



An
Bord
Pleanála

Inspector's Report ABP-302509-18

Development	Permission for the 1,440 sq. m. extension of the existing hard-standing/ secure car storage compound.
Location	Crosstown, Ardcahan, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20180866
Applicant(s)	Boland and Walsh Car Sales Ltd.
Type of Application	Permission
Planning Authority Decision	To Grant Permission
Type of Appeal	Third Party
Appellant(s)	John Molloy
Observer(s)	No observers
Date of Site Inspection	13.12.2018
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site with an area of 1.19ha is located on the western side of the R741 in the townland of Crosstown, Ardavan on the outskirts of Wexford Town. It is located approximately 3km from the town centre. The site currently accommodates an Audi Motor Sales show room, associated service facility, a single storey motor valeting building, car parking and a secure car compound. The existing buildings on the site have an area of 1,740 sq. metres. The site proposed for the extension currently comprises of scrubland and is located to the south of the existing valeting building.
- 1.2. Development in the vicinity of the site is primarily commercial in nature with some limited small scale residential. To the north of the site, is the Ardavan Business Park. This accommodates a range of commercial and office uses. Further to the south, on the opposite side of the R741, is a small scale residential development comprising a cluster of residential dwellings known as Orchard Lane/Close. There are a number of other car dealerships and commercial properties located on the R741. To the north, along the R741 are further detached dwellings and further commercial premises including a petrol filling station, car showrooms etc.

2.0 Proposed Development

- 2.1. The proposed development comprises a 1,440 sq. metre extension of the existing hard standing/secure car storage compound to the south of the existing Audi Motor Sales and Service facility. 68 no. additional secure parking spaces will be provided bringing the overall total to 177 car parking spaces. Development to include all associated site works and drainage. The existing access off the R741 will be retained to access the development. The compound will be bound by secure fencing comprising 2m high paladin fencing. The car storage areas will be illuminated by 6m lighting poles.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 To Grant Permission subject to conditions. All conditions standard in nature.

3.2. Planning Authority Reports

3.2.1. Planning Report (14.08.2018)

- The principle of an extension to the parking area of the motor sales showroom and a workshop at this location on a site with a land use zoning of commercial/mixed use under the Wexford Town and Environs Development Plan is acceptable to the Planning Authority.
- OPW Flood Map Category C. Localised spot indicated. The proposed use as a hard surface parking area is acceptable at this location and attenuation with discharge to storm sewer indicated to be agree with WCC prior to works.

3.2.2. Other Technical Reports

Executive Engineer (14.08.2018): Recommends Further Information regarding details of on site offloading/loading of vehicles and that a 2m footpath shall be installed to the front of the entire boundary of the landholding.

Chief Fire Officer (20.07.2018): No comment.

3.3. Prescribed Bodies

- No submissions received.

3.4. Third Party Observations

John Molloy, 5 Orchard Close, Ardavan, Co. Wexford

- Objects to the development due to the risk of flooding and refers to recent An Bord Pleanála decision on contiguous land.

4.0 Planning History

Planning Authority Reference 20140571

4.1 Permission granted in September 2014 for the construction of a single storey 630 sq. metre motor vehicle service and sales facility building with associated site works including on grade parking/car storage spaces, external signage and flagpoles and associated boundary treatment and drainage.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Wexford Town and Environs Development Plan 2009-2015 (as extended). The site is zoned Commercial/Mixed Use. Under the zoning matrix of the plan, motor sales showroom is open for consideration.

5.1.2 **Section 11.09.05** of the plan sets out guidance regarding commercial development. It notes that industrial/business park developments should present a pleasant aspect helped by tree planting, careful design of signage, screening of storage space and unobtrusive loading and parking space. **Section 11.13** sets out guidance regarding sightlines.

5.1.3 The plan identifies 20 master zones within the town. Each zone contains a vision of what the Planning Authority considers the most appropriate type of development in that location. The subject site is located within Zone 1: Ardavan or Knottstown/Graanagam.

5.1.4 The plan sets out specific objectives for the future development of lands at Ardavan and states:

- *Suitable for commercial mixed use. New individual access shall be limited.*
- *Suitable uses – car showrooms, offices, industrial, warehousing, bulky goods retail (subject to retail impact assessment), health and community, leisure.*

5.2. Natural Heritage Designations

5.2.1 The Wexford Harbour and Slobs SPA (site code 004076) and Slaney River SAC (Site Code 000781) is located approximately 0.5 km to the east of the subject site.

6.0 The Appeal

6.1. Grounds of Appeal

John Molloy, 5 Orchard Close, Ardavan, Wexford

- Considers that no adequate access to the site for car transporters has been provided and the development will thus cause a danger to the public and constitutes a traffic hazard. Notes that at present, car transporters unload outside the garage on the public road (R741) in the cycle lane. States that this practice is exacerbated by the proximity of the development to 10 other garages in the vicinity, 8 of which do not have the capacity to accommodate a car transporter within their own site boundaries.
- Notes that there is no swept analysis on the file to indicate how a car transporter will safely enter the site. Photographic evidence submitted indicating a transporter parked on the R741 blocking the road and cycle way. States that no regard has been had to the recommendation of the Area Engineer regarding off loading facilities within the site.
- Considers that the existing road infrastructure is inadequate to serve the development. Notes that the site is located at the commencement of the 80kmh zone and can suffer severe congestion. Sightlines from the entrance are inhibited.
- State that the local authority's decision contains a single planning condition relating to the prevention of surface water entering the public road and that

there is no consideration of the surrounding land or watercourses. Refer to previous decision of the Board – Appeal Reference PL26.249001.

- Notes that the area is low lying and subject to flooding in some of the local watercourses. Surface water from the proposed site drains through a newly constructed 1m diameter culvert under the R741 and proceeds to a 150mm culvert at the end of Orchard Lane and onto a tidal ditch to the sea. This narrow culvert is a pinch point in flood conditions. This has resulted in localised flooding. Photographic evidence submitted. Notes that the low lying ditch through which water flows is heavily overgrown and flooded much of the time. Concern that flooding will be exacerbated by the development due to an increase in surface water run off.
- Considers that there is no investigation or verification of the adequacy of the surface water drainage system to cater for the surface water from the proposed development in the vicinity. States that a surface water attenuation system is of very limited benefit and offers no protection on the event of serious flooding.
- States that the proposed garage could undermine the competitiveness of local garages and cause unemployment.
- Concerns regarding impact to the Wexford Wildfowl Reserve, particularly from light pollution.

6.2. Applicant Response

- No response.

6.3. Planning Authority Response

- No response.

6.4. Observations

- No observations.

7.0 Assessment

7.1 The main issues are those raised in the grounds of appeal and it is considered that no other substantive issues arise. The issues can be dealt with under the following headings:

- Principle of Development.
- Traffic and Access.
- Surface Water and Flooding.
- Appropriate Assessment.
- EIA Screening.

7.2 Principle of Development

7.2.1 The proposed development comprises the provision of an additional car storage area adjacent to an existing Audi Garage on the outskirts of Wexford Town. At present the development accommodates 109 car parking spaces located to the north of the existing motor sales and service building. 69 spaces are utilised for staff, customer and facility purposes and 40 spaces are used for car display purposes. The extended area will provide an additional 68 spaces to be utilised as a secure car storage area.

7.2.2 The subject site is zoned commercial/mixed use under the current Wexford Town Development Plan. Having regard to the zoning of the site and the established car sales and service use on the site, the principle of the development is acceptable.

7.2.3 It is noted that the appellant has raised concerns regarding potential adverse employment impacts arising from the development. However, having regard to the fact that the purpose of the development is to serve as secure car storage area, I am satisfied that no adverse impacts in this regard will arise.

7.3 Traffic and Access

7.3.1 Access to the proposed car storage area will be from the existing access from the R741. The existing access is located within the 60kph speed limit zone. Concerns have been raised by the appellant regarding the capacity of the site to accommodate

car transporters and notes that at present, deliveries by car transporters takes place from the R741, causing considerable traffic congestion and hazards.

7.3.2 I note that the Area Engineer also raised this as a concern and in his report dated the 14th of August 2018, and recommended that the applicant shall provide details for onsite offloading/loading of vehicles delivered/despatched from the premises.

7.3.3 As the purpose of the proposed development is to serve as a secure car compound, it is evident that it will be regularly accessed by car transporters collecting and delivering vehicles. It is clear from the site layout plan that the access route from the main entrance from the R741 to the secure compound area is relatively constrained as it lies between the northern boundary of the existing motor sales and service building and existing car parking bays located along the southern boundary. No appropriate analysis has been carried out to demonstrate that the site can be accessed by heavy good vehicles such as a car transporter. In this regard, I am not satisfied that the layout as currently proposed would facilitate such access and in this regard, the development has the potential to result in a significant traffic hazard as such vehicles would have to service the site from the public road.

7.4 Surface Water and Flooding

7.4.1 It is proposed to discharge the proposed surface water generated from the development to an existing surface water pipeline between the existing Audi facility and the proposed secure compound which in turn discharges to a pipe under the public road (R741). Stormwater will be attenuated and a flow limiting device such as a hydrobrake shall be installed in a storm water manhole to limit the flow to a maximum of 1.2l/s. The precise model of attenuation system to be installed shall be agreed with Wexford Co. Co. prior to construction. Permeable paving will be provided to the car parking spaces.

7.4.2 Significant concerns have been raised by the appellant regarding the potential downstream flooding impacts of the proposed development. I am satisfied based on the information on file, that sufficient on site attenuation will be provided, that surface water run-off will be that of greenfield rates and note no objections from the Planning Authority in this regard.

7.3.3 I have concerns, however, regarding potential residual flooding impacts downstream as a result of the proposed development. It is noted that surface water drainage from

the development will flow to an existing surface water pipeline which in turn discharges to an existing 900mm culvert under the public road, then into a drainage channel with eventual discharge to sea to the east.

7.3.4 The board should be aware of the assessment undertaken in relation to Appeal Reference PL 26.249001. Under this application for a site located to the north of the subject site, it was acknowledged by the Local Authority that there are capacity issues with part of the existing drainage channel due to the fact that it is unmaintained and blocked with debris and overgrown vegetation. It is clear that it cannot deal with additional surface water. It is evident that it will be necessary to clean this drainage channel which may involve works to third party lands. It is unclear from the current application whether the necessary works downstream have been carried out in order to facilitate the proposed development.

7.3.5 Whilst it is accepted that the development in its own right will generate greenfield discharge rates, there are clearly issues to resolve with the eventual discharge of water downstream. There is no information provided by the applicant as to the adequacy of the wider surface water drainage network and whether it has the capacity to accommodate the development nor has a response to the appeal been submitted to clarify this matter. In this context, it is not considered appropriate to facilitate further incremental development on the subject lands pending the resolution of this issue. The development is considered premature and may result in residual flooding impacts downstream which would have significant adverse impacts on existing residential properties notwithstanding the attenuation proposals.

7.5 **Appropriate Assessment**

7.5.1 There are two Natura site in close proximity to the site. Wexford Harbour and Slob SPA (site code 004076) and the Slaney River Valley SAC Site Code 000781 are located approximately 0.5 km to the east of the subject site. Conservation objectives for the Wexford Harbour and Slob SPA site include maintaining favourable conditions for certain species of bird life. Objectives for the Slaney River Valley SAC primarily relate to the restoration of favourable conditions for a number of aquatic species as well as the conservation condition of estuaries, watercourse, mudflats, sandflats, alluvial forests and oakwoods.

- 7.5.2 Having regard to the proximity of these Natura 2000 sites, it is considered necessary to carry out an Appropriate Assessment Screening exercise as part of this assessment. Concerns have also been raised by the appellant regarding potential adverse impacts on these sites.
- 7.5.3 The development is located on zoned serviced land in proximity to and existing commercial premises. There are substantial agricultural lands which create a buffer between the site and the Natura sites. Having regard to the location of the development and its separation from the Natura 2000 sites, I am satisfied that the development will have no direct impacts on the conservation objectives of either of these two sites. The appellant's concerns regarding light impact are noted. However, it is considered that given the relatively urban location of the site, any potential negative light impacts can be appropriately mitigated through best practice approach in design.
- 7.5.4 With regard to indirect affects, the source pathway receptor model must be considered to determine whether there is any potential link between the subject site and the Natura sites.
- 7.5.5 It is noted that main drainage has recently become available to serve this site along the R741. There is a potential hydrological connection however, between the site and the Natura sites due to surface water drainage to a drainage ditch which flows into Wexford Harbour.
- 7.5.6 Surface water flows through an open ditch until it reaches an area of open marshy grassland and tall reed swamp both of which are located within the boundary of the SAC/SPA.
- 7.5.7 From information submitted with a Screening Report submitted under Appeal Reference PL 26.249001, it is evident that flow into this area is diffused and thus there is no distinct channel that links the development to the coast at Wexford Harbour. The marsh area at the mouth of the drainage ditch forms an effective hydrological break between the drainage ditch and qualifying habitats of the SAC and prevents discharge from the project to these habitats. Therefore, while there is a hydrological pathway linking the site to the SAC boundary, there is no direct pathway between the project and the coastal qualifying habits of the SAC.

7.5.8 The marsh area, however, is a potential roosting habitat for a range of special conservation interest species of the SPA and, therefore, potential contamination of this area must be considered. Should the Board be minded to grant permission, I am satisfied that appropriate construction management measures can be put in place to ensure that surface water does not result in potential pollution downstream and would ensure no likely significant adverse effects to water quality within the SPA. I am, therefore, satisfied that the development is unlikely to have any significant indirect effects on the conservation objectives of the SAC or SPA.

7.5.9 It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on European Sites 004076 and 000781, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and the submission of a NIS) is not, therefore, required.

7.6 EIA Screening

7.6.1 Having regard to nature of the development comprising a secure car storage area and the urban location of the site 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. It is recommended that permission be refused permission for the reasons set out below.

9.0 Reasons and Considerations

1. Having regard to the location of the site, the Board is not satisfied on the basis of the submissions made in connection with the planning application, that the proposed development, which is to be served by an existing access point from the R741, would not give rise to a traffic hazard by reason of the additional traffic turning movements generated heavy good vehicles including car

transporters which may interfere with the safety and free flow of traffic on the public road.

2. Having regard to the surface water drainage proposals for the site, the Board is not satisfied that the proposed development would not give rise to an increased risk of residual downstream flooding. The proposed development would, therefore, be prejudicial to public safety and contrary to the proper planning and sustainable development of the area.

Erika Casey
Senior Planning Inspector

13th December 2018