



Planning and Development Acts 2000 to 2018

Planning Authority: Wexford County Council

Planning Register Reference Number: 20181317

Appeal by Michael Murphy and Lorraine O'Donoghue of Sheelan, Orchard Lane, Ardavan, Wexford and by John Molloy of 5 Orchard Close, Ardavan, Wexford against the decision made on the 16th day of November, 2018 by Wexford County Council to grant subject to conditions a permission to Ardavan Developments Limited care of John Quigley and Associates Limited of 2-3 North Street, New Ross, County Wexford in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for the erection of a 1,358 square metre industrial unit to include a manufacturing area and office accommodation together with all associated and ancillary site works at Ardavan Business Park, (E.D. Ardavan), Ardavan, County Wexford.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the zoning of the site, the nature and scale of the proposed development, and 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 result in flooding impacts on existing residential properties, would not seriously injure the residential amenities of the area, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that the proposed development would not give rise to an increased risk of residual downstream flooding.

Conditions

1. The 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 (applicant's response to appeals) received by An Bord Pleanála on the 21st day of January, 2019, 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. The use of the proposed development shall be limited to 'light industrial building' as defined by Article 5(1) of the Planning and Development Regulations, 2001, as amended.

Reason: In the interest of clarity.

3. The developer shall design the surface water attenuation in accordance with SUDS Manual CIRIA C753. The attenuation pond shall be of adequate size to accommodate the additional storage requirements from the proposed development. This shall be carried out and demonstrated on site prior to the commencement of the development. The maximum discharge shall also be in accordance with that granted under the current Foreshore Licence referred to as part of this application. The development shall be carried out in accordance with the agreed attenuation scheme and no surface water shall be discharged onto the public road.

Reason: In the interests of public health and traffic safety.

4. Prior to first occupation of the building, the access road and services permitted under planning register reference number 20150940 shall be completed.

Reason: In the interest of orderly development.

5. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-
 - (i) An Leq, one hour value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq, 15 minute value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics – Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

6. The landscaping scheme shown on drawing number Sheet 1 of 1 as submitted to the planning authority on the 24th day of September, 2018 shall be carried out within six months of the date of commencement of development. 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 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.

7. Comprehensive 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 the proposed development is made available for occupation.

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

8. 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.

John Connolly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.