

An
Coimisiún
Pleanála

Direction
CD-021679-26
ABP-320962-24

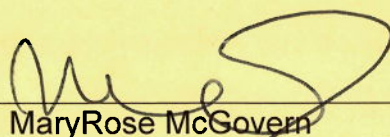
The submissions on this file and the Inspector's report were considered at a meeting held on 07/01/2026.

The Commission decided to refuse permission, generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

Planning

Commissioner:

Date: 08/01/2026


MaryRose McGovern

DRAFT WORDING FOR ORDER

Reasons and Considerations

1. Having regard to the threshold set out in Class 11 (a) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 to 2025, which refers to '*all permanent racing and test tracks for motorised vehicles*', the nature, scale and intensity of the development proposed to be retained, which has already been in place in excess of 5 years, and the likely timeframe for implementation of the applicant's proposed mitigation measures referenced in the Noise Impact Assessment Report submitted with the application, the Commission, having considered the totality of the information on file, was not satisfied that the development can be considered to be temporary in nature or

that the Applicant suitably demonstrated that the development proposed to be retained is not subject to a mandatory Environmental Impact Assessment (EIA). The Applicant did not submit an Environmental Impact Assessment Screening Report which would have assisted the Commission in determining the requirement for an Environmental Impact Assessment (EIA). In the absence of such information, the Commission was not satisfied that the development proposed to be retained would be in accordance with the proper planning and sustainable development of the area.

2. The Commission considered the Noise Impact Assessment Report submitted as part of the planning application, to be outdated, not reflective of the current pattern of development in the area and incomplete, having omitted relevant nearby noise sensitive receptors. In addition, the Noise Impact Assessment failed to demonstrate regard to the sensitivity of the subject appeal site in terms of its proximity to Annagh Hill which as per the Wexford County Council Noise Action Plan, 2019 to 2023, was identified as a Potential Quiet Area in Open Country. The development proposed to be retained, therefore, as presented, was considered by the Commission to conflict with Objective N03 of the Wexford County Development Plan, 2022 to 2028 which seeks *'to have regard to the Wexford County Council Noise Action Plan 2019-2023, in particular Appendix B Roadways Qualified for Noise Mapping, Appendix C Strategic Noise Maps and Appendix D Potential Noise Hotspots, in the preparation of future local area plans and to ensure that planning applications comply with the provisions and requirements of that plan, and any future revisions/update to it.'* and to also conflict with Objective N04 of the Wexford County Development Plan, 2022 to 2028 which seeks *'to incorporate the aims of the present and future noise action plans into local area plans and in the assessment of planning applications to protect larger areas from road noise.'* The Commission considered that the development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

3. Having regard to Objective NH09 of the Wexford County Development Plan, 2022 to 2028 which seeks *'to ensure the protection of areas, sites and species and ecological networks/corridors of local biodiversity value outside the designated sites throughout the county and to require an ecological assessment to accompany development proposals likely to impact on such areas or species.'* and having regard to the size, scale and nature of the development proposed to be retained, and the potential for ecological impacts to arise, it is considered by reason of the absence of a suitably scoped Ecological Impact Assessment Report, including an appraisal of potential Invasive Species and observation of appropriately sized riparian zones throughout, that the development proposed to be retained conflicts with Objective NH09. The proposed development, as presented, did not include an Ecological Impact Assessment Report which would have assisted the Commission in determining the ecological baseline and the overall ecological impact of the proposal. The Commission considered that the development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

Note:

The Commission noted Objective NH08 of the Wexford County Development Plan, 2022 to 2028 which is *'To ensure that any plan/project and any associated works, individually or in combination with other plans or projects, are subject to Screening for Appropriate Assessment to ensure there are no likely significant effects on any Natura 2000 site(s) and that the requirements of Article 6(3) and 6(4) of the EU Habitats Directive are fully satisfied. Where a plan/project is likely to have a significant effect on a Natura 2000 site or there is uncertainty with regard to effects, it shall be subject to Appropriate Assessment. The plan/project will proceed only after it has been ascertained that it will not adversely affect the integrity of the site or where, in the absence of alternative solutions, the plan/project is deemed by the competent authority imperative for reasons of overriding public interest.'* The Commission also noted the contents of a submission from the Department of Housing, Local Government and Heritage dated 13 December 2024, which referred to a site visit by the Department on 28 November 2024, and offered observations

regarding two watercourses which border the site to the north (the Rosnastraw Stream (_010) and an unnamed stream which flows into the Rosnastaw Stream 150 metres downstream) and three direct connections between the site and these watercourses. The Commission noted the Department's observation that given the three water receptor points on site, therefore without mitigation, there may be the potential for release of large amounts of silt and sediment material into the Rosnastraw Stream, which flows into the River Derry 6.7 kilometres downstream, at which point the river forms part of the Slaney River Valley Special Area of Conservation (SAC) (Site Code:00781) a designated Natura 2000 site. Having regard to the nature of the development proposed to be retained, which is partially located within Flood Zone A, the potential release of siltation and sedimentation into existing watercourses on site which are connected to the Rosnastraw Stream, and the associated ecological risks arising, ordinarily this might have warranted further consideration by the Commission, including the circulation to the parties of the Department's submission dated 28 November 2024, and potentially a request for further information including a Natura Impact Statement to facilitate a Stage 2 Appropriate Assessment. In this instance however, given the substantive reasons for refusal set out above, it was decided not to pursue this matter under the current appeal.