWS Conservation Objectives	8km east	No	No

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
Site 1: Slaney River Valley SAC Site Code: 000781. <ul style="list-style-type: none"> • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Atlantic salt meadows • Mediterranean salt meadows • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche Batrachion vegetation • Old sessile oak woods with Ilex and Blechnum in the British Isles 	<p>The project is not directly connected with or necessary to the management of a European Site.</p> <p>Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact.</p> <p>Indirect: Construction phase; Low risk of surface water runoff from construction reaching sensitive receptors, however any impact would not be significant due to the separation distance and intervening topography and built development.</p> <p>Emissions and particulate matter during the construction phase could also have an indirect impact on</p>	None.

<ul style="list-style-type: none"> • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> • Freshwater Pearl Mussel • Sea Lamprey • Brook Lamprey • River Lamprey • Twaite Shad • Salmon • Otter <p>Harbour Seal</p>	<p>qualifying species and/or habitats however any risk is low and the impact would not be significant due to the separation distance and intervening topography and built development.</p> <p>Disruption from noise and visual presence during construction and operational phase and loss of commuting habitat phase is not likely to impact otter due to the scale of works proposed, the landtake proposed and the separation distance from existing woodland at the west.</p> <p>No likely spread of invasive species due to the existing urban nature of the site and no requirement to import soils.</p> <p>Operational phase: surface water and wastewater will connect into the existing public infrastructure and network serving the site.</p>	
Likelihood of significant effects from proposed development (alone): No		
If No, is there likelihood of significant effects occurring in combination with other plans or projects? No		
Possibility of significant effects (alone) in view of the conservation objectives of the site* No		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>I conclude that the proposed development (alone) would not result in likely significant effects on the Slaney River Valley SAC. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project.</p> <p>No mitigation measures are required to come to these conclusions.</p>		

Screening Determination

Finding of no likely significant effects

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 would not be likely to give rise to significant effects on Slaney River Valley SAC in view of the conservation objectives of this sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The small scale and domestic nature of the works.
- The layout proposed with a setback from the western boundary.
- The topography of the site which generally slopes down from south to north.
- The relationship between the site and SAC, the lack of hydrological connections therein and the lack of connectivity to qualifying interests.
- Proposed connection to public foul network.