



An
Coimisiún
Pleanála

Inspector's Report

ABP-323731-25

Development

Permission for construction of a new main entrance to serve proposed twelve fully serviced dwellings together with associated and auxillary site works (relocation of main entrance previously granted under planning reference number 20230265).

Location

Ballynagloug, Castletalbot, Co. Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20250861

Applicant(s)

John Gray.

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party v. Grant

Appellant(s)

Niamh & Barry Dunne.

Observer(s)

None

Date of Site Inspection

15th day of December 2025

Inspector

Fergal Ó Bric

1.0 **Site Location and Description**

- 1.1 The appeal site is located on the western edge of the settlement of Blackwater, a village located approximately twelve kilometres north-east of Wexford town. The appeal site is located to the west of the village centre and accessed from the southern side of the R744, a regional route that links Blackwater with Enniscorthy in a westerly direction. The appeal site is located within the 50 kilometre per hour (km/h) speed control zone.
- 1.2 The appeal site comprises a stated area of 1.46 hectares and is located approximately 0.57 kilometres west of the village centre. The appeal site comprises the 'An Goirtín Glas' residential development which is presently under construction. The site is a brownfield one with a number of the permitted houses having their rising walls, external doors and windows in place however, internal plastering, final electrical, carpentry and plumbing works as well as internal access roads and services, landscaping and boundary treatment yet to be completed. A number of residential units are developed to finished floor level. Ground levels within the site slope downwards from south to north, towards the public road (R744).
- 1.3 There are a number of residential developments in the vicinity of the appeal site, 'Riverside' to its east and 'Ashfield' on the opposite side of the R744. There are a number of individual dwellings on generous plots further east and west of the appeal site, facing onto the R744. There is an individual dwelling and outbuilding located immediately north-east of the appeal site with direct access onto the R744. Access to the appeal site is from the R744, along the northern boundary of the appeal site.

2.0 **Proposed Development**

- 2.1 The development would comprise the following:

Permission for construction of a new main entrance to serve the twelve fully serviced dwelling houses together with associated and auxillary site works (relocation of main entrance previously permitted under planning refence number 20230265).

- 2.2 The permitted residential development on site is presently under construction. Planning permission was granted under planning reference 20230265 for the residential development. To date seven dwellings are substantially complete in terms

of the foundations, rising walls, roofs, external plasterwork, windows and doors being in place. However, final fixings in terms of carpentry, electrics, plumbing and landscaping of open space is not completed. There are four dwellings which are constructed to finished floor level.

- 2.3 The design and layout of the dwellings, internal service roads and services, public and private open space would remain as originally permitted under planning reference 20230265. However, this proposal relates to the site entrance/egress along the northern site boundary onto the R744. The current proposals would relocate the main entrance to the appeal site as permitted under planning reference 20230265 by approximately forty metres in a westerly direction.
- 2.4 The Planning Authority conducted an Appropriate Assessment (AA) screening and determined that 'Having regard to the limited extent of the proposed works and the substantial distance to the nearest Natura 2000 sites, no element of the proposed project alone or in combination is likely to give rise to any impacts on the Natura 2000 sites. Having regard to the precautionary principle, it is considered that: Significant impacts can be ruled out, and Stage 2 AA is not required'. The issue of Appropriate Assessment will be addressed in greater detail later as part of this assessment.
- 2.5 The Planning Authority set out that the appeal site is not located 'within a conservation area or zone or archaeology'.
- 2.6 The Planning Authority screened the development for Environmental Impact Assessment and concluded that 'an EIA is not required'. 'Please see Appendix 1 at the end of this report in this regard.'

3.0 Planning Authority Decision

3.1 Decision

The Planning Authority issued a grant of planning permission by order dated the 3rd day of September 2025 subject to three conditions. The pertinent planning conditions are referenced below:

Condition 1: The proposed development shall be carried out in accordance with: -

- The plans and particulars lodged with the planning application.

- The terms and conditions of planning reference number 20230265.
- The recommendations of the Road Safety Audit-Stage 1 accompanying this application except as otherwise required by the conditions of his permission.

Condition 2: This permission relates to the construction of a new main entrance to serve the twelve fully serviced dwelling houses together with associated and auxiliary site works for the avoidance of doubt.

Condition 3:

- Works to achieve sightlines must be completed prior to works commencing on site.
- The edge of the road is to be agreed with the Roads department prior to the construction of rams and footpaths.
- Details of road signage to be submitted for agreement prior to commencement of works.
- Sightlines will be retained thereafter in perpetuity. Nothing shall be constructed or allowed to grow within the sightline envelope which would obstruct sightlines.
- Applicant to ensure that there is to be no interference with the bridge wall or structure on the R744 regional road and that the developer the develop must give advance notice to Wexford County Council notice of planned works adjacent to the structure.
- The carriage of the public road must not be raised, lowered or otherwise altered where the access way meets it.
- Any damage or interference with the roadside drainage shall be made good at the developer's' expense, to the satisfaction of the Local Authority.
- All surface water generated within the site boundaries shall be collected, attenuated and disposed of in accordance with SuDS and must not have any adverse effect on the public road or adjoining lands.
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- It shall be the responsibility of the applicant and his agents to ensure that the development is designed to ensure no flooding shall occur within the development.
- All public lighting within the development and along the public road shall be designed and installed in accordance with Wexford County Council's lighting specification. Public lighting shall be installed by the applicant over the entire length of the in front of the site and adjacent to the public road as indicated on the drawings submitted.
- Nu dust, stones etc. giving rise to traffic safety hazards shall be brought onto the public road by vehicles accessing or leaving the site during the works.
- Any excavations on the public road shall be subject to a road opening licence.

3.2 Planning Authority Reports

The Assistant Planner's Report was counter signed by the Senior Executive Planner on the 3rd day of September 2025 and set out the following:

- Site pertains to a residential development of 12 dwellings (An Goirtín Glas) permitted under planning reference number 20230265 on the western edge of Blackwater Village.
- A number of the permitted dwellings are substantially complete, and others are developed to finished floor level.
- The River Blackwater runs approximately twenty metres to the rear (south) of the site.
- There is a recent planning history pertaining to the subject site and adjacent lands for residential development and entrance point onto the R744.
- A warning letter has been issued to the applicant in relation to non-compliance with condition number 7 of 20230265 in relation to works carried out to achieve sightlines.
- Should the PA be minded to grant planning permission, the recommendations of the Road Safety Audit (RSA) Stage 1 should be conditioned to be implemented in full.

- Drawing number 20-03-P01H illustrates connectivity to the existing village footpath from the appeal site.
- Section 5.13 of the Development Management Guidelines for PA's , 2007 states that 'The planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land- these are ultimately matters for resolution in the Courts'.
- Section 34(13) of the Planning and Development Act 2000 (as amended) states 'that a person is not entitled solely by reason of a permission to carry out any development'.
- The PA is not an arbiter of title, and this is a matter to be resolved between the parties. I do not consider this is a matter to be included within the assessment within this application.
- This proposal seeks to address the reason for refusal as set out under planning reference 20240706 which related to the absence of connectivity by footpath from the appeal site to the existing footpath serving the village.
- In that instance the PA deemed the absence of connectivity would adversely impact vulnerable road users and future residents of the residential development causing them to cross the R744 at an unsafe point.
- The applicant submitted a Road Safety Audit (RSA) Stage 1 and a lighting specification report as part of his planning documentation.
- The current proposals would provide for a two metre wide footpath along the site frontage and provide for connectivity to the village. The two metre footpath on the eastern side of the site entrance along the roadside boundary and the provision of a pedestrian crossing traversing the R744 to connect into the existing village footpath on the opposite side of the R744 is considered to address the previous refusal reason, in terms of providing connectivity to the village.
- Sightlines standards of 65 metres in each direction from the proposed site entrance are achieved.
- The development would accord with the policies and objectives of the current Wexford County Development Plan 2022-2028.

- The Planner recommended a grant of panning permission.

3.3 **Technical Reports.**

Roads Department: No objections, subject to conditions.

Area Engineer: No objections, subject to condition.

3.4 **Prescribed Bodies**

None received.

3.5 **Third Party Observations**

Two received. The first observation received from neighbouring residents raised the following issues:

- They had previously consented to works being conducted along their road frontage under planning reference 20230265 including the development of a footpath, subject to reaching a formal agreement with the applicant.
- The applicant has not submitted compliance to the Planning Authority (PA) regarding sightlines at the permitted entrance point in advance of commencing works.
- The PA have taken enforcement action against the applicant in this regard.
- The adjoining road, the R744 is heavily trafficked, and no pedestrian crossing has been provided by the applicant.
- The point of the proposed pedestrian crossing does not provide for continuous pedestrian connectivity to local facilities and amenities.

The second observation to the PA was made by the applicant:

- The entrance layout as presented provides for connectivity from the subject site to the existing footpaths within the village.
- The planning documentation submitted includes a Road Safety Audit (RSA) Stage 1 to address traffic, road and pedestrian safety issues.

- Legal correspondence has been submitted regarding the acquisition of lands in order to realise the footpath and set back in an easterly direction from the site access.

4.0 **Planning History**

The following is considered to be the relevant planning history:

On site:

Planning reference number 20240706. In 2024, planning permission was refused by Wexford County Council for the construction of a new main entrance to serve proposed twelve fully serviced dwellings together with associated and auxillary site works (relocation of main entrance previously granted under planning reference number 20230265. The reason for refusal related to the reduction in connectivity to Blackwater Village by way of omission of a section of footpath previously permitted under 20230265, would result in the creation of a traffic safety hazard for vulnerable road users and future occupants of the residential scheme with no alternative pedestrian linkages proposed and would be contrary to objective TS12 of the Wexford Development Pan 2022-28 regarding promoting sustainable transport, and contrary to the proper planning and sustainable development of the area.

Planning reference number 20241447. In 2024, the current applicant was granted planning permission for the installation of a foul water pumping station to cater for twenty-two dwellings, phase 1 for twelve dwellings permitted under 20230265 and a further phase two for ten dwellings proposed at a later stage, on site drainage, rising mains and all associated site works.

Planning reference number 20230265. In 2023, planning permission was granted by Wexford County Council for the construction of twelve fully serviced dwelling houses together with associated and auxillary site works. Condition number 7 required the agreement of sightlines and sightline maintenance with the PA prior to the commencement of works amongst other road safety matters.

On adjacent lands:

Planning reference number 20250527. In October 2025, planning permission for retention was granted for the cutting back of existing ditch and planting with laurel hedge, temporary access gate for construction phase, stock piles of stone and

topsoil, installation of haul road, placing rock armour to river bank edge, culverting existing open drain, preparing area adjacent to river bank as flood area, excavation of ground level. A flood impact assessment was submitted as part of the planning documentation.

5.0 **Policy Context**

5.1 **Wexford County Development Plan 2022-2028**

The Development Plan was adopted by the elected members on the 13th day of June and came into effect on the 25th day of July 2022.

The sections within the Plan that are relevant to the current appeal include:

Volume 1: Written Statement

Chapter 3; Core Strategy.

Section 3.5-Core Strategy Settlement Hierarchy

The Plan places Blackwater within level 4 of the Settlement Strategy-Large Villages.

Section 3.6.5 sets out the development approach for the large villages, including Blackwater as: The following growth strategy is set out within the Plan for the large villages including Blackwater 'These are large villages that have a moderate level of existing infrastructural services, both physical and social, and are capable of accommodating additional population growth. The spatial planning approach for these villages is to concentrate new residential growth within the exiting footprint of the village'.

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

Section 5.9: Connected Places and Design of Streets

'The standards and guidelines set out in the Design Manual for Urban Roads and Streets (hereon referred to as DMURS) must be applied by the Council in relation to all urban roads and streets, that is, streets and roads with a speed limit of 60 km/h or less. The Manual recognises the importance of assigning higher priority to pedestrians and cyclists, without unduly compromising vehicle movement in order to create secure, connected places that work for all members of the community. New

development should provide for optimum levels of connectivity and permeability through careful consideration of layout and design'

Chapter 8 Transportation Strategy

Section 8.4.5-Design of Urban Roads and Streets.

'We have moved from thinking of roads as primarily for use by vehicles to places for use and movement of all users in accordance with this prioritisation. The Manual recognises that a broad range of place-based measures such as built form, landscaping and levels of pedestrian and cyclist activity, as well as more conventional road design measures, will need to be taken into account in designing these roads and streets'

Objective TS01 To implement the principles and objectives of the Design Manual for Urban Roads and Street (Department of Transport, Tourism and Sport, Department of the Environment Community and Local Government, 2013 and 2019) and the Spatial Planning and National Roads, Guidelines for Planning Authorities (Department of Environment, Community and Local Government, 2012) and the National Sustainable Mobility Policy 2022 and the other guidance listed in Section 8.3 Policy Context and any updated version of these documents.

Objective TS03 To strengthen the county's regional, national and international connectivity by all transport modes

Section 8.5 Walking and Cycling

'The Council will, in the exercise of its functions in land use planning, development management and the management and provision of road and street infrastructure, facilitate and promote convenient, pleasant and safe walking and cycling in urban and rural areas by:

- Applying the principles, approaches and standards of DMURS and other relevant design Guidance and strategies to facilitate and promote walking and cycling,
- Giving full consideration to the needs of pedestrians and cyclists in road and street management measures including the provision of footpaths, street lighting, cycling infrastructure, crossings and the setting of speed limits.

Section 8.8 Sightlines which require works.

‘The Council will ensure that all developments are served by safe accesses onto public roads in accordance with the standards contained in Volume 2 Development Management Manual’.

Volume 2: Development Management Standards

Section 6.2.6-Siting and Design of Access/Egress Points.

5.2 National Guidance

5.2.1 Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage, 2024
Section 3.3.5 specifically relates to Rural Towns and Villages with a population of up to 1.500 persons.

The key priorities in these urban settlements are:

- To strengthen the existing urban core through the adaptation, re-use and intensification of the existing building stock,
- To realise opportunities for infill and backland development,
- Provide for sequential and sustainable housing development at the edge of the settlement at locations that are closest to the urban core, can be integrated into the existing built-up footprint and can be serviced by supporting infrastructure.

Appendix D: Design -Key indicators of quality urban design and placemaking.

5.3.2 Section 28 Ministerial Guidelines

The following is a list of Section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Design Manual for Urban Roads and Streets’ (DMURS 2019)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) (DoEH&LG 2009).

- Appropriate Assessment of Plans and Projects in Ireland, Guidelines for Planning Authorities (DoEH&LG 2009).

5.3 **Natural Heritage Designations**

The closest Natura 2000 site are the Seas off Wexford Special Protection Area (site code 004237) which at its closest point are located approximately 2.92 kilometres east of the appeal site boundary. There are no surface water pathways to this European site or any other European sites.

The Ballyconniger Upper pNHA (site code 000742) is located approximately 1.77 kilometres east of the appeal site and the Ballyconniger Sandpits pNHA (site code 000741) are located approximately 1.86 kilometres southeast of the nearest part of the appeal site boundary.

5.4 **Environmental Impact Assessment (EIA)-Preliminary Assessment**

Please see Appendix 1 at the end of this report. Having regard to the limited nature and scale of the development which relates to the relocation of the main access entrance to a permitted residential development and the absence of any significant environmental sensitivity in the vicinity of the site, as well as the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development.

5.5 **WFD Screening:** The nearest water body to the appeal site is the River Blackwater located approximately 20 metres south of the appeal site.

The development relates to a revised location for a site entrance to a permitted residential development, comprising twelve residential units. The detailed development description is set out within Section 2.0 of my report above.

Surface water discharge is stated to be discharged to the existing public surface water sewer. No issue in this regard was raised within the appeal.

I have assessed the planning documentation and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where

necessary, restore surface & ground water bodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the relatively minor 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.

The reason for this conclusion is as follows:

- Having regard to the relatively minor scale and nature of the development,
- The separation distance between the appeal site and the River Blackwater,
- The existing on-site surface water management proposals.

Conclusion

I conclude that on the basis of objective information, the proposed development will not result in a risk of deterioration on any water body (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

6.0 The Appeal

6.1 Grounds of Appeal

A third-party appeal against the decision issued by the Planning Authority to grant planning permission for the construction of a new main entrance to serve twelve dwelling houses at a revised location from that previously permitted by the Planning Authority under planning reference number 20230265. The main issues raised within the appeal submission can be summarised as follows:

Traffic and Road Safety:

- The appeal is being taken on health and safety grounds.

- The new entrance to the housing development is located on a dangerous bend with a dip on the road and outside the 50 kilometre per hour speed control zone.
- The development as originally permitted provided for a continuous two metre footpath from the site entrance to the existing village footpath optimising pedestrian safety.
- The applicant ignored the original verbal agreement between the parties once he received planning permission and commenced development works including through the plot of land required in order to achieve sightlines.
- The applicant was conditioned to achieve sightlines in advance of commencing groundworks.
- He subsequently sought planning permission under 20240706 to relocate the main site entrance from that permitted under 20230265. This proposal was refused planning permission by Wexford County Council on the grounds of the absence of pedestrian connectivity to the village. No agreement has been reached between the appellants and the applicant to date notwithstanding the intervention of legal representatives.

Other Matters:

- The applicant was subsequently issued a warning letter by the PA for non-compliance of planning conditions under planning reference 20230265.
- The enforcement proceedings were subsequently upgraded to an enforcement letter (stage 2) proceedings.
- To date seven out of a total of twelve dwellings within the residential development are complete.

6.2 Planning Authority Response

None received.

6.3 First Party Response to content within the third-party appeal statement

The applicant issued a response to the appeal submission: The main issues raised within his observation relate to the following:

- The appeal site is located approximately 550 metres or a six-minute walk west of the village centre.
- The site is located within the 50-kilometre speed control zone for the village.
- The only valid planning concern raised by the appellants is in relation to health and safety. Other issues raised are beyond the control of planning and relate to civil issues, outside of the scope of the planning system.
- The relocated site entrance to the residential development was permitted by the PA on the 3rd day of September 2025.

7.0 **Assessment**

The main issues in this appeal are those raised in the third-party appeal submission and relate to the issues of compliance with a planning condition of a previous planning permission within the site specifically in relation to sightlines, connectivity to the village and land ownership. I am satisfied that no other substantive issues arise. The issues can be addressed with under the following headings:

- Principle of Development
- Access, Connectivity and Road Safety
- Other Issues
- Appropriate Assessment.

7.1 **Principle of Development**

7.1.1 The subject site is located within the urban settlement of Blackwater as set out within the Wexford County Development Plan (WCDP) 2022-2028. Blackwater is classified as a level 4-large village within the Core and Settlement Strategy within the Plan. The spatial planning approach for these villages 'is to concentrate new residential growth within the existing footprint of the village'. Section 3.6 of the Plan sets out the following development approach for Large Villages: 'The Council will vary the Plan to include settlement boundary maps for these settlements within three years of the

adoption of the County Development Plan or within one year of the adoption of the Local Area Plans (LAP's) for Wexford Town, Enniscorthy Town and New Ross Town, whichever is sooner'. The LAP's for the larger settlements within the County have not been finalised to date and hence settlement boundary maps for the large villages have similarly not yet been finalised. Although, the subject lands do not have the benefit of any particular land use zoning objective, they are considered to be within the established settlement boundary given that the lands are located within the 50 kilometre per hour speed control zone and inside the adjacent bridge over the culverted Blackwater watercourse which provides for a natural boundary feature on the western approach to the designated village. There is also an extant planning permission on the site for the development of twelve dwellings, with seven dwellings being at an advanced stage of completion and the other permitted dwellings being at finished floor level.

7.1.2 The applicant is seeking to make revisions to the main entrance to a permitted residential development as permitted under planning reference 20230265. The residential scheme as permitted in 2023 by the Planning Authority (PA) comprised twelve detached residential units on a residentially zoned serviced site. To date, seven dwelling houses are substantially complete in that the foundations, rising walls, roofs, external doors and windows are in place however, final internal electrics, plumbing and carpentry remain to be completed, as do the landscaping, internal access roads and piped services works. Foundations are in place to finished floor level for the other permitted dwellings units. The appeal site is located within the designated settlement of Blackwater as per the provisions of Section 3 within the current Wexford County Development Plan (2022-2028). I note that Blackwater is identified as a Large Village within the current Wexford County Development Plan 2022-28 where residential growth is provided for (as per the Settlement and Housing strategies) and having regard to the established and permitted pattern of development in the vicinity of the site, that the principle of a revised entrance location to a permitted residential development on a serviced site and is consistent with the pattern of residential development in the area.

7.1.3 There are a number of policy statements and policy objectives included within the current WCDP in relation to smarter travel and connectivity. These include Section

5.9 in relation to 'Connected Places and Design of Streets' which sets out that 'The standards and guidelines set out in the Design Manual for Urban Roads and Streets must be applied by the Council in relation to all urban roads and streets, that is, streets and roads with a speed limit of 60 km/h or less...new development should provide for optimum levels of connectivity and permeability'. Specific objective TS01 seeks 'to implement the principles and objectives of the Design Manual for Urban Roads and Streets and any updated version of this document'. I am satisfied that the proposed revised entrance location, including the provision of footpath connectivity to the existing village footpath network and the pedestrian crossing provide for the connectivity to/from the village centre as envisaged within the policy statements and TS01 objective referenced above.

7.1.4 While the principle of residential development has been permitted and established within the site, other matters relating to access, connectivity, road safety and land ownership in the vicinity of and adjacent to the residential development arise and will also be considered. These were matters raised by the appellants within their appeal submission to the planning decision. These will be addressed in detail within the assessment below.

7.2 **Access, Connectivity and Road Safety**

7.2.1 Access to the residential development site is proposed from a revised vehicular entrance location off the R744, located approximately forty metres west of that permitted under planning reference 20230265. The internal access road and footpaths within the development are currently being developed. There is a public footpath along the northern (opposite) side of the R744 from the appeal site which links the appeal site to the village centre of Blackwater. It is stated that all works required to achieve sightlines and provide footpath connectivity and a pedestrian crossing are fully within the ownership of the applicant and these are all included within the red line boundary. I note that a two metre footpath would be provided in an easterly direction as far as the neighbouring property to the east and a one metre footpath along the frontage of that neighbouring residential property .A two metre footpath along the applicants' full road frontage on the southern side of the R744 is proposed in addition to a pedestrian crossing traversing the R744 to connect into the existing two metre public footpath on the northern (opposite) side of the R744. The

applicant is proposing to provide public lighting along his road frontage and along both sides of the R744 over a distance of approximately one hundred metres, an area which presently does not have the benefit of public lighting. The planning documentation is also supported by the submission of a Road Safety Audit (RSA) stage 1 report and a lighting specification report.

7.2.2 The proposed new location of the main entrance to the permitted residential development was previously refused planning permission by the Planning Authority (PA) under planning reference 20240706. The single refusal reason related to the absence of connectivity between the appeal site and the existing footpath network on the western side of Blackwater Village, along the R744. The current appeal relates to the provision of a main site entrance at the same location as was refused permission under 20240706. However, within the current proposals the applicant has provided for connectivity to the existing footpath network within the village. A two-metre footpath is proposed along the full road frontage of the appeal site along on the southern side of the R744. A pedestrian crossing is also proposed to allow pedestrians cross the R744 as well as provision of a footpath on the northern side of the R744 which would connect to the existing village footpath on the northern side of the R744. The applicants have submitted a Road Safety Audit (RSA)-Stage 1 which has provided a number of recommendations in terms of access and connectivity and these recommendations are stated to have informed the proposed main entrance layout, footpath and pedestrian crossing proposals along the R744, along the site frontage. These proposals are all illustrated within the site layout drawing 20-03-P01H, submitted as part of the planning documentation.

7.2.3 The specific recommendations set out within the Road Safety Audit (RSA) Stage 1 are as follows; Vertical ramps on the eastern approach to the site entrance and pedestrian crossing; Provision of tactile paving between the footpaths and the pedestrian crossing; Width of tactile paving to extend across the full width of the footpaths on both sides of the proposed pedestrian crossing; Warning signage including a stop sign to be provided at the junction of the main entrance to the residential development with the R744. The ramp gradient of the pedestrian crossing should be in accordance with DMURS standards. I am satisfied that these recommendations have been incorporated within the site layout drawing 20-03-P01H submitted by the applicant as part of his planning documentation.

7.2.4 I note that the Roads Department within Wexford County Council outlined no objections to the access, connectivity and pedestrian crossing proposals subject to a number of specific conditions. The conditions are all of a fairly standard nature in terms of works on the public road being subject to road opening licence, the that sightlines be maintained on a permanent basis, the road carriageway not be altered or interfered with without the consent of the PA, that no surface water from the residential development outfall to the public road and that surface water be appropriately managed on site and that the public lighting be designed in accordance with the LA's public lighting standards. The Area Engineer also outlined no objections to the relocated entrance arrangement subject to one condition being included as part of any grant of planning permission. It is clear that the PA are now satisfied with the applicants' access and connectivity proposals once completed in accordance with their recommended conditions and the recommendations included within the RSA. I consider that the revised main entrance location is satisfactory once completed fully in accordance with the RSA recommendation and the conditions as recommended by the Roads Department and Area Engineer within Wexford County Council.

7.2.5 I have also referenced the Design Manual for Urban Roads and Streets, 2019 guidance document, where within Section 4.4.4 addresses the issue of 'sightlines'. Table 4.2 sets out that where the design speed is 50 kilometres per hour, that the stopping sight distance (SSD) required is 45 metres in each direction. The applicant has demonstrated sightlines of 65 metres in each direction from the proposed entrance point which has been measured from a three-metre set back from the edge of the adjoining carriageway. I am satisfied that these sightlines are achievable, notwithstanding the existence of a bridge parapet wall associated with a bridge over the Blackwater watercourse located immediately west of the appeal site. Ground levels within the appeal site are considerably higher than those of the adjacent bridge parapet wall structure. The bridge parapet wall reaches a height of one metre nearest the western boundary of the appeal site and reduces to 0.7 metres further west along the bridge parapet wall. This is within the acceptable range height for the measurement of a sightline triangle, where obstructions should be less than 1.05 metres in height (Section 4.4.6 Design Manual for Urban Roads and Streets, 2019). Therefore, I am satisfied that adequate sight distances are achievable from the

proposed revised main entrance. I am also satisfied that the bridge parapet wall to the west of the appeal site would not form an obstruction within the sight visibility triangle from the revised entrance location.

7.2.6 I consider that the access and connectivity proposals optimise road safety and provide for safe connectivity from the permitted residential development to the existing footpath network within the village which will benefit vulnerable road users on the western side of the village and future residents of the permitted residential development. I conclude that the applicants have satisfactorily addressed the refusal reason as set out under planning reference number 20240706. Therefore, I consider that the revised main entrance location within the 50 kilometre speed control zone in addition to the provision of the footpaths on both sides of the R744, the provision of the pedestrian crossing to optimise connectivity to the village centre and the availability of sightlines in both directions with no impediments, would result in the creation of a safe roads environment for access and egress from the permitted residential development.

7.2.7 The applicant has also submitted a lighting specification report prepared by a lighting consultant which outlines the quality and quantum of lighting to be provided within the residential development and along the site frontage. This would assist in providing adequate and appropriate connectivity as the proposed footpath connectivity would be appropriately illuminated allowing the pedestrian connectivity to be fully functional for pedestrians walking to and from the village, I consider that the lighting proposals to be acceptable.

7.2.8 In conclusion, I am satisfied that the applicant has demonstrated that the proposed revised location for the main entrance to the permitted residential development is acceptable in terms of traffic safety as are the proposed connectivity proposals in terms of the footpath and pedestrian crossing which provide for continuous connectivity from the appeal site to the village centre on the western approach along the R744. I consider that the traffic, access, connectivity and pedestrian proposals are suitably designed so that traffic and pedestrian safety is optimised. Adequate sight distances in accordance with national road traffic policy and Development Plan standards, specifically sections 4.4.4 and 4.4.6 within DMURS are demonstrated and

achievable. Therefore, I consider that the proposals would not interfere with the free flow of traffic nor endanger public nor pedestrian safety on the adjoining roadway. I consider that the previous reason for refusal as set out by the Planning Authority under planning reference 20240706 has been adequately and appropriately addressed within the current proposals including the Road Safety Audit-Stage 1 report.

7.3 **Other Issues**

Land ownership/title

7.3.1 The appellants and the applicant have both raised the issue of agreement between themselves in relation to a set back of lands in an easterly direction (towards the village of Blackwater) from the main site entrance to the 'Goirtín Glas' residential development. Both parties acknowledge that there was an original verbal agreement between them in terms of setting back the roadside boundary to provide for adequate sightlines and connectivity to the existing village footpath network on the southern side of the R744. Final agreement has not been reached between the parties and I note that legal correspondence has been submitted demonstrating that the parties are in communication on these particular matters. The applicant states within his planning documentation that all works required to achieve sightlines and provide footpath connectivity and a pedestrian crossing are fully within the ownership of the applicant and these are all included within the red line boundary. I also note that the Roads Department and the Area Engineer within Wexford County Council have not raised any issues in this regard.

7.3.2 In this regard, I note that Section 5.13 of the Development Management Guidelines for Planning Authorities advise that the planning system is not designed as a mechanism for resolving disputes about rights over land and that these are ultimately matters for resolution in the Courts. Also, Section 34(13) of the Planning and Development Act 2000 (as amended) states: A person shall not be entitled solely by reason of a permission under this section to carry out any development. I am satisfied that the provisions outlined above give the Coimisiún sufficient comfort to permit the

revised entrance location to the permitted residential development and the associated footpath and pedestrian crossing infrastructure.

7.4 Appropriate Assessment

7.4.1 I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended. The subject site is located approximately 2.92 kilometres west of the Seas off Wexford Special Protection Area (SPA-site code 004237). The development description was set out within Section 2 of the report above. The appellant did not specifically mention the issue of Appropriate Assessment nor the existence of a pathway between the subject site and the SAC. The applicant did not submit an Appropriate Assessment (AA) Screening Report as part of their planning documentation. However, I note that they did submit an AA screening report as part of the original permitted development under planning reference 20230265 (relating to the development of twelve detached dwelling units) and the Planning Authority also completed an AA screening exercise for that proposal which concluded 'Having regard to the limited extent of the proposed works and the substantial distance to the nearest Natura 2000 sites no element of the proposed project alone or in combination is likely to give rise to any impacts on the Natura 2000 sites.....Having regard to the precautionary principle, it is considered that significant impacts can be ruled out and stage 2 AA is not required'. There are no watercourses nor drainage ditches located within the confines of the appeal site. There is a watercourse, the River Blackwater which is located approximately twenty metres south of the nearest part of the subject site. The watercourse further west of the appeal site that flowed under the adjacent bridge structure has been culverted. I am satisfied that the appeal site is not hydrologically connected to the adjacent watercourse and that surface water generated within the subject site would be managed through the use of rainwater soakaways. This is a matter that can be addressed by means of an appropriate planning condition.

7.4.2 One European site was identified within a three kilometre radius of the appeal site, as referenced in Section 7.4.1 above. I consider that this site can be screened out due to the absence of direct surface water hydrological or ecological pathways from the appeal site to this European site. Given the brownfield status of the appeal site, I am

satisfied that the appeal site does not contain any habitat that would be of particular interest in terms of resting, feeding or roosting for qualifying interest bird species associated with the Seas off Wexford SPA site or any European site.

7.4.3 I am satisfied that once the site is connected to the public foul sewer and watermains that no adverse impacts on water quality, or the qualifying interest(s) or conservation objective(s) of European sites would arise.

7.4.4 I am satisfied that the implementation of the standard control construction measures including those of surface water management will not result in the development of the dwellings and revised entrance location adversely impacting upon surface nor ground water quality within the area. I consider that even in the unlikely event that the standard construction control measures should fail, an indirect hydrological link to the Seas off Wexford SPA represents a weak ecological connection, given the separation distance to the nearest European site. As such any pollutants from the site that should enter groundwater during the construction stage, via spillages onto the overlying soils, or via spillages into the surrounding drains, will be subject to dilution and dispersion within the groundwater body, rendering any significant impacts on water quality within the seas off Wexford SPA, unlikely. This conclusion is supported within the Planning Authority's AA screening Report, which set out the following 'the proposed development 'by itself or in combination with other development in the vicinity, would not likely have a significant effect on European sites, their qualifying interests or conservation objectives. Therefore, no further assessment is required'.

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

- The modest scale of the development, which relates to the relocation of the main entrance to a permitted residential scheme.
- The separation distance from the nearest European site and the absence of hydrological or ecological connectivity to any Natura 2000 site.
- The AA screening exercise conducted by the Planning Authority which concluded that either alone or in combination with other plans or projects, there would be no likely significant effects on any European sites.

7.4.6 I conclude that on the basis of objective information, the proposed development would not have a significant effect on any European site either alone or in

combination with other plans or projects. Likely significant effects are excluded and, therefore, Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000 (as amended) is not required.

8.0 **Recommendation**

I recommend that planning permission be granted subject to the conditions set out within Section 10.0 below.

9.0 **Reasons and Considerations**

Having regard to the location of the appeal site which is part of a permitted residential development, currently at construction stage, the classification of Blackwater as a large village within the Core and Settlement Strategy of the current Wexford County Development Plan 2022-2028, and with the TS01 objective in relation to implementing the principles and objectives of the Design Manual for Urban Roads and Streets (2019) and the development management standards in the Plan, it is considered that, subject to compliance with conditions set out below, the revised entrance location and proposed footpaths and pedestrian crossing that the design and layout is appropriate to the particular characteristics of the appeal site would optimise traffic and pedestrian safety and connectivity to the village centre, would integrate appropriately with the established and permitted built environment of the area, that no adverse impact upon European sites would arise nor would the proposals interfere with the safety and free flow of traffic nor endanger public safety in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **Conditions**

- 1 Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission (Register Reference 20230265) unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

- 2 The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted to the Planning Authority on the 11th day of July 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

- 3 (a) A landscape masterplan prepared by a suitably qualified professional shall be submitted for the written agreement of the planning authority within three months of this grant of planning permission. The landscaping scheme shall be implemented in full within the first planting season following substantial completion of external construction works.

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

(c) The northern boundary treatment shall comprise the walled site boundary and the back planting with a native hedgerow as per the details submitted within Site Plan drawing number 20-03-P01H PL.04 as submitted to the Planning Authority on the 11th day of July 2025 and to the Coimisiun on the 3rd day of October 2025.

Reason: In the interest of residential and visual amenity.

- 4 The entrance and access driveway serving the proposed development, shall comply with the detailed standards of the planning authority for such road works. Final details of the proposed access, the set back,,the join of the

access with the adjoining carriageway, surface water management at the access point and where the works adjoin the adjacent bridge structure to the west of the site, public lighting, footpath and pedestrian crossing details and access road gradient shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of traffic and pedestrian safety.

- 5 The construction of the site entrance, footpaths, and pedestrian crossing and works on the adjoining R744 including speed ramps and pedestrian crossing shall be completed in accordance with the details as submitted on the Site Plan and Splayed entrance layout drawings 20-03-P01H as submitted to the Planning Authority on the 11th day of July 2025. Certification from a suitably qualified Consultant Engineer that all of these works have been completed shall be submitted to the Planning Authority prior to the occupation of the first dwelling within the development.

Reason: In the interests of traffic and public safety.

- 6 The recommendations as set out within the Road Safety Audit-Stage 1 as submitted to the Planning Authority on the 11th day of July 2025 shall be implemented in full. Certification from a suitably qualified Consultant Engineer that all of these works have been completed shall be submitted to the Planning Authority prior to the occupation of the first dwelling within the development.

Reason: In the interests of traffic and public safety.

- 7 Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

- 8 Details of all existing and future boundary treatments along the site frontage onto the R744 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Existing hedgerows, trees

and stone wall boundaries, along the western and south-western site boundaries and along all site boundaries shall be retained where possible.

Reason: In the interests of visual and residential amenity

9 All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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.

Fergal Ó Bric

Planning Inspectorate

30th day of December 2025.

Appendix 1 - Form 1

EIA Pre-Screening

| | | | |
|--|--|---|---|
| An Bord Pleanála | 323731-25 | | |
| Case Reference | | | |
| Proposed Development Summary | Permission for construction of a new main entrance to serve proposed twelve fully serviced dwellings together with associated and auxillary site works (relocation of main entrance previously granted under planning reference number 20230265. | | |
| Development Address | Ballynagloug, Castletalbot, Co. Wexford | | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | Yes | x |
| | | No | |
| 2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)? | | | |
| Yes | Tick/or leave blank | | |
| No | Tick or leave blank | The relocation of a site entrance does not fall within a class of development as per the P & D Regulations. | x |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | Tick/or leave blank | | |

| | | | |
|-----------|---------------------|--|---|
| No | Tick/or leave blank | | X |
|-----------|---------------------|--|---|

4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?

| | | | |
|------------|---------------------|---|---|
| Yes | Tick/or leave blank | Proposals relate to the construction of a revised entrance location to serve proposed twelve fully serviced dwellings together with associated and auxillary site works (relocation of main entrance previously granted under planning reference number 20230265. | X |
|------------|---------------------|---|---|

5. Has Schedule 7A information been submitted?

| | | |
|------------|---------------------|---|
| No | Tick/or leave blank | X |
| Yes | | |

Inspector: _____ **Date:** _____