



An
Bord
Pleanála

Inspector's Report ABP-300908-18

Development

A new car showroom including mezzanine, workshop, stores, staff facilities and separate detached single storey valeting building. External car customer / display parking spaces, site lighting, building signage and 1 No. totem sign. Boundary fencing to secure car compound area. Connections to existing public mains sewer and water services and all associated site works.

Location

Crosstown, Co. Wexford.

Planning Authority

Wexford County Council

Planning Authority Reg. Ref.

20171277

Applicant(s)

Trinity JLR Ltd.

Type of Application

Permission

Planning Authority Decision

Grant subject to conditions

Type of Appeal

Third Party v. Decision

Appellant(s)

John Molloy

	Edel Nolan
Observer(s)	None.
Date of Site Inspection	27 th September, 2018
Inspector	Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located in the townland of Crosstown, Ardcavan, Co. Wexford, approximately 1.2km north of Wexford Bridge and 3km south of Castlebridge, where it occupies a position along the western side of the R741 Regional Road adjacent to its junction with a minor local road (Crosstown Road) which extends westwards to provide access to St. Ibar's cemetery and neighbouring housing. Whilst the surrounding area is peripheral to Wexford town and retains a rural quality, it is characterised by a prevalence of piecemeal development along the approach road to the town which includes a multitude of residential and commercial properties, including several examples of car sales showrooms. The site itself has a stated site area of 1.17 hectares, is irregularly shaped, and forms part of a larger agricultural field. It is bounded by mature hedgerow along the local road to the southeast with more intermittent vegetation alongside the main regional road to the east whilst the northern site boundary is not physically defined at present. To the immediate west / southwest, a housing development known as 'Crosstown Manor' is presently under construction with the access road to same bounding the application site. Further housing construction is also underway along the southern side of Crosstown Road.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
- The construction of a new car showroom, including a mezzanine floor level, workshop, stores, and associated staff facilities.
 - The construction of a separate detached, single storey valeting building, including a wash bay.
 - The provision of external staff, customer and display car parking spaces etc.
 - The erection of 1 No. internally illuminated, double-sided, totem sign.
 - Associated site development works including lighting, signage, boundary fencing to the secure car compound area, and connection to public services.

N.B. The proposed junction realignment works (as detailed on the site layout plan, Drg. No. P17.071 – PP.05) will involve the carrying out of works outside of the application site and would appear to be the responsibility of the Local Authority.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Following the receipt of a response to a request for further information, on 19th January, 2018 the Planning Authority issued a notification of a decision to grant permission for the proposed development subject to 6 No. conditions which can be summarised as follows:

Condition No. 1 – Refers to the submitted plans and particulars.

Condition No. 2 – Refers to the payment of a development contribution in the amount of €28,598 towards the provision or improvement of public roads.

Condition No. 3 - Refers to the payment of a development contribution in the amount of €14,212 towards the provision or improvement of community facilities.

Condition No. 4 – Prohibits the discharge of surface water runoff from roofs and paved areas etc. onto the public road.

Condition No. 5 – Refers to the implementation of a landscaping scheme.

Condition No. 6 – Requires best practice construction and environmental safeguards, in addition to the attenuation measures outlined in the application documentation and the ecological report, to be implemented in full in order to prevent the discharge of contaminated waters during the construction and operational phases of the development.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports:

An initial report indicated that the proposed development was acceptable in principle, however, concerns were subsequently as regards the proposed surface water drainage arrangements, the potential for the proposal to exacerbate downstream flooding, and the need for the project to be correctly screened for the purposes of appropriate assessment.

Following the receipt of a response to a request for further information, a final report was prepared which stated that the amended drainage arrangements, including the proposal for surface water attenuation with a controlled 'greenfield' rate of discharge, were acceptable and would not exacerbate downstream flooding. Furthermore, having regard to the revised screening statement, it was considered that the proposed development would not have a significant effect on any Natura 2000 site. The report thus concluded by recommending a grant of permission, subject to conditions.

3.2.2. Other Technical Reports:

Environment: No objection, subject to conditions.

Fire Authority: Refers to the requirement to obtain a Fire Safety Certificate.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

3.4.1. A total of 4 No. submissions were received from interested parties and the principle grounds of objection contained therein can be summarised as follows:

- Traffic safety implications, including the potential for increased traffic volumes / congestion and the adequacy of the junction arrangement onto the heavily trafficked R741 Regional Road.
- Concerns with regard to the potential for car transporters to be unloaded from the public road.

- The unsuitability of the site location for the type of development proposed.
- Inadequacy of the proposed surface water drainage arrangements and the potential to exacerbate downstream flooding.
- The potential for pollution of the Slaney River Valley Special Area of Conservation.
- The undermining of Wexford town.
- The inadequacy of the water and wastewater infrastructure serving the area.
- Concerns as regards the impact of the development on a nearby wildfowl reserve.
- The misleading and inadequate nature of the site notice.

4.0 Planning History

4.1. On Site:

PA Ref. No. 20161102. Was granted on 25th November, 2016 permitting Elaine Roche permission for the construction of a new agricultural entrance.

4.2. On Adjacent Sites:

PA Ref. No. 20171338. Was granted on 24th January, 2018 permitting LHM Properties Holdings Ltd. permission for a residential development of 9 No. fully serviced dwelling houses comprising of 5 No. single storey 4 bedroom detached units and 4 No. two storey 4 bedroom detached units together with landscaping / communal public open spaces and connection to existing local public mains services and all associated site works. All at Crosstown, Co. Wexford.

4.3. On Sites in the Immediate Vicinity:

PA Ref. No. 20160169. Was granted on 13th April, 2016 permitting LandDev Ventures Ltd. permission for the construction of 4 No. fully serviced dwelling houses and all associated site works to include connection to the public foul water system on the regional road R741. All at Crosstown, Wexford.

PA Ref. No. 20160633. Was granted on 29th July, 2016 permitting LandDev Ventures Ltd. permission for the construction of 3 No. fully serviced dwelling house

and all associated site works to include connection to the public foul sewer system on the regional road R741. All at Crosstown, Wexford.

PA Ref. No. 20160970 / ABP Ref. No. PL26.247934. Was granted on appeal on 5th September, 2017 permitting Liam Neville Construction Limited permission for the construction of 24 number fully serviced dwelling houses and all associated site works, all at Crosstown, Ardavan, Wexford.

PA Ref. No. 20161426 / ABP Ref. No. PL26.249001. Was refused on appeal on 31st October, 2017 refusing Michael Hayes permission for (A) Erection of 59 number dwelling houses consisting of detached and semi-detached units; (i) six number two bedroom, (ii) 36 number three bedroom, (iii) 15 number four bedroom and (iv) two number five bedroom; along with all associated site works to facilitate the development. The residential development shall be completed in six phases. (B) Two number car dealership showrooms along with service and repair facilities (circa 718 square metres for each unit), on-grade display parking and two number monolith signs (six metres high by two metres wide); and all associated site works to facilitate the development. (C) Five number commercial/light industrial units consisting of four number units measuring circa 552 square metres and one number unit of circa 1,460 square metres; hard standing and parking; along with all associated site works to facilitate the development. (D) All internal roadways, footpaths, public open spaces, formal and informal play areas, proposed new vehicular entrance with associated re-lining of R741, footpath and cycle-way at site boundary with the public roadway, associated boundary treatments, landscaping, drainage and all other works required to facilitate the development, all at Crosstown, ED Ardavan, Ardavan, Co.

Wexford:

- Having regard to the zoning of the site and the specific objectives, as set out in the Wexford Town and Environs Plan 2009 for Master Zone 1: Ardavan or Knottstown/Graanagam that residential development is generally not permitted unless to meet local housing need, it is considered that the proposed residential element of the development, would materially conflict with the policies and objectives of the Plan and would be contrary to the proper planning and sustainable development of the area.

- The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas 2009 recommend a sequential and coordinated approach to residential development, whereby zoned lands should be developed so as to avoid a haphazard and costly approach to the provision of social and physical infrastructure and where undeveloped lands closest to the core and public transport routes be given preference. It is considered that the site is located in an area which is remote and isolated from other areas of consolidated residential development and not in line with the orderly expansion of the settlement. Having regard to the significant scale of residential development proposed, the absence of good pedestrian linkages and the lack of social and community facilities in the vicinity, it is considered that the proposed development would be excessively car dependent and would, therefore, be contrary to the Guidelines and to the proper planning and sustainable development of the area.
- Having regard to the location of the site within an 80 km/h zone and the multiplicity of access points in the vicinity, the Board is not satisfied on the basis of the submissions made in connection with the planning application and appeal, that the proposed development, which is to be served by two additional access points would not give rise to a traffic hazard by reason of the additional traffic turning movements generated by the development and which may interfere with the safety and free-flow of traffic on the public road.
- Having regard to the surface water drainage proposals for the site that require downstream works of uncertain scope on third party land, the Board is not satisfied that the proposed development would not give rise to an increased risk of residual flooding on such lands. The proposed development would, therefore, be prejudicial to public safety and contrary to the proper planning and sustainable development of the area.

PA Ref. No. 20170518 / ABP Ref. No. PL26.248847. Was granted on appeal on 17th November, 2017 permitting J.A. Boland and Sons (Wexford) Limited permission for the erection of a light industrial building and extension of internal access road together with all associated site works and ancillary services at Ardavan, Castlebridge, Co. Wexford.

PA Ref. No. 20170585. Was refused on 4th July, 2017 refusing Elaine Roche permission for 1) The realignment of an existing driveway and entrance at Crosstown House 2) The construction of a new driveway and commercial entrance to service the future development of other lands 3) Connection of these entrances into the existing road infrastructure, at Crosstown, Ardavan, Co. Wexford, for the following reason:

- Given the ambiguity in the proposed use, lack of surface water calculations and details for disposal, and possible public safety hazard two parallel urban roads would present, it is considered that the proposed development would represent an incongruous feature at this location and would be likely to give rise to a traffic hazard.

PA Ref. No. 20170692. Was granted on 12th July, 2017 permitting Bannon Developments Ltd. permission for retention and completion of elevational alterations and for change of use of approved garage areas to living accommodation to 3 No. dwelling units approved under PA Ref. No. 20160633. All at Crosstown, Wexford.

5.0 Policy Context

5.1. Development Plan

5.1.1. Wexford Town & Environs Development Plan 2009-15:

(N.B. Pursuant to the provisions of Part 8 of the Electoral, Local Government and Planning and Development Act, 2013, the lifetime of the Wexford Town and Environs Development Plan, 2009-2015 has been extended and, therefore, the Plan will continue to have effect until 2019, or such time as a new County Development Plan is made. It should be read together with the Wexford County Development Plan 2013-2019).

Land Use Zoning:

The proposed development site is located in an area zoned as 'Neighbourhood Centre / Mixed Use' with the stated land use zoning objective 'To provide for a new Neighbourhood Centre and associated facilities'.

(N.B. For the purposes of clarity, I would advise the Board that there would appear to be a degree of confusion as regards the relevant land use zoning applicable to the subject site. In this respect it should be noted that although the land use zoning maps identify the site as having been zoned for *'Neighbourhood Centre / Mixed Use'*, Chapter 11: *'Development Management Standards'* of the written statement makes no reference to any such zoning and instead refers to the site as being zoned for *'Neighbourhood Centre'* purposes. However, from a review of the wider information available, and noting that the written statement takes precedence, I am satisfied that the aforementioned zonings are essentially one and the same and are thus interchangeable).

In accordance with the Zoning Matrix Table included with Map No. 21: *'Master plan zones'* it can be confirmed that the development of a *'Motor sales showroom'* is open for consideration within this land use zoning.

Explanatory Note:

This zoning provides for the development of a new neighbourhood centre to serve the needs of residential areas. A mix of retail, community and recreational development is sought in this zone. Only limited residential development sufficient to ensure the viable and satisfactory working of the neighbourhood centre will be considered in this zone. This centre is intended to serve the immediate needs of the local working and residential population and complement, rather than compete with the established Town Centre. Medical clinics and professional offices, workshops, a creche, small convenience stores, or café are all envisaged in this zone. No single shop unit shall be greater than 1500 sq.m., gross floor area. This threshold shall be monitored over the period of this Development Plan.

Other Relevant Sections / Policies:

Chapter 3: Development Strategy:

Section 3.2: Development Strategy

Section 3.3: Masterplan Development Strategy

Section 3.4: Masterplan Zones

The proposed development site is located within *'Zone 2: Crosstown'*.

Section 3.6: Neighbourhood Centres:

It is intended that the Neighbourhood Centres are not merely to facilitate the standard suburban expansion, but rather be at the heart of stimulating economic and commercial growth whilst working in synergy with the Town Centre on the one hand and facilitating the amenity of the existing environment on the other. The Neighbourhood Centres identified will serve a local shopping function providing retail and service outlets within walking distance of the surrounding catchment area. They should also contain a range of community services such as childcare etc.

Policy NC1: To provide for an adequate and appropriate scale of retail and other services within the existing and proposed residential areas.

Chapter 4: Economic Development

Section 4.2: Economic Strategy

Section 4.9: Development Patterns: b) Neighbourhood Centres:

Neighbourhood Centres are defined in the Retail Planning Guidelines as:

“small group of shops typically comprising a newsagent, small general store, post office and other small shops serving a small localised catchment population”.

There are currently a number of Neighbourhood Centres within the Town. It is envisaged that as the population grows the town will experience increased demand for these centres. A number of additional neighbourhood centres are provided for in the masterplan zones.

Chapter 9: Infrastructure:

Section 9.5: Roads

Section 9.8: Surface Water Quality, Drainage Systems, Flood Control and the Water Framework Directive

Chapter 10: Design Guidance

Chapter 11: Development Management Standards:

Section 11.09: Building Sustainability:

Section 11.09.05: Commercial Development

5.2. Natural Heritage Designations

5.2.1. The following Natura 2000 sites are located in the immediate vicinity of the proposed development site:

- The Slaney River Valley Special Area of Conservation (Site Code: 000781), approximately 300m east of the site.
- The Wexford Harbour and Slobbs Special Protection Area (Site Code: 004076), approximately 300m east of the site.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. John Molloy:

- In the absence of any on-site facilities for the circulation and / or loading / unloading of car transporters, the likelihood is that such activities will be conducted from the heavily trafficked public road (i.e. the R741 Regional Road) in a manner similar to other car sales developments in the area and, therefore, the proposed development will serve to endanger public safety by reason of traffic hazard and will also give rise to traffic congestion.
- Both Crosstown Road and its junction with the R741 Regional Road are inadequate to accommodate the turning movements of a fully laden car transporter / articulated vehicle.
- There has been no swept-path analysis of a car transporter safely entering / exiting the application site.
- No consideration would appear to have been given to the topography and alignment of the surrounding road network in order to determine its suitability for the proposed use.
- The proposed development would undermine the competitiveness of local garages and thus give rise to unemployment.

- The proposed garage is not compatible with the surrounding pattern of low-density residential development and agricultural use.
- The Planning Authority would not appear to have considered the Board's previous determination of ABP Ref. No. PL26.249001 on a nearby site which sought to direct surface water runoff to the same discharge point. In particular, Reason No. 4 of that decision stated the following:

'Having regard to the surface water drainage proposals for the site that require downstream works of uncertain scope on third party land, the Board is not satisfied that the proposed development would not give rise to an increased risk of residual flooding on such lands. The proposed development would, therefore, be prejudicial to public safety and contrary to the proper planning and sustainable development of the area'.

- In its decision to grant permission for the subject proposal, the Planning Authority has imposed a single condition to prevent flooding of the public road, however, there has been no consideration of the surrounding land or watercourses.
- There is no evidence on file to suggest that the Local Authority has considered the entirety of the local catchment area in a holistic or coherent manner. Furthermore, there has been no critical assessment of the resilience of the catchment against climate change.
- The surrounding lands are low-lying with indications of poor drainage whilst some of the watercourses are prone to flooding. These same watercourses are tidal when suitable conditions prevail (as was particularly noticeable during Storm Ophelia and in December, 2017).
- Surface water from the proposed development site drains through a newly constructed (2015) one metre diameter culvert under the R741 Regional Road at a nearby car (Audi) dealership before subsequently proceeding along the boundary of Derek Kent's land and through a 150mm culvert at the end of Orchard Lane whereupon it opens into a tidal ditch which leads to the sea. Mr. Kent improved his boundary drainage when the culvert was being constructed in 2015, however, this area continues to be low lying and prone to flood events.

The increased water flow passes through a narrow (150mm diameter) culvert at the end of Orchard Lane, Ardcavan, which serves as a pinch-point during flood conditions. On immediate completion of the works involving the 1m culvert under the regional road and the improvements to Mr. Kent's boundary ditch (which coincided with a period of very wet weather), the public road at the end of Orchard Lane was flooded to a depth of several inches (please refer to the accompanying photographs). The roadway subsequently flooded again on several other occasions during periods of heavy rainfall.

Such is the extent of flooding that any exacerbation of same will result in properties in Orchard Close becoming inaccessible during periods of bad weather. Indeed, a bridge will have to be constructed in order to maintain access in such conditions.

- The low-lying drainage ditch (through which the surface water runoff will flow) is overgrown and flooded the majority of the time to a greater depth and width that was the case prior to the completion of the culverting works and the improvements undertaken to Mr. Kent's land. This ditch is also of a tidal nature a short distance downstream which serves to further limit its drainage capacity.
- There has been no investigation of the flooding issues in the area and it is considered that any further development in the Crosstown / Ardcavan area would serve to exacerbate same.
- At a minimum, the following issues require consideration:
 - Whether or not there is an adequate safety margin between the ditch at Orchard Lane and the Highest Astronomical Tide (HAT) at Wexford Bridge in order to provide for adequate protection against a storm surge (as was experienced in the early 2000s when the Wexford Quays were overtopped by 0.5m).
 - Whether there is an adequate safety margin between the ditch and the Highest Astronomical Tide against the effects of any rise in sea levels attributable to climate change.

- The flooding of the existing public wastewater pumping station at the end of Orchard Lane and the need for suitable flood protection measures.
- The ditch at the end of Orchard Lane has no further drainage capacity (and is likely to deteriorate due to climate change).
- There has been no investigation of the adequacy of the surface water drainage system to cater for the runoff from the proposed development. A catchment study is required to assess any drainage proposals.
- Given the site topography, whilst it is possible that some or all of the surface water runoff may drain through another culvert under the Regional Road, it will ultimately discharge in the same place.
- In order to avoid further flooding within the catchment, surface water runoff must be discharged directly to the River Slaney, although it is the appellant's understanding that there is no such pipework within the Crosstown area.
- The existing surface water drainage system in the area is poorly maintained with instances of blocked gullies serving to exacerbate flood events.
- The surrounding road network has insufficient capacity to accommodate the proposed development, with particular reference to instances of traffic congestion along the R741 on the approach to Wexford Town and the limited sightlines available at the junction of Crosstown Road with the Regional Road.
- Given the site location, the subject proposal will undermine Wexford Town.
- The proposed development is not compatible with the town cemetery located a short distance away.
- No consideration has been given to the potential impact of the proposed development, such as by way of light pollution, on the Wexford Wildfowl Reserve.

6.1.2. Edel Nolan:

- Neither of the public notices makes any reference to the opening of a commercial entrance onto the Crosstown Road as part of the proposed development.

- The site notice was not erected at the location of the proposed entrance onto the Crosstown Road and was instead placed amongst a number of 'For Sale' signs located approximately 70m away along the R741 Regional Road. Accordingly, the site notice was not erected in a position so as to be open to public view and thus the application should have been declared invalid.
- The plans and particulars lodged with the planning application did not show the location of the site notice and, therefore, the application should have been invalidated.
- On 10th October 2017 a further planning application (PA Ref. No. 20171338) was lodged for a different part of the same field (of which the subject site forms part) which sought permission for a residential development that would share a joint entrance with the subject proposal onto the Crosstown Road. However, only one site notice was erected at this joint entrance and this related to PA Ref. No. 20171338 i.e. no comparable site notice pertaining to the subject application was erected at this location.
- The subject application was lodged on 26th September, 2017, however an inspection of the site notice was not undertaken until 13th November, 2017 (i.e. almost 7 No. weeks after the lodgement of the planning application).
- Two other planning applications lodged in the Crosstown area between November and December, 2017 were declared invalid by reference to the inadequacy of the site notices before the close of the submission date.
- Given the site location on a small peninsula area surrounded by tidal waters and the depth to the water table, careful planning is required to protect low-lying areas, natural drainage systems, and nearby sensitive sites such as the Slaney River Valley Special Area of Conservation and the Wexford Harbour and Slobbs Special Area of Conservation. In this respect the details provided with the initial planning application were not deemed sufficient to address certain issues with regard to the discharge of foul and surface waters and, therefore, the Planning Authority sought further information in relation to surface water drainage. In response to the aforementioned request, the applicant subsequently submitted revised proposals which proposed to connect the foul and surface water drainage system into property located

opposite the new entrance onto Crosstown Road, however, there is no correspondence on file to confirm that the relevant landowner has provided the applicant with a wayleave through their property for the proposed drainage works.

- The drain / culvert referenced in the submitted plans and particulars is located directly opposite the entrance serving the appellant's family home and her agricultural lands which form part of the border of the Special Area of Conservation.

All surface water runoff from the proposed development is to be disposed of via a series of agricultural drains to a Natura 2000 site (i.e. a Special Area of Conservation) located on the eastern side of the R741 Regional Road, *'subject to future culvert works'*. However, no mapping has been provided of the exact route and final point of discharge of this surface water nor have any details been submitted of consultations or flood risk assessments pertaining to those lands surrounding the SAC.

- The appellant maintains the drainage of her lands at great expense and effort in order to provide for the production of organic hay and the grazing of livestock, however, she was unable to make hay on the land in 2017 due to bad weather as the drains bordering the Special Area of Conservation were waterlogged. At present, the drains in question are full of stagnant water with nowhere for the water to go as the drainage channels in the SAC are blocked due to coastal erosion, tidal waters and climate change. There is no outlet between the townlands of Burgess and Ardcavan into Wexford Harbour. Furthermore, the applicant has not produced any correspondence from the National Parks and Wildlife Service as regards the discharge of extra surface water through the SAC to Wexford Harbour.
- The applicant is aware of the flooding issues in the area and has made no reference to its previous withdrawal of an earlier planning application (PA Ref. No. 20161457) wherein it was proposed to discharge surface water through third party lands into the Natura 2000 site / SAC. The concerns with regard to flooding in the area were previously acknowledged by the Board in its determination of ABP Ref. No. PL26.249001 (PA Ref. No. 20161426) and the

precedent set by that decision has not been taken into consideration in the assessment of the subject proposal.

- Crosstown Road has insufficient capacity to accommodate the traffic volumes associated with proposed development, particularly given the usage of the roadway by St. Ibar's Cemetery.
- The Planning Authority has previously refused permission for a commercial entrance onto the Crosstown Road at the boundary of the site under PA Ref. No. 20170585. Accordingly, it is submitted that the decision to permit a large car sales development at the location proposed is confusing given that it would endanger the safety of local residents and other road users.
- The need for potential car purchasers to test-drive vehicles will result in increased traffic volumes along the third class road.
- It is unclear how larger delivery vehicles will enter / exit the development given the width of the proposed entrance arrangement. Furthermore, the submitted plans do not include any provision for a drop-off area or turning circle whereby vehicles may be unloaded etc. within a safe environment.
- The proposed development will have a detrimental impact on the residential amenity of nearby properties by reason of increased traffic volumes, noise and disturbance etc.
- The notification of the decision to grant permission issued by the Local Authority does not impose any restriction on opening hours.
- The R741 Regional Road is heavily trafficked and is prone to congestion on the approach to Wexford Bridge. Moreover, although this is an important route into Wexford Town, there are no road markings along some sections of the roadway whilst there is also an absence of traffic calming areas, designated bus stops, and street lighting. The roadway is also considered to be substandard in places as regards its surface condition and the limited provision of footpaths and cycle lanes. In addition, the proposed new bridge crossing to Wexford has been deferred to 2030.
- The right-hand turning lane from the R741 Regional Road onto the Crosstown Road is of insufficient size to accommodate larger delivery vehicles and car

transporters etc. and will give rise to conflicting traffic movements with the nearby Vehicle Test Centre.

- The proposed access arrangements, with particular reference to traffic turning at the junction of Crosstown Road with the R741 Regional Road, will give rise to conflicting traffic movements which will serve to endanger public safety by reason of traffic hazard.

6.2. Applicant's Response

6.2.1. Response to Third Party Appeal of Edel Nolan:

- The site notice was erected in a prominent location and was inspected by the planning officer on 13th November, 2017. Moreover, the application was validated and the Planning Authority concluded that the site notice accorded with the requirements of the Planning and Development Regulations, 2001, as amended.
- The assessment of the subject application will be limited to the proper planning and sustainable development of the area and the Board will rely on the Planning Authority's validation of the application.
- The subject site is zoned as '*Neighbourhood Centre / Mixed Use*' wherein motor sales are '*open for consideration*'.
- The principle of the proposed development has been accepted, without reservation, by the Planning Authority. Indeed, during the course of pre-planning discussions concerning the broader use of the application site, it was noted in the minutes that:

'Principle of the car showroom is acceptable – removed traffic from Trinity Street in town'.
- The subject proposal supports the broader retail planning objectives of the Development Plan and helps to retain core retail activity within the town centre.
- The proposed development is not only compatible with residential uses, but also with the variety of other commercial and community uses which may occupy the adjacent 'mixed-use' lands to the north of the site. The

landscaping proposals, design, and minimal impact in terms of noise and dust etc., will also allow for other developments that conform to the land use zoning provisions.

- The proposed use will operate during normal business hours and is not anticipated to generate any noise or dust nuisance as has been demonstrated in the environmental control measures detailed in the submitted documentation.
- Car sales enterprises are characterised as ‘low volume – high value’ businesses and as such the proposed development is not anticipated to generate significant traffic volumes.
- The proposed development is unlikely to be incompatible with St. Ibar’s Cemetery given the separation distance from same and the low intensity of activity, including traffic volumes, associated with car sales operations.
- The proposed surface water drainage network has been designed to industry best practice with the greenfield runoff rate calculated pursuant to the CIRIA SuDS Manual and the Greater Dublin Strategic Drainage Study.
- The proposed drainage network has been designed to a 1 in 100-year event plus climate change using the IH124 methodology rate which takes account of the site specific characteristics of Soil Type (Winter Rain Acceptance Potential), Standard Annual Rainfall (taken from Met Eireann data for Bridgetown, Co. Wexford), and the size of the site.

The drainage network intercepts surface water flow on site and conveys it via a piped system to an on-site storage tank (which has been sized to attenuate a 1 in 100 year event from the developed site). The discharge from this tank will be controlled by a hydrobrake with the result that stormwater leaving the site will not exceed the flow of surface runoff from the existing greenfield land. The controlled runoff will then pass through an oil / silt interceptor before being conveyed via pipework to a manhole on the Crosstown Road whereupon the piped network will continue for a short distance before discharging into the Crosstown Stream which then flows into the Slaney River Valley SAC approximately 700m further downstream.

Surface water will be disposed of at a maximum discharge rate of 8.5l/s, which is less than the present greenfield runoff rate. The proposed drainage system will not increase the volume or flow rate of surface water runoff above that of the existing site.

- The proposed entrance has been designed having regard to the Transport Infrastructure Ireland guidelines for road design, the Wexford County Development Plan, 2014, and the directions provided by the Local Authority during the course of pre-planning discussions. Design measures were also taken to ensure best practice design for the type and nature of development proposed.
- The entrance arrangement onto Crosstown Road has already been granted planning permission under PA Ref. No. 2017/1338.
- Sightlines of 65m are available from the approved entrance in accordance with the requirements of the County Development Plan whilst it is also set back 35m from the junction of Crosstown Road with the R741 Regional Road.
- The design of the entrance arrangement will ensure that traffic entering / exiting the proposed development will not pose a risk to other road users. Furthermore, traffic turning manoeuvres can be safely accommodated at the junction of Crosstown Road with the R741 Regional Road as regards the existing and future layout of this intersection (please refer to Drg. No. PP-07).
- The refusal of PA Ref. No. 20170585 is not relevant to the subject proposal. That development was refused permission due to potential conflicts with access points sited immediately adjacent to the proposed road, the absence of drainage, and the need for clarity on the intended use of the roadway. The access arrangement for the subject development is positioned clear of adjacent access points, includes for suitable drainage management, and conforms with the applicable land use zoning objective.
- The site layout plan details the location of the service entrance to the proposed showroom etc. and all operational deliveries will be made via this entrance (please refer to the auto-track analysis detailed on Drg. No. PP-05). Delivery vehicles will not be parked along the R741 Regional Road and there will be no decanting of vehicles other than on-site as indicated.

- The potential number of vehicles undertaking ‘test-drives’ is not considered to be significant in the context of the existing road infrastructure. Furthermore, any such vehicle movements / trips will likely be spaced throughout the day and thus will not give rise to any significant increase in traffic volumes in the area.
- With regard to the intersection of Crosstown Road with the Regional Road, it is submitted that adequate provision has been made for right-hand turning traffic.
- The alignment of the junction of Crosstown Road with the Regional Road is due to be upgraded and this is consistent with the changes to the pattern of development in the surrounding area as envisioned in the Development Plan where the new Slaney Bridge will effect changes in both traffic movements and the distribution of settlement.
- The screening of the proposed development undertaken by both the applicant and the Planning Authority has concluded that significant impacts on Natura 2000 sites can be ruled out and that a Stage 2 Appropriate Assessment is not required.

N.B. The applicant’s response to the third party appeal lodged by Mr. John Molloy was received outside of the appropriate period of 4 No. weeks beginning on the date on which a copy of the appeal was sent by the Board and, therefore, the applicant’s comments in response to Mr. Molloy’s appeal cannot be considered.

6.3. Planning Authority’s Response

None.

6.4. Observations

None.

6.5. Further Responses

None.

7.0 Assessment

From my reading of the file, inspection of the site and assessment of the relevant local, regional and national policies, I conclude that the key issues raised by the appeal are:

- The principle of the proposed development
- Traffic implications
- Surface water drainage / flooding implications
- Impact on residential amenity
- Procedural issues
- Appropriate assessment
- Environmental impact assessment (screening)

These are assessed as follows:

7.1. **The Principle of the Proposed Development:**

- 7.1.1. From a review of *'Map No. 2: (Zone 2: Crosstown)'* of the Wexford Town & Environs Development Plan, 2009-2015, it can be confirmed that the proposed development site forms part of a larger landbank which has been zoned as *'Neighbourhood Centre / Mixed Use'* with the stated land use zoning objective *'To provide for a new Neighbourhood Centre and associated facilities'*, however, I would advise the Board that there is a discrepancy between this mapping and the written statement in that Chapter 11: *'Development Management Standards'* of the Development Plan makes no reference to the aforementioned zoning and instead seemingly refers to the site as being zoned for *'Neighbourhood Centre'* purposes. Whilst this discrepancy is regrettable and perhaps gives rise to a degree of confusion, I am satisfied that the aforementioned zonings are essentially interchangeable, although it should be noted that the written statement takes precedence. Therefore, in accordance with the Zoning Matrix Table attached to Map No. 21: *'Master plan zones'* of the Plan, it can be confirmed that the development of a *'Motor sales showroom'* is *'open for consideration'* within this land use zoning (as opposed to being *'acceptable in principle'* as stated in the Local Authority's assessment of the proposal) and in this respect a use which is open for consideration is defined as that which is *'generally*

acceptable except where indicated otherwise and where specific considerations associated with a given proposal (i.e. scale) would be unacceptable, or where the development would be contrary to the objective for a given area'. At this point I would draw the Board's attention to the explanatory details appended to 'Map No. 2: (Zone 2: Crosstown)' wherein it is stated that whilst the 'neighbourhood centre' is intended to comprise a local service centre, it would also be suitable for the siting of larger bulky goods (subject to retail impact assessment). Further clarity with regard to the purpose of the 'Neighbourhood Centre' land use zoning is provided in Section 11.02 of the Plan which states that it will accommodate a mix of retail, community and recreational developments to serve the immediate needs of the area (without competing with the town centre) and that uses such as professional offices and workshops are all envisaged within this zoning.

7.1.2. Accordingly, having regard to the foregoing, and noting the prevalence of comparable car sales outlets etc. alongside the R741 Regional Road in the vicinity of the application site, I am amenable to the principle of the proposed development at this location, subject to the consideration of all other relevant planning issues, including the impact, if any, of the proposal on traffic safety and residential amenity.

N.B. By way of further comment, whilst I would have some reservations as regards the implications of the subject proposal for the future development of the wider landbank given the specific land use zoning objective 'To provide for a new Neighbourhood Centre and associated facilities', I note that the housing scheme approved on those lands to the south of the subject site pursuant to PA Ref. No. 20160970 / ABP Ref. No. PL26.247934 included an indicative location for a new neighbourhood / local centre whilst the lands to the immediate north of the application site could also potentially be used to accommodate such a development.

7.2. **Traffic Implications:**

7.2.1. The proposed development will be accessed via a new entrance arrangement onto the local road (Crosstown Road) to the southeast of the site and in this respect I would advise the Board that this new access will also serve part of the adjacent residential development to the immediate southwest as approved under PA Ref. No. 20171338. By way of further clarity, it should also be noted that whilst the subject proposal only includes for the construction of the lower (southernmost) section of the

access road (in addition to the new entrance), the entirety of the roadway (from which a secondary access point to the proposed development will be obtained) and the entrance have already been permitted as part of the development approved under PA Ref. No. 20171338 which is presently under construction on the wider landholding. Moreover, it is apparent from a review of PA Ref. No. 20171338 that an indication was then given of the applicant's intentions as regards the future development of the subject site and thus the likelihood is that the potential cumulative traffic impact of same would have been taken into consideration in the Planning Authority's assessment of that application. Accordingly, it is clear that the principle of the proposed access arrangement onto the minor roadway (as opposed to the regional road) has been deemed to be acceptable.

- 7.2.2. In addition to the foregoing, it is of relevance to note that the proposed access road will have a carriageway width of 8m and will be flanked by 2m wide footpaths on either side of same. It is also evident from the submitted site plans that it is proposed to undertake a series of road improvement works as part of the overall development with the roadside boundaries to be set back to accommodate future road widening proposals as well as the provision of a new pedestrian footpath which will further serve to improve the available sight distance from the new entrance arrangement onto the public road. Furthermore, the site plan clearly confirms that the layout of the subject proposal has taken due cognisance of the need to facilitate the future road realignment and junction improvement works which are to be carried out by the Local Authority at this location (as identified in yellow on Drg. No. PP.05). It is of further relevance to note that the appeal site is one of several sites in the area under development or proposed for development within the framework of the Crosstown masterplan and that the local road network is being upgraded accordingly, either directly in association with the individual developments and / or on foot of development contributions levied against each development.
- 7.2.3. With regard to the specific concerns raised in the grounds of appeal that inadequate provision has been made for the on-site loading / unloading etc. of larger vehicles, particularly car transporters, I would refer the Board to Drg. No. PP-05 which details a swept-path analysis for articulated vehicles performing a three-point turn at the junction of the proposed service road with the secondary entrance to the application site. Whilst I would concede that it would be preferable if such turning movements

could be conducted entirely within the confines of the site, it should be noted that the proposed service road will be located within the identified private landholding and will not infringe on traffic movements along the public road. Therefore, I am satisfied that the subject proposal is unlikely to result in any undue obstruction of the public road. However, in the event that the Board should not concur with the foregoing, consideration should be given to the imposition of a condition in any decision to grant permission whereby the layout of the proposed development would be amended in order to accommodate the turning of larger articulated vehicles such as through the omission / repositioning of the proposed valeting building.

- 7.2.4. Accordingly, having regard to the nature, design and layout of the proposed development, the planning history of the surrounding area, the various road improvement measures planned for the area (with particular reference to the realignment of the junction of Crosstown Road with the R741 Regional Road), and the carrying capacity of the local road network, it is my opinion that the likely limited increase in traffic volumes consequent on the proposed development, in addition to the associated traffic turning movements, can be safely accommodated without giving rise to any undue traffic impact by way of congestion or the endangerment of public safety by reason of traffic hazard.

7.3. **Surface Water Drainage / Flooding Implications:**

- 7.3.1. The principle concerns raised in the grounds of appeal relate to the potential for the proposed surface water drainage arrangements to exacerbate downstream flooding in the vicinity of Orchard Lane and Orchard Close to the east of the R741. In this respect I would advise the Board that the subject proposal, as initially submitted to the Planning Authority, provided for the attenuation of surface water runoff from the developed site with the controlled discharge of same at a maximum 'greenfield' rate of 8.5 l/s via a hydrobrake to the public mains system located alongside the R741 Regional Road. This runoff would then drain to an '*existing stormwater outfall to open drain subject to future culvert works*' (Drg. No. 17.069.P.01) before passing through a culvert beneath the regional road to a field drainage system and ultimately discharging into Wexford Harbour. Notably, this arrangement would seem to have been reliant on the carrying out of works on lands outside of the applicant's control on the opposite side of Crosstown Road. However, in response to a request for further information, revised proposals were subsequently received by the Planning

Authority on 19th December, 2017 which proposed to dispose of attenuated surface water runoff from the site at a rate of 8.5 l/s to a newly constructed sewer line extending south-westwards along Crosstown Road which would connect into an existing stormwater drainage system through the neighbouring lands to the southeast before flowing through the culvert under the R741 to the field drainage system and onwards to Wexford Harbour.

- 7.3.2. On the basis of the available information, it would appear that the amended surface water drainage arrangements submitted to the Planning Authority on 19th December, 2017 will ensure that runoff from the proposed development will be satisfactorily attenuated on site with the rate of discharge limited to a maximum of 8.5 l/s thereby mimicking 'greenfield' run-off rates and avoiding any increase in surface water flow rates downstream. In this respect it should also be noted that the revised drainage details shown on Drg. No. 17.068.P.01(A) will avoid the need to carry out any additional works on third party lands. It is of further relevance to note that the existing surface water sewer which extends between Crosstown Road and the culvert under the Regional Road would appear to be in the charge of Irish Water and that the neighbouring developments recently approved under PA Ref. Nos. 20160633, 20160970 (ABP Ref. No. PL26.247934) & 20171338 will also be served by same.
- 7.3.3. Whilst I would acknowledge that reference has been made in the grounds of appeal to the decision of the Board to refuse permission for another development located further north along the R741 Regional Road under PA Ref. No. 20161426 / ABP Ref. No. PL26.249001 on the basis that it was not satisfied that the surface water drainage proposals for that scheme (which required downstream works of uncertain scope) would not give rise to an increased risk of residual flooding on third party lands, I would advise the Board that the aforementioned scheme sought to drain surface water runoff via an alternative route when compared to the subject proposal, although I would concede that the final stretch of this drainage arrangement would be common to both developments.
- 7.3.4. With regard to the potential for the proposed development to exacerbate flood events downstream, I would refer the Board to the most up-to-date flood mapping prepared by the Office of Public Works as part of its CFRAM programme (www.floodinfo.ie) which serves to inform the development of Flood Risk Management Plans for specific areas in addition to the proposed measures to be implemented. In this

respect it is of relevance to note that whilst the application site is not located in an area at risk of flooding, coastal flooding has been recorded further east in the vicinity of the final outfall of the local surface water / field drainage system to Wexford Harbour (as corroborated by the flood extent mapping detailed in the Strategic Flood Risk Assessment appended to the Wexford County Development Plan, 2013-2019).

- 7.3.5. On balance, it is my opinion that the surface water drainage arrangements (as amended) are acceptable in principle and will provide for the adequate servicing of the proposed development. Moreover, the inclusion of an on-site surface water attenuation system whereby runoff from the development will be limited to a maximum 'greenfield' discharge rate of 8.5 l/s will ensure that the proposal will not exacerbate downstream flood events (*N.B.* This is noticeably less than the 12 l/s limit previously accepted by the Board in its approval of a nearby residential development located to the south of Crosstown Road pursuant to ABP Ref. No. PL26.247934).

7.4. **Impact on Residential Amenity:**

- 7.4.1. Having regard to the nature, scale and design of the proposed development, the planning history of the area, the site context (with particular reference to its location within an emerging urban extension to Wexford Town and the applicable land use zoning), the surrounding pattern of development, which includes several examples of comparable development, and the typical business format of such enterprises, I am satisfied that the subject proposal will not give rise to any significant loss of residential amenity to neighbouring properties.

7.5. **Procedural Issues:**

- 7.5.1. In respect of the submission that the site notice was deficient and incorrectly displayed, in my opinion, the consideration of the adequacy of the public notices with regard to the validity of a planning application is the responsibility of the Planning Authority in the first instance and in this respect I would draw the Board's attention to the Planner's Report on file which confirms that the site notice in question was inspected by the case planner on 13th November, 2017 and was found to accord with the requirements of the Planning and Development Regulations, 2001, as amended. Accordingly, it would appear that the right of the appellant (Ms. Nolan) to make a submission on the subject application and to subsequently appeal the decision of the Planning Authority has not been prejudiced in this instance.

7.5.2. Similarly, the Planning Authority has already determined that the submitted plans and particulars comply with the minimum requirements of the Regulations and I am satisfied that the information available is sufficient to permit a reasoned assessment of the subject application.

7.6. **Appropriate Assessment:**

7.6.1. From a review of the available mapping, including the data maps from the website of the National Parks and Wildlife Service, it is apparent that whilst the proposed development site is not located within any Natura 2000 designation there are a number of protected sites within the wider area, including the Slaney River Valley Special Area of Conservation (Site Code: 000781) and the Wexford Harbour and Slobs Special Protection Area (Site Code: 004076), approximately 300m east of the site. In this respect it is of relevance to note that it is an objective of the Planning Authority, as set out in Chapter 8: '*Conservation and Heritage*' of the Wexford Town & Environs Development Plan, 2009-15, to conserve, protect and enhance in general the character of Wexford as defined by its natural heritage and biodiversity, built environment, landscape and culture. Furthermore, Objective NH7 of the Plan aims to prohibit development which would damage or threaten the integrity of sites of international or national importance, designated for their habitat / wildlife or geological / geomorphological importance, including the proposed Natural Heritage Areas, candidate Special Areas of Conservation, Special Protection Areas, Ramsar sites and Statutory Nature Reserves. In addition, Objective NH8 requires any project that has the potential to significantly impact on the Slaney River Valley and Wexford Harbour to be subjected to an appropriate ecological assessment.

7.6.2. By way of further clarity, I would refer the Board to Chapter 14: '*Heritage*' of the Wexford County Development Plan, 2013-2019 wherein it is stated that it is an objective to conserve and protect the integrity of sites designated for their habitat / wildlife or geological / geomorphological importance and to prohibit development which would damage or threaten the integrity of these sites, including SACs, cSACs, SPAs, NHAs, pNHAs, Nature Reserves, and Refuges for Fauna. Moreover, Objective NH03 aims to ensure that any plan or project and any associated works, individually or in combination with other plans or projects, will be subjected to Appropriate Assessment Screening to ensure there are no likely significant effects on the integrity of any Natura 2000 site and that the requirements of Article 6(3) and

6(4) of the EU Habitats Directive are fully satisfied. In those instances where the plan / project is considered likely to have a significant effect on a Natura 2000 site, it will be subject to Appropriate Assessment and will only be permitted to proceed 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 imperative for reasons of overriding public interest, all in accordance with the provisions of Articles 6(3) and 6(4) of the EU Habitats Directive.

- 7.6.3. In effect, a proposed development may only be authorised after it has been established that the development will not have a negative impact on the fauna, flora or habitat being protected through an Appropriate Assessment pursuant to Article 6 of the Habitats Directive. Accordingly, it is necessary to screen the subject proposal for the purposes of 'appropriate assessment'.
- 7.6.4. In terms of assessing the potential direct, indirect or secondary impacts of the proposed development on the conservation objectives of the aforementioned Natura 2000 sites, it should be noted at the outset that due to the location of the proposed works outside of any Natura 2000 designation, and the separation distances involved, it is clear that the subject proposal will not directly impact on the integrity of any European Site (such as by way of habitat loss or reduction). However, having reviewed the available information, in light of the nature and scale of the proposed development, the specifics of the site location relative to certain Natura 2000 sites, and having regard to the prevailing site topography, in my opinion, by employing the source / pathway / receptor model of risk assessment, it can be determined that particular consideration needs to be given to the likelihood of the proposed development to have a significant effect on the conservation objectives of the Slaney River Valley Special Area of Conservation and the Wexford Harbour and Slobbs Special Protection Area on the basis that the proposed development site is situated upstream of these Natura 2000 sites and thus drain towards same i.e. it will be necessary to consider the potential implications for downstream protected habitats etc. arising from any potential change in flows rates etc. or any deterioration in water quality attributable to the proposed works given the hydrological connectivity between the application site and those European sites.
- 7.6.5. Having reviewed the available information, and following consideration of the 'source-pathway-receptor' model, it is my opinion that given the nature and scale of

the development proposed, the availability of public mains services, the site location outside of any Natura 2000 designation, the limited ecological value of the lands in question, the separation distances involved between the site and nearby designations, and the surface water drainage arrangements proposed whereby runoff from the development will be attenuated on site and limited to a maximum 'greenfield' discharge rate of 8.5 l/s (in addition to the inclusion of a suitable oil / fuel interceptor), the proposal is unlikely to have any significant effect in terms of the disturbance, displacement or loss of habitats or species on the ecology of the aforementioned Natura 2000 sites. Therefore, I am inclined to conclude that the proposed development would not be likely to significantly affect the integrity of the foregoing Natura 2000 sites and would not undermine or conflict with the Conservation Objectives applicable to same.

- 7.6.6. Accordingly, it is reasonable to conclude on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects, would not be likely to have a significant effect on any European site, in particular, specific Site Codes: 000781 & 004076, in view of the relevant conservation objectives and that a Stage 2 appropriate assessment (and the submission of a NIS) is not therefore required.

7.7. **Environmental Impact Assessment (Screening):**

- 7.7.1. Having regard to the nature and scale of the development proposed, the site location outside of any protected site and the nature of the receiving environment, the limited ecological value of the lands in question, the availability of public services, and the separation distance from the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 **Recommendation**

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed

development for the reasons and considerations and subject to the conditions set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the location of the site within the Masterplan Zone 2 Crosstown, as provided for in the Wexford Town and Environs Development Plan, 2009 – 2015 (as extended), the pattern of development in the area, and the nature and scale of the development proposed, it is considered that the proposed development, subject to compliance with the conditions set out below, would accord with the zoning objective for the lands, would not seriously injure the amenities of the area or of property in the vicinity, would not give rise to a risk of flooding, 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.

10.0 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 submitted on the 19th day of December, 2017, 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. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

3. All service cables associated with the proposed development (such as electrical, television, telephone and lighting cables) shall be run underground within the site.

Reason: In the interest of orderly development and the visual amenities of the area.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of the visual amenities of the area.

5. No signs, symbols, shutters, screens or other such elements, other than those which were shown on the site layout plan and elevation drawings submitted with the application, shall be erected on the buildings on the site or displayed elsewhere on the site without the prior written consent of the planning authority whether or not they would otherwise amount to exempted development.

Reason: In the interest of clarity and visual amenity.

6. External lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development. Light fittings shall generally be low level and shall be cowled to prevent overspill.

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

7. The site shall be landscaped in accordance with a scheme of landscaping, details of which shall be submitted to the planning authority for agreement before development commences. The scheme shall include a timescale for its implementation.

Reason: In the interest of visual amenity.

8. Prior to commencement of development, the developer shall submit, and obtain the written agreement of the planning authority to, a plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage,

separation and collection of the waste and, in particular, recyclable materials, and for the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

9. 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

Robert Speer
Planning Inspector

11th October, 2018