

An  
Bord  
Pleanála

**Board Direction**  
**BD-018507-24**  
**ABP-318332-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/12/2024.

The Board decided to grant permission (by a majority 2:1 vote), for the following reasons and considerations, and subject to the following conditions.

## **Reasons and Considerations**

Having regard to the provisions of the Wexford Development Plan 2022-2028, including Objective TV09 that seeks to regenerate and revitalise towns and villages, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area, would not result in a traffic hazard, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **Conditions**

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 11<sup>th</sup> day of September 2023, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority (to include revised elevation drawings and samples of materials) prior to commencement of development. The materials shall include a stone finish that is consistent with and reflects the existing historic stone walls in the area, including those to the protected structure (military barracks) and along Barrack Street. Any consequential minor changes to the elevations as a result of this condition shall be included in the details to be submitted to the planning authority for written approval accordingly.

**Reason:** In the interest of visual amenity and to better integrate the proposed development with the receiving environment.

3. Details of all signage and external lighting relating to the proposed development shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

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

4. All public service cables for the proposed development, including electrical and telecommunications cables, shall be located underground throughout the site.

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

5. The demolition and construction of the proposed development shall be managed in accordance with a Demolition and Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the

planning authority prior to commencement of development. This plan shall provide, inter alia, details and locations of proposed construction compounds, details of intended construction practice for the proposed development, including noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste and/or by-products.

**Reason:** In the interest of public safety and residential amenity.

6. 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. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure adequate servicing of the development, and to prevent pollution.

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 or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

8. The use of the development shall be confined to the following hours: Monday to Sunday, including bank holidays 0800 to 2200 hours.

**Reason:** To protect the amenities of adjoining properties.

9. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment (AIA) report included in



application documents shall be implemented in full. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** To ensure the continued preservation [either in situ or by record] of places, caves, sites, features or other objects of archaeological interest

10. Prior to commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

11. 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 the 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

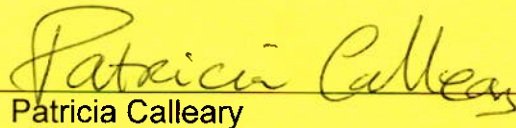
Development Contribution Scheme made under section 48 of the Act be applied to the permission.

**Notes:**

1. In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not share the view of the inspector's first recommended reason for refusal, that the proposed development represented an underutilisation of the site and would be contrary to relevant objectives of the Wexford County Development Plan 2022-2028. The Board was satisfied that the proposed development would be appropriately located in a town centre location where Zone 13 'Town Centre' zoning applies and would provide for an appropriate type and scale of development of the site. The Board noted the concerns of the inspector regarding matters of design, including the architectural treatment of the façade, however, the Board was satisfied that this could be addressed by way of condition and attached condition 2 to its schedule of conditions accordingly.
2. In relation to the inspector's recommended second reason for refusal on traffic grounds, the Board did not find that the proposal for the omission of the existing vehicular entrance to the site from the Trinity Street frontage would be contrary to Objective TS76 of Volume one of the Wexford County Development Plan 2022-2028. In this regard, having reviewed the applicant's Traffic and Transportation Impact Statement, which the Board was satisfied followed best practice methodology in its preparation, the Board noted that the information and analysis provided demonstrated that traffic generated by the proposed development during its operation is likely to increase existing peak hour traffic flows onto Trinity Street in the vicinity of the site by less than the standard threshold value of 5% during the peak hours of operation. In relation to the nearest two junctions north and south of the subject site, (Trinity Street/King Street Lower Junction and Trinity Street/Parnell Street Junction), the Board noted that the traffic generated would give rise to a modest impact on both junctions during the peak hours of operation, with increases of traffic

flow of less than 5% at each of the junctions and also noted that both junctions have significant reserve capacity under current and future conditions. In this regard, the Board was satisfied that the increase in traffic at both junctions would not adversely impact the performance of either. Overall, the Board was satisfied that the proposed development would not give rise to an adverse impact on the performance of the existing and local road network including junctions or be contrary to Objective TS76 accordingly.

**Board Member**

  
Patricia Calleary

**Date:** 17/12/2024