



## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The subject site is roughly rectangular in shape and has a stated area of 0.062 hectares. It is located within the townland of Ballyknockan, St. Helen's, accessed from a county road just outside the village of Kilrane, to the south of Rosslare Harbour, Co. Wexford. The subject site, as marked in red, forms a small element of the overall complex and is located approximately 86 metres back from the road edge. The site is not physically demarcated on the ground from the remainder of the complex, which contains a recycling facility to the east and offices/vehicles servicing facility to the west. Residential development is evident on the opposite side of the Kilrane roadway, comprising both single dwellings on relatively large sites and a housing complex.
- 1.2 The site contains three no. storage tanks, located side by side, surrounded by a low concrete bunding wall. There are two pumps next to this bunding wall for the supply to trucks.

## **2.0 PROPOSED DEVELOPMENT**

- 2.1 The proposal as per the submitted public notices comprises an application for retention of use of retail dispensing facility of existing approved Wholesale Distribution and Sale Facility (PA 20032315 refers).
- 2.2 The facility is for the wholesale distribution of oil through the south-east of Wexford, with the applicant having another depot in Gorey which services the north of the county. It is stated in documentation supplied with the application that since the development was completed users of the truck park have requested supply and to facilitate this request the applicant introduced a 'debit card' type system to access the fuel pumps. The retail facility is limited in scope to truck users and is not available to members of the public.

### **3.0 PLANNING AUTHORITY'S DECISION**

Planning permission GRANTED subject to 2 no. conditions.

Condition No. 2 states that the fuelling facility shall only operate between 07.00-22.00 unless otherwise agreed in writing with the Planning Authority in the interests of clarity and to protect neighbouring residential amenity

### **4.0 TECHNICAL REPORTS**

#### Planner's Report

The report generally reflects the decision of the Planning Authority

#### Civil Technician

Grant with conditions

#### Senior Executive Scientist (Environment)

Further Information requested in relation to silt traps, interceptors, site layout plan showing all structures, drainage channels, soak pits, silt traps and interceptors

### **5.0 APPEAL GROUNDS**

The grounds of appeal may be summarised as follows:

- Concerns regarding public safety
- Preservation of amenity value of adjoining residential properties
- Proper planning and development of the area
- Fulfilment of the Rosslare Harbour/Kilrane LAP 2012

- Additional HGV traffic on a local road where there is a primary school, community centre, residential development and crèche.
- Noise levels from HGV traffic, in particular at night and weekends
- Enforcement issues
- Development located in a poor location, a distance from the port of Rosslare for road traffic
- Such development not normally permitted within this zoning
- Questions need for proposed development- other such facilities located on N25, all within 500m of the Port
- Concerns regarding additional traffic generation, in particular at junction of L7102 and N25 where junction is difficult for HGVs to manoeuvre and where there is already congestion at primary school opening and closing times- concerns regarding possible blockage of N25- such additional traffic difficult to predict
- Intensification of noise and activity at southern boundary of LAP
- Refers to Condition No. 2 of grant of permission which issued from the planning authority- it indicates a willingness by the planning authority to revisit this at a later date. Requests that the condition be made absolute if permission is being granted.

## **6.0 OBSERVERS**

None

## 7.0 RESPONSES

A response was received from the planning authority which may be summarised as follows:

- Outlines site description, site notice compliance and relevant history
- Oil storage tanks have permission for wholesale distribution and sale, namely oil lorries delivering and collecting fuel.
- Application is seeking to retain the on-site fuelling on an un-manned facility by means of a debit card system for HGVs using the port
- Site is zoned for light industry and port related activities are 'open for consideration'- considers that the use proposed to be retained is consistent with port related activity and therefore acceptable in principle
- Considered that additional HGV generation would be such that a traffic or noise hazard would not result as compared to the existing trucks using the overall site
- Condition attached re operating hours to protect neighbouring amenity

A response was received from the first party which may be summarised as follows:

- Facility is located within original transport park which was originally established in 1978 by Transcontinental Refrigeration Ltd- obtained permission for erection of warehouse and office facility [PA 15967 refers]
- Outlines further site history
- From this history it is apparent that the site has been used as a centre for warehousing, the handling of heavy goods and the

subject of significant heavy transport movements for over thirty years. Three significant warehouse developments generating significant traffic movements have been granted permission in the last 10 years

- Application for retention of retail use of the dispensing facility arose from requests of HGV users within the site for refuelling. Facility is operated by means of a credit card and is not advertised to the general public
- Applicant did not realise that this constituted retail use
- Concerns expressed regarding night-time movements has been addressed by condition attached to grant of permission
- Other concerns relate to developments already approved and refusal of this application would have no material effect on appellant's amenity
- Development forms a small and integral part of an existing asset which would be impaired by a refusal

## **8.0 PLANNING HISTORY**

### 20032315

Permission GRANTED to Glen Fuel Services Ltd for installation of oil storage tanks (capacity 225,000 litres) for wholesale distribution and sale together with the relocation of a truck washing facility

There would appear to be an enforcement file relating to the site

## **9.0 DEVELOPMENT PLAN**

### Wexford County Development Plan 2013- 2019

Chapter 6 Employment, Economy and Enterprise

Section 8.5.5 Petrol Filling Stations/Service Stations/Truck Parking Facilities

### Rosslare Harbour and Kilrane Local Area Plan 2012-2018

#### Zoning:

Light Industry

Section 5.4 Employment and Economic Activity

## **10.0 ASSESSMENT**

10.0.1 This application is assessed in terms of Development Plan policy and all other relevant Government Guidelines. Having examined the file and having visited the site and its environs, I consider that the main issues are as follows:

1. Principle of proposed development
2. Impacts on amenity of the area
3. Traffic and parking issues
4. Other issues

## **10.1 PRINCIPLE OF PROPOSED DEVELOPMENT**

10.1.1 The subject site is located outside the village of Kilrane, within an area zoned for light industrial uses within the operative Development Plan. It is stated that the site is used primarily by HGVs accessing Rosslare Port and such port related activities are 'open for consideration' within this zone. The subject site, as outlined in red within the submitted

documentation, forms part of a larger transportation yard with recycling facility. The history of the site has been outlined above and it is stated that it has been in use as a warehousing facility/heavy goods yard for thirty years. There is an established use on the site for such developments. Permission was previously granted under Plan No. 20032315 for installation of oil storage tanks (capacity 225,000 litres) for wholesale distribution and sale together with the relocation of a truck washing facility. Therefore the principle of such a use was accepted at that time. The current proposal provides for the retention of use of the existing facility for retail dispensing in addition to the previously permitted wholesale distribution. It is stated within the response to the appeal that the retail use of the dispensing facility arose from requests of HGV users within the site for refuelling. The facility is operated by means of a credit card system which is unmanned and is not advertised to the general public.

10.1.2 The location of the proposed facility is questioned by the appellant, which states that it is located a distance from the Port, with other similar facilities situated in closer proximity. I note the established use of the site and its surrounding area as a transport yard and note that HGVs regularly traverse this roadway in order to gain access to the site and its adjoining facilities, while conducting port related activities. Having regard to this, I consider the location of such a facility at this location to be reasonable and such co-location of similar type developments is appropriate subject to other relevant planning criteria.

10.1.3 Having regard to the above, in particular the zoning objective for the site; its established use for port related activities and the nature and scale of the development proposed; I consider the principle of the proposed development to be acceptable.



## 10.2 IMPACTS ON EXISTING RESIDENTIAL AMENITY

10.2.1 Having examined the submitted documentation, I consider that this is one of the main issues of concern for the appellant. They raise concerns that the proposed works, if permitted, would lead to intensification of noise and activity in and surrounding the site and would negatively impact on the amenity of the area. They question the appropriateness of the location of such a facility, in particular having regard to its proximity to uses such as a school, crèche, community centre and residential properties. I note the concerns raised in this regard. While I note that some of the dwellings in the vicinity are established, mature properties others have been constructed in more recent times and were purchased in the knowledge that such a general facility was located in the area. The storage tanks and dispensing facility are currently in situ and have the benefit of planning permission for use by wholesale distribution and sale, namely oil lorries delivering and collecting fuel. This appeal relates to the use of this existing facility for retail sale, primarily to HGVs currently using the facility. The proposed use will not be advertised to the public and is setback in excess of 80 metres from the public roadway.

10.2.2 Having regard to the information before me, I do not foresee a substantial intensification of use if the proposed facility is permitted for retail use. The proposed facility would be used primarily by vehicles already utilising the yard and therefore there is not expected to be a significant increase in noise levels. In any event, the planning authority has conditioned the opening hours and this I consider to be reasonable. I concur with the appellant however and consider that in the interests of clarity, if the opening hours are to be extended, this should require a further grant of permission. If the Bord is disposed towards a grant of permission, I recommend that a condition limiting hours of operation and restricting signage be attached to any such grant.

10.2.3 Having regard to all of the above, including the established use of the site; the setback from the road edge; the scale and nature of development proposed and the condition attached by the planning authority, I consider the proposed development to be acceptable and if permitted would not impact on residential amenity or increase noise levels to such an extent as to warrant a refusal of permission.

### **10.3 TRAFFIC AND PARKING ISSUES**

10.3.1 I note the concerns raised by the appellant in relation to HGV movement in the vicinity and a possible intensification of such movements if the proposed development is permitted. This concern is raised in the context of the proximity of the site to a school, crèche, community centre and residential development. The concerns are considered reasonable.

10.3.2 The existing yard is large and has capacity for HGVs to turn and manoeuvre within the overall site. I note that the proposed facility is not to be advertised and will be utilised primarily by vehicles already using the industrial area and associated facilities. Therefore, it is my opinion that the proposed development which will allow for limited retail use in addition to the permitted wholesale use, is not expected to lead to a significant intensification in traffic in the vicinity. While it is acknowledged that the proposal if permitted is likely to lead to some additional traffic movements, these would not be so great as to warrant a refusal of permission. I note the report of the Civil Technician in this regard, which recommends a grant of permission. I have no information before me to believe that the proposal if permitted would lead to the creation of a traffic hazard or obstruction of road users in the vicinity. While the access roadway to the site would benefit from some upgrade and maintenance works, I note that a restrictive speed limit is in place along its length. Visibility from the site onto the local road is good and visibility at its junction with the N25 is also

acceptable, although I acknowledge that this is a busy stretch of roadway and some traffic calming measures are evident.

10.3.3 To conclude, while I acknowledge that there are existing HGV movements in the vicinity due to the industrial nature of the lands, I consider that the proposed development would not exacerbate the situation to such an extent as to warrant a refusal of permission. I have no information to believe that the proposed development if permitted would lead to the creation of a traffic hazard in the vicinity or obstruction of roads users. Much of the anticipated traffic associated with the proposed development is expected to already utilise the existing facility and therefore the proposal, in itself is not expected to be a significant traffic generator.

#### **10.4 OTHER ISSUES**

10.4.1 Issues relating to enforcement are a matter for the planning authority and the courts, again outside the remit of An Bord Pleanala.

10.4.2 I note the issues raised in the Senior Executive Scientist (Environment) of the planning authority and her report requesting further information in relation to the proposed development. I note the report of the planning officer in this regard which states that compliance conditions relating to silt traps and interceptors were signed off by the Environment Section under Plan No. 20032315. No additional structures are proposed in this current application and therefore I consider it acceptable to deal with this issue by means of condition.

10.4.3 The proposal involves a partial change of use of an existing permitted development on an established light industrial site. Having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and it is not considered

that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## **11.0 CONCLUSION**

- 11.1 The proposal is located on an established site where permission has previously been permitted for a wholesale distribution and sale facility, under Plan No. 20032315. This current proposal aims to retain a retail dispensing facility by means of debit card system. The facility will be un-manned and will not be advertised. It is expected to be utilised primarily by HGVs accessing Rosslare Port, with many such vehicles currently using the industrial lands on which it is to be located.
- 11.2 Having regard to all of the above, I consider the proposal to be acceptable in principle and in accordance with the zoning objective for the area. Having regard to the setback of the subject site from the public road, in excess of 80 metres, I consider that the proposal if permitted would not impact negatively on the amenity of the area and that increased noise in the vicinity would not be so great as to warrant a refusal of permission. I recommend that operating hours and issues of signage be dealt with by means of condition, if the Bord is disposed towards a grant of permission. I consider that the proposal in itself would not be a significant trip generator and I have no information before me to believe that the proposal if permitted would lead to the creation of a traffic hazard or obstruction of road users in the vicinity.
- 11.3 Having regard to all of the above, the proposed development is considered acceptable and consistent with the proper planning and sustainable development of the area.

## 12.0 RECOMMENDATION

In light of the above assessment, I recommend that the decision of the planning authority be substantially UPHELD and that permission be GRANTED for the following reasons and considerations.

### REASONS AND CONSIDERATIONS

Having regard to the nature and scale of the proposed development, together with the pattern of development in the area it is considered that, subject to compliance with the conditions set out below, the proposed development would be in compliance with the zoning objective for the area; would not lead to the creation of a traffic hazard in the vicinity; would not impact negatively on the amenity of the area and would therefore, be in accordance with the proper planning and sustainable development of the area.

### CONDITIONS

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**REASON:** In the interest of clarity.

2. The proposed development shall comply with all requirements of Plan No. 20032315, except as may be required by other conditions attached hereto

**REASON:** In the interests of clarity

3. The fuelling facility shall only operate between 07.00-22.00, Monday to Sunday. Any deviation from these hours shall require a separate grant of permission from the planning authority or An Bord Pleanala on appeal

**REASON:** In the interests of clarity and to protect neighbouring residential amenity

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of any works on site, the applicants shall ascertain and comply with all requirements of the planning authority in this regard.

**REASON:** In the interest of public health and to ensure a proper standard of development.

5. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

**L. Dockery**

**Planning Inspector**

2<sup>nd</sup> May 2013

