



An  
Bord  
Pleanála

## S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016

### Inspector's Report on Recommended Opinion TC0019

---

<b>Strategic Housing Development</b>	387 residential units and 2 crèche facilities over 4 phases
<b>Location</b>	Carcur Park, Wexford, Co. Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Prospective Applicant</b>	William Neville & Son
<b>Date of Consultation Meeting</b>	20 <sup>th</sup> October 2017
<b>Date of Site Inspection</b>	18 <sup>th</sup> September 2017
<b>Inspector</b>	Sarah Moran

## **1.0 Introduction**

- 1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## **2.0 Site Location and Description**

- 2.1. The site is located on the northern side of Wexford town, c. 2km from the town centre and c. 1 km from the railway station. It is a sand spit projecting into Wexford Harbour at the mouth of the River Slaney and is separated from adjacent lands by a railway line. It has a stated area of 13.84 ha and was previously occupied by a quarry and batching plant (Camford Works). There is a single access to the site over the railway line, via a narrow stone bridge. There are playing fields and other facilities associated with local GAA and rugby clubs to the south and west, on the opposite side of the railway line. There is also an area of disused land nearby to the south east, a former landfill site that has been designated for development as a public amenity park. There is a newly constructed access road, a spur off the R730, serving lands to the south, which currently terminates at the railway line. The site itself has two distinct areas, i.e. an area of hardstanding at the western end, where the remains of the former batching plant are located and a discussed sand / gravel quarry to the east, with shallow excavations, piles of spoil, etc. There is a gravel beach along the shore line. The lands are low lying overall and O.S. maps indicate marsh lands at the southern end of the quarry area. The site adjoins several designated sites, i.e. Wexford Harbour and Slobbs SPA and the Slaney River Valley SAC.

## **3.0 Proposed Strategic Housing Development**

- 3.1. The proposed scheme involves 387 no. residential units broken down as follows:

<b>HOUSES</b>		
<b>Unit Type</b>	<b>No. of Units</b>	<b>Gross Floor Space (sq.m.)</b>
2 bed	30	2,370
3 bed	106	11,550
4 bed	46	6,100
<b>Total</b>	<b>182</b>	<b>20,020</b>
<b>APARTMENTS</b>		
<b>Unit Type</b>	<b>No. of Units</b>	<b>Gross Floor Space (sq.m.)</b>
1 bed	7	360
2 bed	179	15,303
3 bed	19	1,340
<b>Total</b>	<b>205</b>	<b>17,003</b>
<b>Total no. of residential units</b>		<b>387</b>
<b>Cumulative gross residential floor space</b>		<b>37,023 sq.m.</b>

- 2 no. crèche facilities
- 720 no. car parking spaces.
- Connection to existing public sewer and water supply.
- Access from the completed new orbital route via a new crossing over the railway line at the southern end of the site (Part VIII agreement with the local authority) with a continuation of this route as a spine road across the site to the location of the new bridge over the River Slaney as proposed in the Wexford Town and Environs Development Plan. The existing access is to be used for construction traffic only and is to be closed when the development is complete.
- Wildlife buffer zone (10 m) along the shore line with otter habitat, a pond and a public walkway.

3.2. To be constructed over 4 phases as follows:

- Phase 1 east of the spine route. New site access. 52 houses, 52 apartments and 1 crèche.
- Phase 2 immediately west of the spine route. 37 houses, 48 apartments.
- Phase 3 at the centre of the site. 73 houses, 0 apartments.
- Phase 4 at the eastern extreme of the site. 105 houses, 20 apartments and 1 crèche.

## 4.0 Planning History

4.1. It is noted that there is no recent history pertaining to the subject site.

## 5.0 National and Local Planning Policy

### 5.1. Section 28 Ministerial Guidelines

5.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’
- ‘Design Manual for Urban Roads and Streets’
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’

### 5.2. Wexford Town and Environs Development Plan (2009-2015, extended to 2019)

5.2.1. The LAP development strategy for Wexford Town is to contain residential development within a compact urban form, with high density development areas focused along the main radial routes leading into the town and on undeveloped and brownfield sites in existing urban areas close to the town centre. The LAP area is divided into ‘masterplan zones’, which are to be developed as the necessary physical and social infrastructure for each zone becomes available. The site is

located within Masterplan Zone 4, comprising the Park, Carcur and Carricklawn areas, including the new DOE Headquarters, the offices of Wexford County Council and Wexford Hospital. The LAP states the following in relation to the subject site:

*“On the Old Quarry Site the opportunity exists to create landmark buildings at the point of the river crossing. This site will act as a future gateway to the town. Studies may be required on the third Bridge prior to determining the location of these buildings. A mixture of uses will be acceptable on this site and the buildings must be adaptable. Retail development should be limited to local demands but could be acceptable in the longer term.”*

5.2.2. The following infrastructure is required for the phased development of Area 4:

- Existing radial routes from the town centre are to be linked by ‘orbital’ routes. There is to be an orbital route in Area 4 linking Newtown Road with the proposed park and the subject site, with lands reserved for a proposed 3<sup>rd</sup> river crossing as a continuation of this route. This road is now complete as far as the railway line. Access to the river crossing would be across the southern end of the subject site.
- Sewer and water connections are available.
- The LAP notes that parts of the northern end of the zone, close to the river, are liable to flooding. Storm water attenuation is required, with further investigation of potential impacts on local streams, rising sea levels and flood risks from the River Slaney on low lying lands. Potential impacts on the SAC and SPA must also be considered in this regard.

5.2.3. The site has the zoning objective H ‘mixed use residential’ with strips of land at the shore line zoned as ‘open space and amenity’. The identified purpose of the H zoning is to provide for housing as a primary use with recreation, education, crèche / playschool, community buildings, sheltered housing, small convenience stores, cafés, medical clinics, professional offices and workshops also considered. The part of the subject site on either side of the orbital route is designated as a ‘landmark site’. LAP section 10.4 provides guidance on landmark buildings and 10.5 on gateway buildings.

5.2.4. The following LAP policies and objectives are also noted:

- Policy NH6. To protect riparian zones by maintaining an adequate buffer zone (minimum 5-10m back from the riverbank) along all watercourses, with no infilling or removal of vegetation within these buffer zones.
- Wexford Town is particularly susceptible to flooding, generally due to lack of floodplains at Wexford and the tidal estuary of the Slaney. Policy SW8 requires a Flood Risk Assessment and proposals for attenuation / storage of run off for all significant developments > 1ha to ensure that the development does not increase flood risk in the relevant catchment. Policy SW9 requires all new developments to be designed and constructed such that floor levels are 300mm above the 100 year flood level and that in areas under the influence of the tide the 200 year flood event flood should be considered.
- Tourism objective TO3, to provide a pedestrian walkway along the banks of the River Slaney.
- Section 11.08.01 provides for 'higher density residential' at town centre / neighbourhood centre / strategic locations, with an indicative maximum of >27 units / ha.
- Section 11.08.05. Functional open space to be provided at a rate of 10% of the total site area or 1 ha / 50 dwellings, whichever is greater. Section 11.08.06. Minimum private open space provision of 60-75 sq.m. per dwelling.
- Table 4 car parking standards require 2 spaces per house and 1.5 spaces per apartment.

## 6.0 Forming of the Opinion

Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

## 6.1. Documentation Submitted

6.1.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, the following:

Completed Application Form; O.S. maps; schedules of house types and apartment blocks; site location plan; proposed master plan layout; proposed site plans; proposed site boundary plan; proposed phasing diagram; planting plan; existing and proposed site sections; wall details; apartment blocks 1, 2, 3, 4, 5 floor plans, roof plans, apartment type schedules, elevations and sections; house types A1, A2, A3, B1, B1-S, B2, B3, B4, B5, C1, C2 plans, elevations, sections and 3D views; Carcur Park site 3D views; Statement of Effects on the Environment; Design Access Statement; Ecological Statement.

6.1.2. Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.

6.1.3. I have reviewed and considered all of the above mentioned documents and drawings.

## 6.2. Planning Authority Submission

6.2.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Wexford County Council, submitted a copy of their section 247 consultations with the prospective applicant and also submitted their opinion in relation to the proposal. These were received by An Bord Pleanála on 3<sup>rd</sup> October 2017.

6.2.2. The planning authority's 'opinion' included the following matters:

- The current Wexford Town & Environs Development Plan 2009-2015 (as extended) required a residential density of 27 units/ha for this site. The Urban Design manual requires a density of 30 units/ha. The proposed density, estimated at 29 units/ha is consistent with appropriate development plan policies.

- The site is adjacent to several designated sites, i.e. Slaney River Valley SAC (site code 000781); Wexford Harbour and Slobbs SPA (site code 004076) and Wexford Slobbs and Harbour pNHA (site code 000712). It is advised that a Stage II NIS will be required.
- Applicant must submit plans for access to the site. Proposed new railway bridge is a key consideration. Site layout must take cognisance of the orbital inner route (T8).
- A 'gateway building' is defined as a structure of significant scale that provides a strong visual introduction to a particular environment. Opportunity for provision of gateway buildings at either the entrance to the site or adjacent to lands reserved for the River Slaney bridge.
- Full EIAR required under section 10, schedule 5, article 93 of the Planning and Development Regulations 2001 (as amended).
- A portion of the site is adjacent to historic landfill and gas monitoring will be required.
- Conclusion – the proposed development is compliance with the policies and objectives of the Wexford Town and Environs Development Plan 2009-2015 (as extended) and the Wexford County Development Plan 2013-2019.

### 6.3. Consultation Meeting

- 6.3.1. A section 5 Consultation meeting took place at the offices of Wexford County Council on the 20<sup>th</sup> October 2017, commencing at 11.00 am. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.
- 6.3.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advanced and contained the following issues:
1. Proposed Railway Bridge
  2. Principle of Proposal and Zoning Provisions
  3. Consideration of Impacts arising from Possible Future Bridge over the Slaney
  4. EIAR and Appropriate Assessment
  5. Drainage and Flood Risk



6. Design, Density, Layout and Open Space

7. Any Other Matters

6.3.3. In relation to the proposed railway bridge, ABP representatives sought further elaboration/discussion on:

- Existing old stone bridge to be closed, details of the new bridge works.

6.3.4. In relation to the principle of zoning and the zoning provisions, ABP representatives sought further elaboration/discussion on:

- LAP Masterplan Zone 4.
- Development plan requirements r.e. landmark buildings and mixed use development.

6.3.5. In relation to the possible future bridge over the Slaney, ABP representatives sought further elaboration/discussion on:

- Consideration of potential impacts on designated sites and other habitat.
- Land take / land reserve / level changes required for the provision of the bridge.

6.3.6. In relation to the EIAR and Appropriate Assessment, ABP representatives sought further elaboration/discussion on:

- The adjacent Natura 2000 sites, in particular the other habitat.

6.3.7. In relation to drainage and flood risk, ABP representatives sought further elaboration/discussion on:

- OPW flood map zones
- Coastal flood Zone A
- Impacts on water quality

6.3.8. In relation to design, density, layout and open space, ABP representatives sought further elaboration/discussion on:

- Proposal to protect the other habitat v LAP objective for a coastal path.
- Density – LAP v Sustainable Residential Development in Urban Areas
- Layout – compliance with DMURS / railway line and relationship with proposed development.

- Rationale behind the provision of 2 no. crèche facilities on site

6.3.9. Both the prospective applicant and the planning authority were given an opportunity comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting TC0019' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## 7.0 Conclusion and Recommendation

7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.

7.3. Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements: site access and roads layout; principle of development and zoning provisions; AA; drainage and flood risk; residential density; childcare provision, details of which are set out in the Recommended Opinion below.

7.4. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment in order to constitute a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.5. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder)

be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 8.0 Recommended Opinion

- 8.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 8.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment to constitute a reasonable basis for an application for strategic housing development** to An Bord Pleanála.
- 8.3. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

### Site Access and Roads Layout

1. Further consideration of the documents as they relate to vehicular access, the proposed railway bridge, the main access road serving the development and the interaction of same with the possible future bridge over the River Slaney. This consideration and justification should have regard to the Wexford Town Development Plan 2009-2019 and DMURS. The further consideration of this issue may require amendments to the documents and/or design proposals submitted.

### Principle of Zoning and Zoning Provisions

2. Further consideration of the documents as they relate to the development of the adjacent Carcur Landfill Site, including monitoring of possible gas emissions from same and potential impacts on the proposed development. The further consideration of this issue may require amendments to the documents and/or design proposals submitted.
3. Further consideration of the documents as they relate to the provision of a coastal walk along the banks of the River Slaney. This consideration and justification should have regard to (i) the Wexford Town and Environs Development Plan 2009-2019 and (ii) potential effects on Otter habitat as identified in the EIAR and NIS. The further consideration of this issue may require amendments to the documents and/or design proposals submitted.

### Appropriate Assessment

4. Further consideration of the documents as they relate to potential effects on adjoining designated sites with regard to their conservation objectives, specifically potential effects associated with the proposed coastal walk, with the development of the south eastern part of the site, with public lighting within the development and with the importation of material to the development site to raise ground levels. The further consideration of this issue may require amendments to the documents and/or design proposals submitted.

### Drainage and Flood Risk

5. Further consideration of the documents as they relate to drainage and flood risk including SUDS measures and site specific flood risk. This consideration and justification should have regard to the Wexford Town and Environs Development Plan (2009-2019), the 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (2009) and the location of the site in OPW Coastal Flood Zone A, as per the Strategic Flood Risk Assessment of Wexford County Development Plan 2013-2019. The further consideration of this issue may require amendments to the documents and/or design proposals submitted.

### Residential Design and Density

6. Further consideration of the documents as they relate to the residential density of the proposed development. This consideration and justification should have regard to, inter alia, the minimum densities provided for in the 'Guidelines for

Planning Authorities on Sustainable Residential Development in Urban Areas' (2009) for outer suburban / greenfield sites in cities and larger towns. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to density and layout of the proposed development.

7. Further consideration of the documents as they relate to potential impacts on residential amenity associated with the adjoining railway line. The further consideration of this issue may require amendments to the documents and/or design proposals submitted.

#### Childcare Provision

8. Further consideration of the documents as they relate to the provision of childcare to cater for the development. This consideration and justification should have regard to the 'Childcare Facilities – Guidelines for Planning Authorities' (2001).

8.4. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A site layout plan, and relevant documentation demonstrating (i) the proposed vehicular access and new railway bridge to serve the site, as already permitted; (ii) an indicative layout for the interaction between the proposed roads layout and the new bridge over the River Slaney; (iii) how compliance with DMURS is to be achieved. This should be accompanied by (i) a planning report which addresses the issues of compatibility with the roads objectives of the Wexford Town Development Plan 2009-2019 and compliance with DMURS and (ii) detailed cross sections indicating proposed road and bridge levels and adjacent residential development, open spaces and landmark buildings.
2. Details of ongoing monitoring of gas emissions from the adjacent Carcur Landfill site and proposals for the continued monitoring of such emissions and measures to address any associated risks identified.

3. Detailed landscaping plan, to include proposals for a coastal walk along the banks of the River Slaney and for the protection of Otter habitat.
  4. Detailed drainage proposals and site specific flood risk assessment. Full details of any associated works to raise ground levels at the development site, to include cross sections and information on any material to be imported to facilitate such works.
  5. Natura Impact Statement to assess potential effects on relevant designated sites with regard to their conservation objectives, including potential effects associated with the coastal walk at the shore line; the development of the south eastern part of the site; the importation of material to the site to raise ground levels; public lighting to serve the development and road works to facilitate the proposed new River Slaney bridge.
  6. Planning report to address the issue of proposed residential density with regard to the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009).
  7. A noise report, which addresses the potential noise impact from the adjoining railway line road and clearly outlines proposed noise mitigation measures, if so required.
  8. Details of childcare provision with regard to the proposed phasing of residential development.
- 8.5. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:
1. An Comhairle Ealaíonn
  2. Fáilte Ireland
  3. An Taisce – the National Trust for Ireland

4. Department of Culture, Heritage and the Gaeltacht (National Parks and Wildlife Service)
5. The Heritage Council
6. Inland Fisheries Ireland
7. Irish Water
8. Transport Infrastructure Ireland
9. National Transport Authority
10. The Commission for Railway Regulation
11. Local Childcare Committee

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.



---

Sarah Moran  
Senior Planning Inspector  
7<sup>th</sup> November 2017

