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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 20190744**

**Appeal** by S. O'Maolmhuaidh of 5 Orchard Close, Ardcahan, Wexford against the decision made on the 10<sup>th</sup> day of July, 2019 by Wexford County Council to grant subject to conditions a permission to Kent Stainless (Wexford) Limited care of Paul O'Brien Associates of Seaview, Forth Mountain, County Wexford in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Proposed erection of a storage/warehouse building together with all associated and auxiliary site works, all at Ardcahan, 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 seriously injure the visual or 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.

## **Appropriate Assessment Stage 1 Screening**

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects (including those arising from surface water drainage) from the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' Conservation Objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects,

would not be likely to have a significant effect on European Sites, the Slaney River Valley Special Area of Conservation (Site Code: 000781) and Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076) or any other European site, in view of the sites' Conservation Objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

## Conditions

1. The development shall be carried out and completed 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 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 developer shall design the surface water attenuation in accordance with SUDS Manual C753 CIRIA. 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 permitted under the current Foreshore Licence referred to in the submission received from the applicant by the Board on the 4<sup>th</sup> day of September, 2019. 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.

3. (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,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.  
and
  - (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.

4. 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 interests of public safety and visual amenity.

5. 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.

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**Maria FitzGerald**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**