

An  
Bord  
Pleanála

## Board Order ABP-320217-24

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Wexford County Council**

**Planning Register Reference Number: 2023/1258**

**Appeal** by Denise O'Connor Murphy of 24 Pinewood, Wexford and by Alphie and Rosaleen Roche of The Rise, Killeens, Wexford against the decision made on the 28<sup>th</sup> day of June, 2024 by Wexford County Council to grant subject to conditions a permission to Drover Foods Limited care of R.C. Design Services Limited of Design Studio, Old Castle View, Kilgobbin Road, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Permission for the relocation (and part demolishing) of the existing ESB substation, construction of a storage area (approximately 150 square metres) not greater than 10 metres high, demolition and replacement of existing plant room and storage space with additional multi-purpose production space. Retention of loading bay extension (87 square metres), plant room extension (24 square metres), relocated access stairs (20 square metres), and temporary storage containers (180 square metres), and modifications to the existing car parking layout together with associated site works, all at Whitemill Industrial Estate, County Wexford.

## **Decision**

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

### **Reasons and Considerations**

Having regard to the nature and extent of the proposed development and development proposed to be retained, the urban brownfield nature and the established use of the site for a food manufacturing business and associated manufacturing activities in an industrial park with connections to urban water and wastewater services, the planning history of the site, the availability of access to the national primary road network, the pattern of development in the vicinity, and the provisions of the Wexford County Development Plan 2022-2028, it is considered that, subject to compliance with the conditions set out below, the proposed development and development proposed to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety. The proposed development and development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.



## Conditions

1. The development shall be retained, 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 7<sup>th</sup> day of June, 2024, 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 the commencement of development and the development shall be retained, carried out and completed in accordance with the agreed particulars.

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

2. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Éireann to provide for a service connection to the public water and wastewater collection network and shall adhere to the standards and conditions set out in the agreement. There shall be no discharge to the sewer except in accordance with the consent granted by Uisce Éireann.

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

3. Prior to commencement of development, the developer shall submit detailed proposals in relation to the surface water/storm water drainage arrangements for the written agreement of the planning authority. The surface water drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. These arrangements shall also provide for silt traps and petrol/oil interceptors, as appropriate.

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

4. During the operational phase of the development, the noise level shall not exceed the following:
- (a) 55 dB(A) rated sound level between the hours of 0700 to 1900 Mondays to Saturdays,
  - (b) 42dB(A) between the hours of 1900 to 0700 Sundays and bank holidays, and
  - (c) no impulsive or tonal element shall be above 5bB(A) above the adjacent frequencies when measured from the nearest facing elevation outside of any dwelling.

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

5. (a) All waste oils and any other hazardous waste materials shall be stored appropriately and collected, recovered or disposed of in accordance with the Waste Management Act 1996, as amended, and records of such shall be kept on site.
- (b) All hazardous liquid waste or oil/fuel storage containers, temporary or otherwise, shall be bunded. All bunds shall be designed to contain 110% of the capacity of the largest storage container located within the bund. There shall be no overflow drain facility from any bunds on site and all filling and off take points shall be located within a bund.
- (c) Any construction and demolition waste generated during the construction phase which cannot be re-used on site shall be disposed/recovered at an appropriately permitted facility in accordance with the requirements of the Waste Management Act 1996, as amended.

- (d) Facilities shall be provided for the collection and segregation of recyclable waste. Wastes shall be collected for recycling/reuse whenever feasible or otherwise disposed of in accordance with the Waste Management Act 1996, as amended.

**Reason:** In the interest of protecting the environment and in the interest of public health.

6. Prior to commencement of development, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.


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

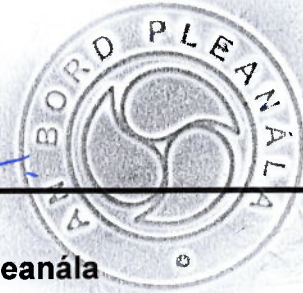
7. (a) A landscaping scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the front of the building. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season prior to commencement of construction works.
- (b) The existing cypresses hedge to the south of the building shall be retained.
- (c) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development works, 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 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.

  
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**Mick Long**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this *3<sup>rd</sup>* day of *April* 2025.