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# Chief Executive's Report on the Submissions and Observations Received on the Draft Wexford County Development Plan 2021-2027

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**April 2021**

## **BOOK 2**

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- Section 1 Volume 2 Development Management Manual
- Section 2 Volume 3 Bunclody Town Settlement Plan
- Section 3 Volume 3 Rosslare Harbour & Kilrane Settlement Plan
- Section 4 Volume 3 Castlebridge Specific Objectives
- Section 5 Volume 3 Rosslare Strand Specific Objectives
- Section 6 Volume 4 Statement of Compliance with Section 28 Guidelines

## Section 1 - Volume 2 Development Management Manual

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### Relevant Submissions

- WXF-C3-25 An Post
- WXF-C3-39 Ballygillane Residents Association
- WXF-C3-55 Greenville Residents Association
- WXF-C3-64 Construction Federation of Ireland (CIF)
- WXF-C3-142 Health Service Executive (HSE)
- WXF-C3-155 Mahon Fox
- WXF-C3-156 Dunne

### Summary of the Main Issues and the Chief Executive's Response

#### Section 1.2 Pre-planning

WXF-C3-64 (CIF) raises as an issue that access to preplanning meetings and the associated timescale for same is a growing concern and requests that development plans should include aspirational targets for dealing with and facilitating pre-planning discussions. Consistency from pre-planning advice through to the outcome of a planning application should also be a priority for the Local Authority reflected by development plan policy.

#### Section 1.2 Pre-planning - Chief Executive's Response

Regarding residential schemes, the Planning Authority is guided by the timeframes set out under Section 247 of the Planning and Development Act, 2000 (as amended). The section outlines that an applicant is required to engage in pre-application discussions with the Planning Authority for a proposed development of 10 or more residential units. The Planning Authority is required to hold this consultation within 4 weeks of the date of receipt of the request, but this period may be extended at the discretion of Planning Authority. It is noted that this section further prescribes that if the consultation is not held within the designated timeframe, the applicant can proceed to submit the planning application. As timeframes for residential schemes and large commercial schemes are prescribed by the

Act, it is not considered necessary to include timeframes in the Plan. No amendment required.

### **Section 1.3 Planning Enforcement**

WXF-C3-39 (Ballygillane Residents Association) notes that the whole exercise of land use zoning is a complete waste of time if the Council fails to police the developments which take place in each zone. It is submitted that currently the Planning Enforcement Department does not check the adherence to the planning conditions which have been imposed by the Council in the planning permissions which it issues. It relies entirely on members of the public bringing to its attention developments which have no planning, or which illegally breach the conditions of their planning. This is considered unreasonable.

The National Planning Policy Statement 2015 states in its 'Objectives of Planning' that: "Planning will be conducted in a manner .... where people can have confidence that appropriate enforcement action will be taken where legal requirements are not upheld". Under the current arrangements, it is difficult to have such confidence. Planning enforcement in Wexford needs to be put on a properly resourced, effective, footing. Failure to do so means that the whole purpose of zoning is undermined.

### **Section 1.3 Planning Enforcement - Chief Executive's Response**

While this issue is considered to fall outside of the remit of the County Development Plan, the following is noted. Planning enforcement action is ongoing in relation to several hundred cases annually with limited staff resources, and the priority is large scale unauthorised developments including quarries, housing schemes, and development which would have required an environmental impact assessment or appropriate assessment under the Habitats Directive.

Unauthorised development is brought to the attention of the Planning authority through a wide variety of sources including members of the public and the County Council, other state bodies and interest groups.

The applicant and/or the developer is responsible for compliance with conditions of planning permissions and monitoring by the Council of all planning permissions granted to ensure compliance with conditions is not considered to be feasible or necessary in relation to the majority of planning permissions.

### **Section 3.9 Nursing Homes/Residential Care Homes**

WXF-C3-155 (Mahon Fox) raises as an issue the wording of the bullet point on page 43 that states the following (subject wording highlighted in bold):

- The standard of accommodation and facilities offered, **including fully accessible en suite WC and wet room for each bedroom.**

The submission states that an accessible WC and en suite does not work in nursing homes with each bedroom. These must be Assisted WC and wetroom. The layout is different for each type and if it is not Assisted then the staff cannot work properly and safely with the resident. The submission outlines that it is the position of Knockrobin Nursing Home Ltd that any residents who are wheelchair bound would be assisted in the use of bathrooms and showers, and as such would not have independent use of the en suite facilities in their bedroom. Any resident in the nursing home who is wheelchair bound would not have the necessary strength or mobility to use these facilities unaided. As such they would not deem these en suite WC/shower facilities to be accessible facilities as these residents would be assisted in their use.

The submission further refers to Technical Guidance Document (M) 2010 which sets out the requirements for Accessible En Suite W.C./Shower facilities. The facilities described under Section 1.4.8 and Diagram 21 are for the independent use of those in wheelchairs. Diagram 21 (which has the dimension of 2700mm x 2500mm) clearly states “an example of a shower room incorporating a corner WC for Independent use”. Therefore, as the en suite facilities would be better termed as Assisted En Suite W.C./Shower facilities for dependent residents of the nursing home, the criteria of Section 1.4.8 and Diagram 21 should not apply in this case. Knockrobin have used this design, layout and size of en suite facilities in other nursing homes and the layout and size of the room are more than adequate for the use of residents

assisted by staff. There are other accessible WCs within nursing homes for public use to facilitate visitors.

It is concluded that a working knowledge of nursing homes is necessary to understand the day-to-day requirements for the use of the en suite bathrooms. Staff need to be able to assist residents in the ensuite in a safe manner for both the resident and the staff and the en suites need to be laid out to facilitate this requirement. If this section remains in the Development Plan, it will only cause hardships with DAC applications and make en suites inoperable for staff and create a dangerous situation. It therefore needs to be changed to Assisted Ensuite with the provision of Accessible WC within the nursing home in selected locations.

### **Section 3.9 Nursing Homes/Residential Care Homes - Chief Executive's Response**

The points raised in the submission are noted. In response, it is firstly noted that not everyone who is a wheelchair user would be classed as "wheelchair bound", without some level of independence. Secondly, the provision of accessible en suite facilities are not just for wheelchair users, but a wide range of varied users such as the elderly in general who though not wheelchair users still require hand and grab rails on a WC and a seat within the shower unit and sufficient space for, if necessary a person to attend to assist or indeed their mobility aid such as Zimmer frame etc. It is also considered that those individuals with reduced physical mobility, muscle weakness or dexterity would also require and benefit from the provision of accessible en suite facilities including WC and shower.

The current regulations Part M recognise that accessible en suite facilities are required where sleeping accommodation is provided for, and this is a requirement under the current regulations. The provision of assistive bathrooms is also accepted as a requirement outside of the provision of en suite facilities for each bedroom within the context of the workings of a nursing home. It would not be appropriate to replace the wording of accessible en suite with assistive ensuite as this will put a huge cost on the build and footprint of any new or retrofit for a nursing home as Assistive WC, Wet Rooms and bathrooms are by their very nature larger than 2.5m x 2.7m and are normally provided for as additional facilities outside of individual bedrooms.

It is recommended that the bullet point be amended to read to require a fully accessible en suite shower room with WC facility for each bedroom. Additionally, assistive bathrooms/shower rooms with WC to be provided for on a proportionate basis.

### **Section 2.5 Sustainable Design**

WXF-C3-156 queries why design should avoid large areas of glazing. Natural light be a very part of all building design and for optimisation of views.

### **Section 2.5 Sustainable Design - Chief Executive's Response**

Noted. The approach just seeks an appropriate balance between solid and void elements. No amendment proposed.

### **Section 2.9.1 Roadside Boundaries in Rural Areas**

WXF-C3-156 (Dunne) notes that this is a good policy approach. Regarding cylindrical piers the submissions notes that these are a common feature in South East Wexford, and that he would be willing to share with the Council research that he has undertaken on this. The submission recommends that permissions for rural housing should where possible contain a condition requiring the use of this style of entrance pier.

### **Section 2.9.1 Roadside Boundaries in Rural Areas – Chief Executive's Response**

Noted. The text on page 25 states that traditional entrance arrangements had little impact on the rural landscape, and it is important that new entrances should adopt a similar approach. This wording is considered sufficient and entrance proposals will be assessed as part of the planning application. No amendment proposed.

### **Section 2.10 Naming of Residential Developments**

WXF-C3-156 (Dunne) welcomes this initiative and suggests that the Wexford Townlands website and logainm.ie be used for historical background. It is also noted that 'Townland Names of County Wexford' is an excellent resource. It is further suggested that bilingual nameplate designs should be in the style of that used in Fortune's Field development (adjacent to the Whitford Hotel on the R733).

### **Section 2.10 Naming of Residential Developments – Chief Executive’s Response**

The suggestions are noted. The Planning Department operates a Placenames Committee which is comprised of a of local experts in language, history and nomenclature. The Committee uses resources such as logaimn.ie to consider place name proposals.

### **Section 3.12 Multi-Unit Residential Developments**

WXF-C3-55 (Greenville Residential Association) raises the following issues that they consider need to be dealt with better with at the planning stage, during construction and on completion of the development to ensure a safe living environment for residents:

- Estate boundary walls should be identified on the plans and completed prior to the dwelling houses being inhabited.
- All access/link road/cycle pathways/walkways should be clearly identified during the planning application process and completed before the construction of the houses and inhabitation of the houses.
- All green areas should be completed and fit for purpose prior to the completion of the estate.
- Vacant ground in older housing estates raise health and safety concerns for residents. These lands could, with the consent of the landowner, be used as wildflower meadows, contributing to enhanced biodiversity, pride of place and improved aesthetics.
- All foul and storm water drainage systems need to be properly designed for the site to prevent the negative impact of sewage leakage and flooding.
- All roads should be constructed to a standard that minimises the risk of subsistence and collapsing stormwater drains.
- Maintain footpaths to ensure safety and accessibility for all and extend footpaths to incorporate cycle paths.
- Require additional car parking in housing schemes to avoid cars parking on footpaths and restricting accessibility.
- Exits on to the main roadway should have good visibility, speed limit signs and children at play signs should be erected in estates.
- Adequate energy efficient street lighting should be incorporated.

- A dedicated Liaison Office or designated Council official would be very beneficial for residents.
- All public buildings, shopping centres, entertainment venues should provide designated changing areas for people with disabilities and their carers.
- Home access point for EV charging should be standard in all new residential development.
- Plan and develop designated cycle paths in the county.

### **Section 3.12 Multi-Unit Residential Developments - Chief Executive's Response**

Many of items referred to in WXF-C3-55 such as estate boundary walls, access and sightlines/visibility and internal estate roads, public open spaces, footpaths and where applicable cycle ways, are identified on site layout plans and addressed at the planning application stage with conditions applied to the permission regarding completion of works. As detailed on page 44-45 in Section 3.12, the Council will require planning applications for residential schemes 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. It is stated that it will be necessary for each phase to deliver the quantum of public open space commensurate to the number of dwellings in that particular phase. No amendment proposed.

The points raised in relation to the design and construction standards for foul storm water drainage systems, roads and energy efficient public lighting are noted. There are minimum design standards for this type of infrastructure. Public lighting in residential schemes must comply with the Council's Public Lighting Specification (December 2017). It is recommended that the reference year of the latter specification is amended in Section 8.5 Lighting.

Once a residential estate is taken in charge by the Council, the maintenance services provided by the Council may include:

- Maintenance of all roads and footpaths, including unallocated streetcar parking;



- Repair and reinstatement of roads, footpaths and landscaped areas resulting from repair and/or maintenance of underground services (water mains and drainage services) carried out by the authority;

The Council does not maintain open spaces within the development. No amendment proposed.

The provision of speed limit and children at play signs are outside the remit of the County Development Plan, as is the provision of Housing Liaison Officers. No amendment proposed.

Regarding EV charging points, the Draft Plan requires all residential off-street parking spaces to be equipped with one fully functioning EV charging point, and all on street parking areas on new residential estates are to have the necessary infrastructure installed to accommodate charging points. No amendment proposed.

Table 6-7 on page 106 and 107 specifies the car parking standards for residential schemes. As outlined in Table 2.1 on page 18, the application of Urban Design Criteria 11- Parking refers to the provision of communal parking to maximise efficiency and accommodate visitors without the need to provide additional dedicated spaces. It is recommended that this point be added to Section 6.3.3 Car Parking Design and Layout on page 109.

There is a strong focus on biodiversity in the Plan and it does support the use of areas in housing estates for biodiversity. The Council recently launched the Green Estate Pilot Programme in Wexford Town which is encouraging residents to create areas for nature within the public spaces of their estate. The Council also runs the Residential Association Grants Scheme which includes tree and landscaping projects. No amendment proposed.

The Draft Plan is focused on promoting Active travel (cycling and walking) and as outlined in Objective TS24 in Chapter 8 Transportation Strategy the Council will continue to develop walking and cycling infrastructure in the county. No amendment proposed.

Section 15.6.2 Universal Access (Volume 1, Written Statement) and Section 4.7 Changing Place Facilities (Volume 2 Development Management Manual) outlines that the Council will

require Changing Place facilities to be provided in specified developments. No amendment proposed.

#### **Section 5.4 Home Based Economic Activities**

WXF-C3-156 (Dunne) suggests that in light of the move to more working from home, the inclusion of office space may be needed in housing design.

#### **Section 5.4 Homes Based Economic Activities – Chief Executive’s Response**

Noted. It is not considered appropriate to require that dwellings contain office space but that Plan contains objectives on Lifetime Housing which will ensure that dwellings are flexible and adaptable. No amendment proposed.

#### **Section 6.3.1 Car Parking Standards**

WXF-C3-25 (An Post) outlines that post offices and mail sorting offices have specific operational requirements in relation to car parking and the Council is asked to provide flexibility with car parking standards for postal facilities, which may require a greater quantum of car parking spaces going forward. Regarding deliveries and access, the submission advises that any restrictions on the times of deliveries/collections could have a serious impact on meeting needs/service level agreements.

WXF-C3-142 (HSE) recommend that all applications for carparking should be accompanied by landscaping proposals which aim to improve rainwater retention.

#### **Section 6.3.1 Car Parking Standards - Chief Executive’s Response**

The points raised by An Post in relation to car parking standards, delivery times and access are noted. All planning applications will be assessed in accordance with the car parking standard set out in Table 6-7 and the associated guidance notes. Delivery arrangements and access will also be considered, where relevant, in planning applications. No amendment proposed.

The HSE's comments are noted. All planning applications, including car parking, are subject to the green infrastructure and surface water management objectives in the Plan. No amendment required.

**Proposed Amendments arising from the consideration of submissions relating to other chapters in the Draft Plan. Please refer to the relevant sections of the report for the Chief Executive's Response:**

**Section 8.2.3 Water Conservation**

Arising from the considerations of WXF-C3-94 (WEN) under Chapter 9 Infrastructure (see Section 13 in Book 1), it is recommended that, in order to align with Objectives WS12 and WS13, the Council will promote the provision of water conservation measures in new developments. Accordingly, It is recommended that Section 8.2.3 Water Conservation on page 127 be amended accordingly.

**Section 6.2.6 Siting and Design of Access/Egress Points Sightlines**

It is recommended that the following proposed amendments be made to Table 6-6 Class 1 and Class 2 Regional Roads:

- The R714 Mountgarret Bridge to Corcoran's Cross be moved from Class 2 to the Class 1 Regional Road column as this was a formal national road and should have had the higher standard applied from the County Development Plan 2013-2019
- For traffic speed reasons, it is considered appropriate to move the R700 - New Ross to R714 to the Class 2 Regional Road column.

**Section 8.2.1 Surface Water Management**

Arising from considerations of WXF-C3-82 (Dept. TACGSM) and WXF-C3-94 (WEN) under Chapter 11 Landscape and Green Infrastructure (see Section 15 in Book 1) and WXF-C3-72 (OPW) in Chapter 9 Infrastructure (see Section 13 in Book 1) and Volume 11 SFRA (See Section 3 in Book 5), it is recommended that proposed amendments be made to include nature-based solutions in the application of SuDS.

## **Section 8.5 Lighting**

Arising from considerations of WXF-C3-55 (Greenville Residents Association) in this volume and WXF-C3-82 (Dept. TACGSM) in Chapter 10 Environmental Management (see Section 14 in Book 1), a minor amendment is proposed to Section 8.5 of Volume 2 to include reference to any updated version of Wexford County Council's Public Lighting Specification document (2017) which may address the points raised in the submissions.

### **Matters Arising:**

Following a review of Volume 2 Development Management Manual, a number of minor amendments are proposed to ensure that access for all is fully incorporated into the Manual:

- Amend Table 2.1 Key Urban Design Criteria to be considered in residential schemes and other developments (as appropriate to the scheme) to address varying life stages and access for all.
- Amend Section 2.3 Design Statements to require a statement or audit informing of/demonstrating the universal design principles applied throughout the proposed development.
- Amend Section 4.1 Childcare Facilities to indicate that external play provision for the childcare facility must be provided.
- Amend Section 5.3 Office Developments to provide that new office buildings over 200m<sup>2</sup> shall be fully accessible.
- Amend Table 6-8 Accessible Car Parking Standards to ensure that the car parking requirement for buildings not normally visited by public complies with the Building Regulations standard.
- Amend Section 8.8.2 Waste Storage Facilities to ensure that these facilities are not an accessibility hazard.

## Chief Executive's Recommendations

It is recommended that the following amendments be made to Volume 2 Development Management Manual

### CE DMM.1

Amend the positive indicators indicated for No. 3 Inclusivity in Table 2-1 on page 15 as follows:

- New homes meet the aspirations of a range of people and households and adaptability for varying life stages.

### CE DMM.2

Amend the positive indicator for No. 12 Detailed Design in Table 2-1 on page 18-19 as follows:

- The landscape design facilitates access and usability by all, universal design principles, of the public spaces.

### CE DMM.3

Amend Section 2.3 Design Statements by adding a new bullet point at the end of page 20:

- A statement or audit informing of/demonstrating the universal design principles applied throughout the proposed development.

### CE DMM.4

Amend the second bullet point under Section 3.9 Nursing Homes/Residential Care Homes on page 43 as follows:

- The standard of accommodation and facilities offered, including a fully accessible en suite shower room with WC facility and wet room for each bedroom. Additionally assistive bathrooms/shower rooms with WC to be provided for on a proportionate basis.

### **CE DMM.5**

Amend the third paragraph in Section 4.1 Childcare Facilities on page 56 as follows:

In new developments, childcare facilities should be purpose built, at ground floor level or as a standalone building. In established residential areas, the conversion to a childcare facility will only be considered where the dwelling house is detached, where there is adequate separation distances between the dwelling house and other dwelling houses in the vicinity, where the use as a childcare facility will not detract from the residential amenities of the estate, where the development will not give rise to a traffic hazard and where the car parking requirements and external play provision for the childcare facility are provided in addition to the car parking requirements of housing estate.

### **CE DMM.6**

Amend the first paragraph in Section 5.3 Office Developments on page 66 as follows:

The Planning Authority will encourage office development to take place in town centres. The use of vacant or under-utilised upper floors for office development will be encouraged (except where this would result in the loss of residential development in the primary retail area). All new office development over 200m<sup>2</sup> shall be fully accessible.

### **CE DMM.7**

Amend the second paragraph in Road Speed Limit greater than 60kph on page 101 as follows:

Table 6-6 ~~relates to~~ sets out the sightline requirements ~~only on~~ for Class 1 and Class 2 regional roads. ~~You are advised to review Chapter 8 Transportation which separately categorises regional roads by traffic levels/road speeds with associated objectives.~~

### **CE DMM.8**

Amend Table 6-6 Class 1 and Class 2 Regional Roads as follows:

- Move the R714 Mountgarret Bridge – Corcoran’s Crossroads to the Class 1 Regional Road column (note it was previously referred to as R714 Corcoran’s Crossroads – Mount Elliot).
- Move the R700 between New Ross and R714 to the Class 2 Regional Road column.

### CE DMM.9

Add a new bullet point after the second bullet point on page 109 in Section 6.3.3 Car Parking Design and Layout:

- Parking is provided communally to maximise efficiency and accommodate visitors to without the need to provide additional dedicated spaces.

### CE DMM.10

Amend Table 6-8 Accessible Car Parking Standards on page 108 as follows:

Building Type	Car parking requirement
Buildings not normally visited by the public	<del>Minimum one space of appropriate dimensions in every 25 standard spaces, up to the first 100 spaces; thereafter, one space in every 100 standard spaces or part thereof.</del> <u>At least 5% of the total number of spaces with a minimum provision of at least one such space.</u>
Shops and other buildings to which the public has access	Minimum one space of appropriate dimensions in the first 25 standard spaces; minimum three in 25–50 standard spaces; minimum five in 50–100 standard spaces; and an additional three per every 100 standard spaces in excess thereof.
Premises used by a high proportion of people with disabilities will require a larger than average number of designated spaces.	The parking requirement for such building types should be calculated in relation to the anticipated demand.

#### **CE DMM.11**

Amend the first line of the second paragraph in Section 8.2.1 Surface Water Management on page 126 as follows:

The application of SuDS should prioritise the use of appropriate nature-based solutions where possible. The design of SuDS measures should have regard to the CIRIA report C753 the SuDS Manual (2015) in order to maximise benefits.

#### **CE DMM.12**

Amend the first sentence of the third paragraph in Section 8.2.1 Surface Water Management on page 126 as follows:

SuDS and natural based solutions include ~~devices such as~~ bioretention areas, swales, permeable pavements, filter drains, storage ponds, basins, rain gardens, and constructed wetlands, filter drains, soak ways and green roofs.

#### **CE DMM.13**

Amend the wording of Section 8.2.3 Water Conservation on page 127 as follows:

The inclusion of water conservation measures is promoted in ~~should be incorporated into~~ all new developments. In particular, proposals for the re-use/recycling of water on commercial and industrial sites with high water usage will be promoted. ~~required~~. Developments are encouraged to include proposals for rainwater harvesting, the design of which should have regard to BS 8515:2009 Rainwater Harvesting Systems - Code of Practice. Rainwater butts which are containers for collecting rainwater from roofs and downpipes ~~should~~ could also be installed in new residential developments.

#### **CE DMM.14**

Amend the second paragraph in Section 8.8.2 Waste Storage Facilities on page 132 as follows:

Refuse storage for houses and apartments should be externally located, concealed/covered and adequate to cater for the size and number of bins normally allocated to a household. For terraced houses the most appropriate area for bins to be stored is to the front of the house, which should be located in well-designed enclosures that do not ~~to~~ detract from



visual amenity or give rise to an accessibility hazard. Access to private waste storage in residential schemes should be restricted to residents only.

#### **CE DMM.15**

Amend the second paragraph in Section 8.5 Lighting on page 130 as follows:

Street lighting should be designed in accordance with the standards laid out in Wexford County Council's Public Lighting Specification document ~~(2018)~~ (2017) or any updated version of that document.