

An
Bord
Pleanála

Board Direction
BD-008401-21
ABP-309085-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/05/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the nature, extent and design of the proposed development and to the relevant provisions of the Wexford County Development Plan 2013 – 2019 as extended and the Wexford Town and Environs Development Plan 2009 – 2015 as extended, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character or visual amenities of the area, would be acceptable in terms of pedestrian and traffic safety and would constitute an appropriate use at this zoned location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Wexford Harbour and Slobbs SPA (site code: 004076) and Slaney River Valley SAC (site code: 00781) are European sites for which there is a

possibility of significant effects and must therefore be subject to Appropriate Assessment.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites the Wexford Harbour and Slobbs SPA (site code: 004076) and Slaney River Valley SAC (site code: 00781) in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' conservation objectives using the best available scientific knowledge in the field.

In completing the assessment the Board considered, in particular the following,

- (i) Site Specific Conservation Objectives for these European sites,
- (ii) Likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects
- (iii) The submissions on the file,
- (iv) Mitigation measures which are included as part of the current proposal.

In completing the AA, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and there is no reasonable scientific doubt as to the absence of such effects.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 28th of February 2020, as amended by the further plans and particulars submitted on the 9th of November 2020, 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.

2. All Mitigation Measures set out in the 'Natura Impact Statement' and in the 'Ecological Impact Assessment' shall be carried out in full by the developer.

Reason: In the interest of biodiversity protection and to ensure that water quality is maintained.

3. The proposed development shall be amended as follows:

- (a) An additional five number car parking spaces shall be allocated to each of the Type A units.
- (b) An additional thirteen car parking spaces shall be allocated to each of the Type B units.
- (c) The main east to west access road, the cul-de-sac to the south of unit nos. 2 and 3, the access road to the south of the site and the cul-de-sac to the south of unit nos. 10 and 11, shall all be constructed to the site boundary and shall allow for the future access to the adjoining lands.
- (d) A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of parking provision, sustainable transport and permeability to adjoining zoned lands.

4. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with all relevant provisions of DMURS.

Reason: In the interest of amenity and of traffic and pedestrian safety.

5.
 - a) All goods, including raw materials, manufactured goods, packaging, crates etc. shall be stored or displayed only within the enclosed yard area and/ or building of each site.
 - b) No cars for sale or storage shall be parked and/ or displayed outside of the individual sites of the car dealerships and no such cars shall be parked and/ or displayed on the grass/ landscaped areas and roads surrounding these units.
 - c) No vehicles shall be loaded or unloaded onto the public road.

Reason: In the interest of visual amenity and orderly development.

6. The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the development. This scheme shall provide adequate measures relating to the future maintenance of the development; including landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

7. No additional floorspace shall be formed by means of internal horizontal division within the building(s) hereby permitted unless authorised by a prior grant of permission.

Reason: In order to control the intensity of development in the interest of ensuring that adequate car parking and service facilities will be provided within the development.

8. Prior to the commencement of development, the developer shall submit to and agree in writing with the Planning Authority details of the proposed external design/ finishes to all buildings.

Reason: In the interest of visual amenity.

9. Other than those set out in the application documentation, no signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

10. All service cables associated with the proposed development (such as electrical, telecommunications) shall be located underground. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual amenity.

11. Water supply and drainage arrangements, including the [attenuation and] disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

12. The developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

13. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

14. 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.

15. The landscaping scheme as submitted to the planning authority on the 28th of February 2020 shall be carried out within the first planting season following substantial completion of external construction works.

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 or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

16. Proposals for a development name, commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

17. Details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational before any of the commercial units are made available for occupation.

Reason: In the interest of public safety and visual amenity.

18. The construction of the development shall be managed in accordance with the submitted Construction Environmental Management Plan.

Reason: In the interests of public safety and amenity.

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

20. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, a Phasing Scheme for the proposed development.

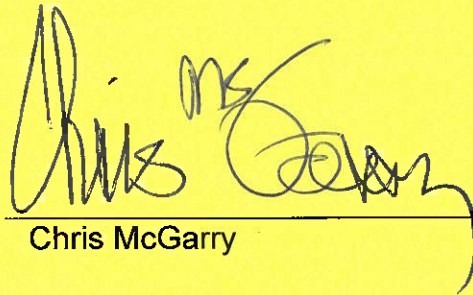
Reason: In the interest of orderly development.

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Note: The Board noted the recommended insertion by the Inspector of a condition under Section 48(2)(c) of the Planning and Development Act 2000 as amended. However, on the basis of the information contained within the application and appeal, including the documentation from the planning authority and having regard to the described nature of the works, the Board determined that the said description of works would not qualify under the relevant provisions of Section 48(2)(c) and that the addition of such a condition was not appropriate in this instance.

Board Member



Chris McGarry

Date: 02/06/2021