



Planning and Development Act 2000, as amended

Planning Authority: Wexford County Council

Planning Register Reference Number: 20240510

Appeal by Stephen Byrne care of Nicholas Redmond of Stephen Byrne Plant Hire and Civil Engineering Contractors, Solicitors Office, Dublin Road, Gorey, County Wexford against the decision made on the 14th day of August, 2024 by Wexford County Council to grant, subject to conditions, a permission to Tom and Pat Redmond care of Brock McClure Planning and Development Consultants of 63 York Road, Dun Laoghaire, County Dublin for development comprising change of use of the existing building number 3 previously granted permission under planning register reference number 20181795 from industrial unit to builders' providers including the provision of a roundabout at the junction of the R772 and L5032 along with permission for retention of the as built building including alterations to the elevations and a slight increase in floor area from that previously granted under planning register reference number 20181795, all at Ballyloughan, Ballynestragh, County Wexford.

Decision

GRANT permission for the retention of the as built building including alterations to the elevations and a slight increase in floor area from that previously granted under planning register reference number 20181795 in accordance with the said plans and particulars based on the reasons and

considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the change the use of the existing building number 3 previously granted permission under planning register reference number 20181795 from industrial unit to builders' providers including the provision of a roundabout at the junction of the R772 and L5032 for the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the Wexford County Development Plan 2022-2028 and the Gorey and Environs Local Area Plan 2017-2023 (as extended), it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the amenity of the area and would therefore be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 23rd day of July 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 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. No signage, advertising structures, advertisements, security shutters or other projecting elements, including flagpoles, (including that which is exempted development under the Planning and Development Regulations, 2001 as amended), other than those shown on the drawings submitted with the

application, shall be erected or displayed on the buildings or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

3. 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 Coimisiún 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.

Reasons and Considerations (2)

Having regard to the provisions of Flood Risk Management Objectives FRM07 and FRM08 of the Wexford County Development Plan 2022 to 2028, and in the absence of a sufficiently clear analysis, it is considered that the proposed roundabout element has not satisfactorily demonstrated adherence to Section 5.53 of Volume 11 of the development plan (Strategic Flood Risk Assessment). The proposed development would, therefore, be contrary to the proper planning and

sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse the proposed development in relation to the land use zoning, the Commission considered the submissions on the file, the modest scale of existing retail uses at this location, and the nature of the proposed change of use to builders' provider as part of this application and was satisfied, on balance, that it would not, in this case, negatively impact the amenity of the area and would allow the building to be brought into use without contravening, materially or otherwise, the zoning objective of the site. In addition, the Commission did not accept the Inspector's fourth recommended reason for refusal regarding the Water Framework Directive on the basis that the existing pumping station did not constitute part of the proposed development for consideration and that the proposed change of use and roundabout did not of themselves give rise to a significant risk of water pollution. Furthermore, while the Commission did concur with the Inspector that the principle of a roundabout and its significance in relation to traffic at this location may have benefitted from more comprehensive analysis and justification, given the substantive reason for refusal it was decided not to pursue the matter further at this time.

Eamonn James Kelly

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Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**

Dated this 2nd day of January, 2026