An Bord Pleanála

Inspector's Report ABP-303726-19

Development	A mixed-use development which includes a six-storey hotel, six-storey car park, five-storey residential building, three five-storey office buildings, two-storey cultural/performance centre, two-storey mixed-use restaurant/café/specialist retail building, new sea wall around the existing Trinity Wharf site, 64 berth floating marina and all other site infrastructure works and ancillary works.
Location	Trinity Wharf, Trinity Street, Wexford.
Planning Authority	Wexford County Council
Applicant(s)	Wexford County Council
Type of Application	Section 226
Prescribed Bodies	Department of Culture, Heritage and the Gaeltacht Department of Agriculture, Food and the Marine

	Bord Iascaigh Mhara
	Transport Infrastructure Ireland
	Failte Ireland
	Iarnrod Eireann
	Commission for Railway Regulation
	Irish Water
Observers	Eamon McMahon
	Personal Reps of Maureen Hickey
	TL Mussels Ltd.
	Karol Jackson
	John Hayes
	Angelo Bonfirraro
	Stephen Shakeshaft & others
	Alan & Mary Clancy
	Katja Hayes
Further Observers	Office of the Minister of Agriculture, Food and the Marine, Southern Regional Assembly, Carlow County Council
Site Inspection	15 July 2019
Inspector	Una Crosse

Contents

1.0 Introduction

1.1. This application is made by Wexford County Council to the Board under Section 226 of the Planning and Development Act 2000, as amended. It was received by the Board on 14 February 2019. Applications under Section 226 are required from Local Authorities, when the Authority proposes to carry out development within its functional area and the development is located wholly or partly on the foreshore. Section 226 of the Act also includes for local authority developments that require EIA and would otherwise be submitted for approval under Section 175 of the Act.

1.2. Section 177AE of the Act requires that local authority developments that require appropriate assessment must be submitted for approval to An Bord Pleanála, accompanied by a Natura Impact Statement. The Trinity Wharf development has been screened for appropriate assessment and it has been determined that appropriate assessment is required (see below).

2.0 Site Location and Description

2.1. The application site comprises an area of 5.5 hectares. It includes an area of ground known as the Trinity Wharf which is a brownfield site, of approximately 3.6 Ha, located at the southern end of Wexford's quay-front. The site also includes part of the foreshore and harbour comprising the area of the proposed marina and boardwalk. An area of land adjoining Trinity Street is also included facilitating the proposed access road and junction. The site, as outlined in the documentation submitted, consists of reclaimed land that extends into Wexford Harbour and was gradually reclaimed, with the northern part reclaimed around 1832, initially as a dockyard area, and then extended south-eastwards through the late 1800s and early 1900s. The northern part of the site changed from being a dockyard to a market and then a bacon processing plant (Clover Meats), which closed in the late 1980s leaving the site vacant. The southern part of the site developed as an ironworks, which operated from 1911 - 1964, following which it was used as a car assembly plant until the early 1980s, and then for manufacturing electronic components (Wexford Electronix) until 2001.

2.2. The brownfield site is now disused and partly overgrown with most structures demolished, except for a masonry stone boundary wall dividing the two compounds.

The remainder of the site includes an area of vacant brownfield site between Trinity Street and the rail line which is largely bereft of any of the former structures save for some walls, floors, spoil heaps and debris from the demolition of the previous structures. The site is overgrown with vegetation in some parts. The existing seawall extends around the boundary of the site with the harbour. The site is currently accessed by a laneway, to the north of McMahons commercial premises, which extends for c.60 m to the east where it meets the Dublin/Rosslare Rail line where there is a level crossing though which the site can be accessed. The junction of this lane onto Trinity Street is a priority junction.

3.0 **Proposed Development**

3.1.1. The proposal comprises a mixed use development with infrastructural works. The proposal includes the following buildings:

Use	**Nature of Use**	**Area (Sq.m – gfa)**	**Storeys/Height (GF-Roof Plant)**
Hotel	120 - bed	9,950	6-storeys – 21.15m
Car Park	462 spaces (Incl. 23 disabled)	12,750	6-storeys – 18.15m
Residential	58 apartments - 8 one-bed and 50 two-bed, communal open space, bicycle and bin stores	6,820	5-storeys – 15m
Office	Office building A	5,450	5-storeys – 20m
Office	Office building B	6,105	5-storeys – 20m
Office	Office building C	4,990	5-storeys – 20m
Culture	Cultural/performance centre with event capacity for up to 400	2,945	2-storey – 10m
Retail/Retail service	Restaurant/café/specialist retail building	1,530	2-storey – 8m
Ancillary	Management building	57	Single storey – 3.2m

3.1.2. Three office buildings are proposed, A, B & C with a combined gross floor area of 16,545 sq.m. A residential building with 58 units is proposed to the south of the site and a 120-bed hotel along the western boundary. A restaurant/retail building is proposed to the north of the site. A multi-storey car park with 462 spaces is proposed to the southwest. The layout provides for the buildings to be positioned around the perimeter of the site addressing the water on one elevation and the proposed central public plaza on the other within which it is proposed to provide a feature building comprising the 2 storey cultural centre. The restaurant/café located at the end of the proposed boardwalk adjoining the hotel is also 2-storey. The proposed multi-storey car park is located to the southwest of the site adjoining the boundary with the railway line. It comprises 6 levels. A single storey management building is proposed to the south of the railway line adjoining the access road to the site.

3.1.3. In addition to the proposed buildings outlined above the proposal also includes the following structures and works:

Sea Wall and Armour

3.1.4. A new sheet-piled sea wall is proposed around the coastal boundary of the existing Trinity Wharf site with an overall length of c.550m. It is proposed to comprise a 2.4m OD structure with a 1m parapet wall along the perimeter. It is proposed to face the wall with precast concrete cladding along the north-western section in the vicinity of the boardwalk for c.81 m in length. It is proposed to place rock armour along the north-western boundary for c.62 m length between the precast concrete cladding in the vicinity of the boardwalk and the boundary of the site with the railway line. It is also proposed to place rock armour for the length of the south-eastern boundary (c.187 m length) as it addresses Goodtide Harbour. The remainder of the boundary with the Harbour will comprise exposed sheet-piled walling along the north-eastern side (c.220 m length) which it is proposed to paint. It is proposed to raise ground levels across the site to typically 3.5m OD Malin.

Marina

3.1.5. The proposal includes a 64 berth floating boom marina located on the northern corner of the site. The design provides for a sheltered marina area with 64 berths protected by a series of pre-fabricated 5m wide floating breakwaters with skirts that it is proposed will be tethered to the seabed. It is stated that no dredging is required to

achieve the required operating depth of -2.5mCD. It is proposed that the floating pontoons of the marina are constructed using industry standard modular pontoon and finer units with pontoon berths and walkways restrained using tubular piles driven into the seabed or an alternative restraint system. Alternative methods are proposed comprising the use of helical anchors being drilled into the seabed or appropriately sized anchor blocks buried into the seabed. Either the helical or block anchors would be connected and secured to the pontoon berths and walkways by restraint chains. Access to the proposed marina is proposed via a single gangway pivoted on the reclaimed deck and rested on the main walkway. It is proposed to provide potable water, sewerage infrastructure and electricity at the marina in addition to solar powered navigation aids.

Boardwalk

3.1.6. A pedestrian and cycle boardwalk is proposed which is c.187m long and has a proposed internal width of 6m connecting the northern corner of the site with Pauls Quay, with gradual sloped access ramps (max. 1:20 gradient) to accommodate level difference between the proposed deck level and the existing promenade levels at Pauls Quay. It is proposed to tie in the northern end of the boardwalk to the existing promenade of Pauls Quay and the south end is proposed to tie in the proposed public space adjacent to the proposed hotel. It is proposed to construct the superstructure above maximum design water level and the significant wave height for storm with a return period of 1 in 200 years allowing small craft to pass under the boardwalk and protection of users of the bridge in adverse weather conditions. The foundations proposed for the boardwalk structure are driven steel tubular sections installed immediately beneath the soffit level of the deck at 15m intervals. The north and south landing points are proposed to be reinforced concrete abutments. Provision is also provided for the closure of the boardwalk during storm conditions. The boardwalk enables a tie in of cycleway facilities from the Wexford Town Promenade to the proposed cycle facilities on site. The proposed tie-in to the Pauls Quay promenade necessitates the removal of 21 car parking spaces within the existing public car park.

Vehicular Entrance and Works to Public Roads

3.1.7. A new vehicular entrance to the site is proposed via a signalised junction on Trinity Street creating a 4-way junction with Trinity Street and Seaview Avenue. It is proposed to provide both left and right hand turning lanes on Trinity Street to facilitate access to the site. The proposed link road into the development comprises two lanes for the most part with two exiting lanes to facilitate left turning and right turning traffic exiting the development. Three metre wide footpaths are proposed on each side of the proposed link road.

3.1.8. A turning head facility is proposed on Seaview Avenue (4mx3.3m) to ensure vehicles face the correct direction when approaching the traffic signals. Kerbs are proposed on both sides of Seaview Ave to reduce the distance for crossing pedestrians.

3.1.9. The circular route within the site is proposed as a pedestrian priority shared surface catering for one-way slow speed traffic with the route 5m wide narrowing to 3m passing the central plaza. It is intended for service and emergency vehicles, pick-ups and drops offs and traffic accessing the small number of surface car parking spaces.

Railway Level Crossing

3.1.10. The proposed link road into the site also proposes to provide a new railway level crossing consisting of signalised automatic controlled boom barriers, CCTV controlled with remotely operated barriers which will be active for 3-minute intervals 8 times a day during weekdays and 6 times at weekends.

Public Realm

3.1.11. The proposed public realm includes a public plaza with 1,000m2 of open performance/events space. In addition, associated landscaping works and retaining walls to the main vehicular entrance road associated with the proposed management building are proposed. Planting is proposed along the boundaries of the site to reflect the different adjoining uses such as the rail line and boundaries with the Harbour.

Ground Levels

3.1.12. It is proposed to raise current ground levels by 1.5m by using imported granular material for the purposes of flood protection. The lowest proposed FFL for the development is 3mOD and the lowest road level is 2.8mOD.

Parking and Cycle Provision

3.1.13. In addition to the multi-storey car park which proposes 462 spaces over 6 levels including 23 accessible spaces, 47 parking spaces are proposed at surface level around the site, with a total of 509 parking spaces within the overall development 31 of which are designated as accessibly spaces. In terms of cycle parking, 146 bicycle parking spaces are proposed for general use within the site within cycle stands with 90 spaces dedicated to the residential building.

Infrastructure

3.1.14. A Sustainable Drainage System (SuDS) based approach is proposed consisting of blue/green roofs for all buildings, rain gardens at the perimeter of the buildings, swales/basins in landscaped areas and permeable paving. Treatment of run-off to the permeable paving is proposed through the layers with filtration, biodegradation and absorption. It is proposed that the surface water drainage will drain by gravity to the outfall location and designed to store the 1-100 year 6-hour rainfall event plus climate change.

3.1.15. Foul water from the site is proposed to be pumped to the public wastewater infrastructure with foul effluent discharge from the buildings by gravity to a large scale public underground pumping station in the NW corner adjacent to the public road and pumped from there to combined sewer network. The pumping station is proposed to have 24-hour effluent storage and standby pumps. A class II petrol interceptor is proposed to be located beneath the multi-storey car park which is conveyed to the foul drainage network.

3.1.16. Water supply is proposed via a 150mm diameter watermain located adjacent to the main internal road of the site which it is proposed will be connected to the main public network at Trinity Street via the main access road to the site. It is stated that the exact details of the connection and extent of potential upgrade works to the existing 100mm public main on Trinity Street are to be finalised with Irish Water.

Phasing

3.1.17. It is proposed that the construction phase will take 80 months. Three phases of development are proposed as follows:

- Phase 1 is described as the enabling works and comprises the access road to the railway line, new level crossing, site formation level, sea wall, services within public realm, access roads, temporary car parking and the boardwalk.
- Phase 2 will involve the construction of the hotel, Office building B, cultural and performance building and marina.
- Phase 3 includes the roads, footpaths and public spaces and landscaping to the remaining buildings and Office building A & C and the residential building and restaurant.

Response to Further Information

3.1.18. In response to a request for further information from the Board there are no material changes proposed to the scheme. Where amendments were made at FI they are referenced as same in the assessment below.

4.0 Planning History

The following planning history is considered relevant:

4.1. On Site

4.1.1. **Ref. W2006042** - Permission granted on a site of 1.97 hectares for a 2-8 storey hotel (16,039 m2), 3-storey multi-storey car park (277 spaces), extension of quayside roadway and pedestrian pavement to link at grade with the hotel. Access is proposed by a new signalised junction at Trinity Street opposite Fishers Row and by a new transfer slab roadway bridging across the railway line.

4.1.2. **Ref. W0006025 –** Ten year permission granted for a mixed use scheme with a gfa of 119,342 sq.m on a site of 7.086 hectares including an adjoining foreshore harbour area of 2.4ha at Wexford Harbour. Demolition of structures on site to enable construction of a linkage platform/entrance plaza from Trinity Street to the site with bridging over the rail line to provide access to the development, reclamation/ infill of a 2.4 ha foreshore/ harbour area; the construction of 8 buildings (ranging in height from 2 -14 no. storeys above quay level) including offices, retail, non-retail services, leisure, community and car parking facilities, shopping mall (31,490 sq.m), cinema, 3-storey multi-storey car park with roof deck parking providing 1844 spaces. Six residential apartment blocks comprising 266 residential units, public plazas,

walkways, 157 surface car parking spaces, revised site access arrangements via new signalised junction at Trinity Street opposite Fishers Row with transfer slab road bridging the railway line.

4.1.3. **Ref. W2007065** – Application withdrawn following refusal for ten year permission to amend part of scheme permitted under Ref. 6042 on site of 1.97 (including an adjoining foreshore/harbour area of 1.4ha) comprising extension of red line boundary increasing site area by 1.96ha to 3.93ha to include construction of a 120 berth floating seawater marina, associated gangways and breakwater, reclaimed staging area with new boat launch ramp and boat/ car parking area (10 car & boat trailer spaces and 12 car spaces), refuelling pier and associated fuel storage tanks, sewerage pump-out facility and service connections, 2 storey marina facilities building and club house (392 sqm), amendments to the location of the revetment wall to the seaward edge of the site, all associated piling works and reclamation works (3,475sqm inclusive of staging area link to existing quays and extension of east revetment wall). The reason for refusal related to the EIS submitted at further information stage and that the proposal was materially different to the application which it sought to amend. The reason for refusal stated that the EIS is considered to be deficient by virtue of the incorrect information contained within the statement. The statement incorrectly describes permission granted under Ref. 6042 and includes assessment of a larger development. The submitted plans are considered insufficient to enable the PA to grant permission.

4.1.4. **Ref. W2008112 -** Application withdrawn following refusal for ten year permission to amend part of scheme permission under **Ref. 6025** on site of 7.086 ha (including an adjoining foreshore/harbour area of 2.4ha) comprising extension of red line boundary increasing site area by 1.53ha to 8.61ha to include construction of a 120 berth floating seawater marina, associated gangways and breakwater, reclaimed staging area with new boat launch ramp and boat/ car parking area (10 car & boat trailer spaces and 12 car spaces), refuelling pier and associated fuel storage tanks, sewerage pump-out facility and service connections, 2 storey marina facilities building and club house (392 sq.m), amendments to the location of the revetment wall to the seaward edge of the site, all associated piling works and reclamation works (3,475sqm inclusive of staging area link to existing quays and extension of east revetment wall). The reasons for refusal related to inadequate information in

EIS to deal with pollution and impact on archaeology with detrimental impact on Wexford Slobs and Harbour NHA and Slaney River Valley SAC; on basis of comments from Eastern Regional Fisheries Board not satisfied proposal will not impact upon fish, spawning and nursery habitat in the area. Proposal premature pending appeal on **W2007065**.

4.1.5. **Foreshore Licence – Ref. FS 006960 -** A foreshore licence application for the proposed development was submitted on 1 March 2019. The public consultation period closed on 22 July 2019.

4.2. Other Relevant Cases

4.2.1. **Ref. ABP-303053-18 (Wexford Ref. 20180589)** - Permission refused on appeal for development on a site at Commercial Quay, Charlotte Street and 84 North Main Street, Wexford consisting of demolition of all existing structures on the site and redevelopment including construction of an eight-storey over double basement mixed-use development accommodating a hotel fronting to Commercial Quay, retail space and nine number residential units, 155 car parking spaces at basement levels, ramped vehicular entrance to basement from Commercial Quay and replacement façade structure and covered pedestrian link from North Main Street. The reason for refusal related to the – *"massing, scale and design of the proposed development on a landmark/gateway site to Wexford Town, it is considered that the proposed development would be highly obtrusive, would be visually incongruous with the existing streetscape, would detract from the architectural heritage, would seriously injure the visual amenities of the area and would fail to adequately respond to its context or integrate successfully with the immediate and surrounding built environment. Furthermore, the proposed development would set an undesirable precedent for similar developments in the vicinity".*

4.3. Aquaculture

There are a number of recent decisions to grant licences for aquaculture/foreshore and renewal of aquaculture licence in the Harbour area made by TL Mussels Limited. These applications were made to the Aquaculture and Foreshore Management Division of the Department of Agriculture, Food and the Marine.

4.3.1. Application for **Site T03/099A** (53.323 ha) for an aquaculture licence and foreshore licence was made 27 September 2017. The application form states that the site was

being cultivated by Lett & Co. historically for many years and the applicant is the successor in title to Lett & Co. which has withdrawn its application in favour of the application herein. The site is a longstanding identifiable mussel bed and the applicant intends to continue in the footsteps of Lett & Co and to cultivate mussels thereon as has been done for decades by Lett & Co. heretofore.

4.3.2. A determination was made on this application on 10th September 2019 stating that the Minister for Agriculture, Food and the Marine has determined that it is in public interest to grant **a variation** of the licences sought i.e. reducing the footprint of the site from 56.323 ha to 11.9141 ha.

4.3.3. Application for **Site T3/30** relates to the renewal of an Aquaculture Licence made on 18 May 2018 on a number of individual sites as follows: T03/030A2 (8.2218 ha), T03/030B (22.0139 ha), T03/030C (12.9205 ha), T03/030E (39.9984 ha), T03/030F (21.5336 ha). A separate application was made for site D Ref. T2/30/1 for the renewal of an Aquaculture Licence on 18 May 2018 – T03/030D (16.738 hectares). These were also determined in September 2019.

5.0 Environmental Impact Assessment Report

5.1. The EIAR was prepared by Roughan & O'Donovan Consulting Engineers with additional expertise from a team of specialists on behalf of Wexford County Council which considers the proposal designed by Scott Tallon Walker Architects. The EIAR comprises three volumes, Volume 1 comprising the Non-Technical Summary, Volume 2 the main text which is presented in two parts (part 1 – chapters 1-5 and part 2 – chapters 6-18) and Volume 3 comprising the associated figures. The following provides an overview of the original document received.

5.2. A non-technical summary is included in Volume 1 (and at the outset of Volume 2 of the report) and comprises 18 sections with figures attached at Appendix A.

5.3. The main report includes an introduction at Chapter 1 which outlines the role of the local authority in respect of the proposed development. It also provides an overview of the proposal and outlines the EIAR study team including the qualifications of each of the authors. Environmental Impact Assessment Legislation is outlined including the requirement for EIA with reference to Section 226 of the Planning and Development Act 2000, as amended. This chapter also details the informal scoping

that was undertaken in addition to the non-statutory public consultation events undertaken which are outlined at section 1.6.

5.4. Chapter 2 outlines the need for the proposed development set within European, National, regional and local policy context. The existing environment is outlined in Section 2.4 as is the existing economic status of Wexford town. The chapter concludes by outlining the objectives of the proposed development.

5.5. Chapter 3 addresses alternatives as required by Article 5(d) of the Directive as amended. This includes a consideration of alternative sites, alternative layouts, alternative plant arrangements and alternative site access and junction options. In addition, alternatives are outlined in terms of the location of the marina with 4 options outlined in addition to options for the foundations of the marina. Finally, flooding and surface water design alternatives are outlined with particular reference to the sea wall with 4 options outlined with the sheet piling option chosen but following further consultation additional rock armour revetment proposed. Table 3.2 provides a summary of the assessment of options.

5.6. A description of the proposed development is provided within Chapter 4 which includes a large number of appendices. The first section includes a detailed description of the sites location and a detailed outline of the development and general site layout. The proposed phasing of the development is outlined as is the provision of services to facilitate the development. Building design is outlined in section 4.3.5 and building services at section 4.3.6. The public realm and landscaping are addressed in Section 4.3.7 with lighting, the proposed boardwalk and traffic provisions outlined in the following sections. The Marina design and sea wall are also addressed. Section 4.4 sets out the Construction Stage Methodology which includes the marina and sea wall and the proposed increase in site ground level as well as the boardwalk and the works proposed to construct the permanent railway level crossing. Plans proposed to be prepared for the construction phase are outlined. Appendix 4.1 contains an outline construction environmental management plan which itself contains 5 appendices (2 of which are proposed) as follows: Chapter 18 Mitigation Measures (as outlined in the EIAR), Planning Approval (to be added by contractor), Schedule of Commitments (to be added by contractor), Invasive Alien Special Management Plan (2017) and, Marine Mammal Risk Assessment (2018). Appendix 4.2 contains an outline Environmental Operating Plan

which itself contains 2 appendices as follows: Outline Construction and Demolition Waste Management Plan (A – which itself contains the Invasive Species Management Plan) and Outline Incident Response Plan (B). Appendix 4.3 contains the Trinity Wharf Marina Feasibility Study which itself contains 7 appendices as follows: high level scoring matrix (A), model calibration (B), preliminary screening of nearby European sites (C), screened in European Sites – summary of qualifying interests and conservation objectives (D), copy of draft wintering bird survey report (E), copy of written consultation correspondence (F) and marine sediment analysis report (G). Appendix 4.4 contains Trinity Wharf marina Additional Modelling Services. Appendix 4.5 includes Trinity Wharf Marina Construction Methodology. Appendix 4.6 provides a Landscape Design Statement.

5.7. Chapter 5 is entitled Traffic Analysis. It is largely the same as the separate document entitled Traffic and Transport Assessment (TTA). I note that the Chapter deals with onshore traffic only. Traffic surveys were undertaken and trip generation is estimated by using TRICS and the junction capacity analysis using LinSig. I note that public transport and accessibility for cycles and pedestrians are outlined. In addition, parking spaces will be unavailable during construction within the site compound. Marine traffic impacts are not specifically addressed. In terms of predicted impacts these include the loss of parking spaces along Trinity Street which it is considered can be absorbed by the surrounding area. The proposed turning head on Seaview Avenue is considered as a moderately positive effect in road safety terms given existing narrow conditions eliminating the need to enter the junction backwards. The boardwalk proposal involves the loss of 21 spaces on southern end of Pauls Quay car park with a slight impact on long term parking but not critical given nearby parking. Other impacts include the increased traffic on the network at peak times and the impact on the Rosslare line level crossing which it is proposed to automate with barriers closing access to the site for 3 minutes, 8 times a day leading to queuing. The junction capacity analysis shows a slight impact on capacity of surrounding road network but with adequate capacity to facilitate the development. The parking demands and impacts are outlined in detail. Mitigation for the proposal comprises the implementation of a series of plans including a mobility management plan, accessibility implementation plan and constriction environmental management plan. Residual impacts relate mainly to the surplus demand for car parking. Appendix 5.1

provides bus and train timetables, Appendix 5.2 includes traffic survey reports, Appendix 5.3 details CSP SAPS Data, Appendix 5.4 provides TRICS Analysis, Appendix 5.5 includes traffic calculations, Appendix 5.6 includes junctions analysis reports, Appendix 5.7 provides a transportation mobility management plan.

5.8. Chapter 6 deals with population and human health and defines a study area of both 500m and 1km from the site and notes the public consultations undertaken. It is stated that the population and human health assessment addresses community level rather than for individuals or identifiable properties although where significant or in close proximity these are discussed. Matters addressed include land use change, journey characteristics, journey amenity and general amenity, severance and economic activity including tourism. Human health impact assessment categories are outlined with Table 6.6 outlining the four main hazards to human health. The construction period of 80 months is noted with moderate, negative medium term impacts during the construction period predicted. Mitigation and monitoring measures are outlined in Section 6.5. Residual impacts at construction stage include disruption to traffic and noise and air quality. The residual impacts at operational stage are considered to be significant positive and long term. The operational phase is expected to have a moderate, positive long term impact on population and human health.

5.9. Chapter 7 addresses biodiversity. Habitats and species of ecological significance occurring or likely to occur within the defined Zone of Influence and study area of the proposed development were classified as Key Ecological Receptors. The Zone of Influence was defined as the entire area within 550m of the proposed development (a precautionary flushing distance for waterbirds) and the Lower Slaney Estuary transitional water body (as far upstream as Ferrycarrig Bridge) together with the Wexford Harbour coastal water body. The study area includes the entire Trinity Wharf site and an appropriate buffer (c.150m on land and as far as visible with binoculars over the estuary). The study addresses, habitats on site including invasive species, fauna including wintering birds, otter and marine mammals and marine benthic communities. The likely impacts identified are habitat loss, habitat fragmentation, disturbance to birds and other mammals, reduction in water quality from construction and operational activities, direct mortality from piling during construction, spread of invasive species. Table 7.15 outlines the impact

characterisation for the key ecological receptors. Mitigation is outlined in Section 7.8 of the report which includes mitigation by avoidance, design and then specific mitigation measures for the individual receptors. It is stated that the loss of estuarine habitats cannot be mitigated for but that given the area of loss is small, has low faunal diversity and is not important for wintering birds that it is not considered significant. Measures are proposed to protect water quality. In terms of the operational phase, the impacts of lighting, water quality, and noise and vibration on the key receptors is outlined. Residual impacts are outlined in Table 7.16 with the loss of habitat the most significant of same. Section 7.11 of the report details ecological enhancements related to the proposed development. Appendix 7.1 contains a Marine Benthic Study. Appendix 7.2 is a draft Bird survey report. Appendix 7.3 provides a Marine Mammal Risk Assessment (2018). Appendix 7.4 includes an Invasive Alien Special Management Plan (2017).

5.10. Chapter 8 addresses Soils and Geology. The EIAR outlines at the outset that owing to the reclaimed nature of the site, the superficial soils are dominated by relatively deep layers of '*Made Ground'*. The site is described as rectangular in shape, connected to the original bank at its southwestern side. The other three sides (north, east and south) that make the coastline are partially protected by a historical concrete and masonry sea wall. The seabed depth at the location of the proposed marina ranges from -2.5m OD (Ordnance Datum) to -7m OD while the depth at the location of the proposed boardwalk ranges from 0m OD to 2m OD. Environmental testing was undertaken which found elevated levels of Polycyclic Aromatic Hydrocarbons (PAHs) and sulphates in the made ground stratum in five out of seven samples. A Preliminary Asbestos Walkover Survey undertaken, identified fragments of asbestos cement and floor tiles and/or floor tile debris in numerous locations across the surface of the site. The seabed in the vicinity of the development site, was sampled and tested as a part of the Trinity Wharf Marina Feasibility Study with a comprehensive sampling programme undertaken in July 2016 to inform the feasibility study. Predicted impacts include disturbance of soils primarily with the construction of the foul sewage pumping station (located in the western corner of the site), excess settlements stemming from structure loading, soil excavation inducing movement and settlement of surrounding ground during the construction phase. It is stated that all material excavated is assumed to be contaminated. Mitigation and monitoring and

control measures are outlined in section 8.5 which include asbestos mitigation. Appendix 8.1 is a Preliminary Asbestos Walkover Survey. Appendix 8.2 is a Site Investigation.

5.11. Chapter 9 deals with hydrogeology. It is stated that while adequate information was available from these previous investigations, additional and more detailed ground investigations were commissioned to be undertaken at the development site prior to detailed design stage in order to further classify ground conditions for design and also to quantify the disposal options for excavated material which may be contaminated. Construction phase impacts include excavation of made ground, contamination of soils, aquifer contamination and piling and rock armour revetment installation. Operational phase impacts are considered insignificant and include road runoff, drainage and foul sewers, contaminated land, ground water supplies and aquifer recharge. Mitigation and monitoring measures are outlined in Section 9.5 which include the implementation of the site specific Construction and Environmental Management Plan and Environmental Operating Plan.

5.12. Chapter 10 deals with Hydrology. The EIAR states that the flood risk of the proposed development has been assessed as part of this study stating that previous flood studies have been undertaken as part of the national Preliminary Flood Risk Assessment (PFRA), the Catchment Flood Risk Assessment and Management (CFRAM) Programme, the Irish Coastal Protection Strategy Study (ICPSS) and the Wexford Town and Environs Development Plan 2009 – 2015 (as extended). The South Eastern CFRAM Study Flood Risk Review which highlighted Wexford as an AFA for fluvial and Coastal flooding. This was based on a review of historic flooding and the extents of flood risk determined during the PFRA study. The Wexford town AFA incorporates the River Slaney and its associated tributaries. The published final CFRAM (20/04/2017) fluvial mapping indicates that the development site is within the 1 in 10 year, 1 in 100 year and 1 in 1000 year fluvial flood extents. The site also lies within the 1 in 10 year, 1 in 200 year and 1 in 1000 year tidal flood extents, as indicated on the final CFRAM (18/07/2018) tidal mapping. Potential impacts at construction stage are identified as construction activities which pose a significant risk to watercourses, particularly contaminated surface water runoff from construction activities, construction works associated with the marina, flooding and sediment transport. Mitigation measures are outlined for each of the potential

impacts at Section 10.5. Operational Impacts are outlined in Section 10.4.2 and include morphological changes to surface watercourses & drainage patterns and hardstanding runoff, drainage and foul sewers, designated sites and flood risk including tide and wave height.

5.13. Chapter 11 addresses Landscape and Visual Analysis. The landscape and visual analysis outlines the methodology for the analysis undertaken including the categories, tabulates categories of sensitivity, magnitude, significance of effects receptor sensitive and visual change which are used within the analysis to determine impact. The study area is identified in Plate 11.1 and includes most of Wexford Harbour and is stated to represent areas which are potentially within the Zone of Visual Influence. Landscape policy is outlined as is the historic context and the site context and the context of the wider area. It is stated that there are considerable views of scenic quality from the site with the most striking element of the site its waterfront location with water on three sites with views across the water over Wexford harbour a key characteristic of the site. Table 1(1).6 sets out the viewpoint locations chosen of which there are 21 and describes each with photomontages produced for each which are included in Volume 3 of the EIAR. Section 11.5 outlines the potential effects in terms of landscape with the overall landscape sensitivity of the site considered to be medium. Construction phase effects on the site and immediate area are expected to be short term and negative in quality. The EIAR concentrates on the operational phase effects and notes that the proposed development will be prominent especially at the local level resulting in change to the landscape character of the local area. The overall landscape effect on the site and immediate environs is considered to be moderate to significant with the quality of the effect having both beneficial and adverse effects. Each of the 21 views are outlined in terms of the existing and proposed view, visual receptor sensitivity and the magnitude of change. Mitigation for the construction and operational phases are outlined with the operational mitigation included in the design of the project.

5.14. Chapter 12 deals with Noise and Vibration. The baseline noise environment is outlined with attended noise measurements undertaken. Given the location of the train line, the noise level of a passing train event was measured with the result representing typical train event noise levels at the rear of the dwellings closest to the site on Trinity Street. In terms of construction impacts, these are considered to

comprise construction activities including traffic noise and noise from construction plant. In relation to vibration, the most likely potential vibration effects are associated with the construction phase of the development. In terms of operational impacts the EIAR states that should the proposed development proceed, increased levels of traffic noise in the vicinity is expected as well as on-site traffic accessing the car-park and circulating within the site. In addition, items of mechanical and electrical plant associated with the hotel and office blocks will be operating in the vicinity and may have an impact. Operations from the cultural and performance centre may also have an impact. A general noise management strategy for the site is proposed. The impact assessment concludes that the proposal falls within the LOAEL – Lowest Observed Adverse Effect Level i.e. that some impact is likely to be detectable but is not considered significant which is supported by the assessment undertaken. There is likely to be no adverse vibration levels as a result of the operation of the development. Appendix 12.1 provides acoustic terminology. Appendix 12.2 outlines the survey and impact assessment locations. Appendix 12.3 outlines construction noise – predicted levels at receptors. Appendix 12.4 outlines traffic, plant and cultural performance centre – predicted noise levels at receptors. Appendix 12.5 provides the total noise impact assessment – baseline and post-development comparisons.

5.15. Chapter 13 addresses Air Quality and Climate. The key pollutants reviewed in the assessments are NO_2, PM_{10}, $PM_{2.5}$, benzene and CO, with particular focus on NO_2 and PM_{10}. Concentrations of key pollutants are calculated at sensitive receptors that have the potential to be affected by the proposed development. In terms of air monitoring and assessment, it is stated that the proposed development site is within Zone C. The predicted impacts at Construction Phase are outlined with the EIAR stating that the greatest potential impact on air quality is from construction dust emissions and the potential for nuisance dust and PM_{10}/$PM_{2.5}$ emissions. Provided the dust minimisation measures outlined in the plan are adhered to, the air quality impacts during the construction phase will not be significant. In terms of Operational Phase impacts, these include Local Air Quality with the potential for a number of emissions to the atmosphere. In particular, the traffic-related air emissions may generate quantities of air pollutants such as NO_2, CO, benzene and PM_{10}. Overall impact of NO_2 concentrations as a result of the proposed development is long-term and imperceptible at all of the receptors assessed as is PM_{10}, $PM_{2.5}$.The impact of

the proposed development in terms of CO and benzene is negligible, long-term and imperceptible. The likely overall magnitude of the changes on climate in the operational stage is imperceptible, long-term and not significant. With appropriate mitigation measures in place, the predicted cumulative impacts on air quality and climate associated with the construction phase of the proposed development are deemed short-term and not significant. Appendix 13.1 addresses Ambient Air Quality Standards. Appendix 13.2 addresses TII Significance Criteria. Appendix 13.3 is a Dust Minimisation Plan.

5.16. Chapter 14 addresses matters related to Archaeological and Cultural Heritage. The receiving environment and historical context is outlined in detail. I would note in particular the section which refers to the reclamation of the land which comprises the subject site. It is stated that John Edward Redmond reclaimed the northern portion of the Trinity Wharf site from the harbour in the early 1830s with the newly reclaimed land developed as the Wexford Dockyard which opened in 1832. The potential impacts outlined which relate to the construction phase of the proposal include the piling of all buildings provide the potential for archaeological impacts, on both pre-reclamation archaeological features and elements of the former dockyard, the replacement of the existing sea wall along the north-east edge of the site and the construction of a steel sheet piled structure around the perimeter of the site. Construction on the seabed associated with the proposed marina development and the boardwalk which are located in an area of underwater archaeological potential and the proposed landing point of the boardwalk at Pauls Quay, identified as one of the town's historic quays, with potential for archaeological impacts associated with its construction, below ground. The access road is located in the vicinity of the well which has previously been developed and there are no longer any archaeological features evident at ground level, it is possible that features associated with the well survive below ground. No impacts on the town wall are envisaged. In relation to mitigation, avoidance of direct impacts is the preferred measure but where this is not possible a suite of pre-construction mitigation is proposed to include archaeological testing or monitoring. The mitigation measures outlined in the underwater archaeological study proposes a full underwater archaeological impact assessment is undertaken. It is also proposed that an Archaeological Consultant experienced in and specialising in maritime archaeology should be appointed to the project.

Appendix 14.1 outlines the Recorded Archaoegilcgal Monuments and Places. Appendix 14.2 outlines Previously Published Archaeological Excavations. Appendix 14.3 is a Maritime Archaeological Assessment 2018. Appendix 14.4 is entitled Trinity Wharf Development Underwater Assessment 2008.

5.17. Chapter 15 addresses Architectural Heritage. The receiving environment and historical context, particularly the trade and maritime history, is outlined in detail. It is stated that elements of the infrastructure of the 19th century dockyard survive in the northwestern portion of the site with a square-profile gate pier of squared rubble red sandstone standing along the southern boundary of the former dockyard. The remains of a timber and cast-iron wharf run along the north-eastern edge of the site. There is a large masonry beacon marking the eastern corner of the site which is constructed of coursed red sandstone with a rendered cap. It is stated that the ground level rises up significantly to the south of the site towards Trinity Street and William Street where the majority of the structures of architectural heritage interest identified in the study are screened from the proposed development by intervening topography and vegetation. It states that any protected structures in the area are located over 300m from the proposed development and no significant impacts are predicted. Similarly, any of the three Architectural Conservation Areas are located over 300m from the proposed development and no significant impacts are predicated. There are a number of structures on the NIAH list within 200m of the proposed development including properties on Seaview Avenue and William Street. In relation to mitigation, avoidance of direct impacts is the preferred measure but where this is not possible it is proposed architectural record. In terms of residual impacts it is stated that there will be a slight residual impact on the setting of three structures of architectural heritage interest. Appendix 15.1 provides details on Ratings of Architectural Heritage Significance used by NIAH

5.18. Chapter 16 deals with Material Assets and Land. This Material Assets and Land chapter has assessed and determined the significance of the impact of the proposed development on material assets including built services, residential and commercial property, development land and maritime businesses within the Study Area. The potential impacts include works to the public road along Trinity Street and Pauls Quay to facilitate the boardwalk and works in the vicinity of the rail line to construct

the proposed level crossing. Further impacts include, connections to infrastructure, positive impacts on land use improving the amenity of the area and creating a new urban area, increasing commercial and recreational activity and improving accessibility. Potential impacts on adjoining commercial premises are outlined as are the potential impacts from the methods proposed to restrain the marina and walkways, aquaculture, the tidal regime**,** local maritime and boat users and Goodtide Harbour to the south. There are no specific mitigation measures in relation to Material Assets with the EIAR stating that the design of the development has accommodated the necessary improvements in infrastructure to service the site, without having impacts on infrastructure along Trinity Street. No negative residual impacts on material assets as a result of the proposed development are predicted.

5.19. Chapter 17 considers Interrelationships, Major Accidents and Cumulative Effects. Table 17.1 provides a matrix of key interrelationships. Appendix 17.1 is a Stage 2 Assessment of Major Accidents and Natural Disasters.

5.20. Chapter 18 provides a summary of all mitigation measures contained within Chapter 4-17 of the EIAR.

5.21. For the Boards information a number of reports such as the Invasive Species Management Plan and Marine Mammal Risk Assessment are included as appendices to a number of separate chapters within the EIAR. A table is included at Appendix One of this report which identifies the locations within the documents of reports attached to the individual chapters for ease of reference.

6.0 **Natura Impact Statement**

6.1. An NIS, dated February 2019, was prepared by Roughan & O'Donovan and an addendum to same was submitted in response to the request for further information. The Stage 1 screening and Stage 2 appropriate assessment have been undertaken by Dr. Maeve Flynn, Ecologist and are included under separate cover (R303726A).

6.2. The first section of the report sets out the background which states that the AA screening report undertaken concluded that in view of best scientific knowledge and conservation objectives of sites concerned that in the absence of mitigation measures the proposal was likely to have a significant effect on two European sites and that AA was required with the competent authority in this case, An Bord

Pleanala. The legislative context is outlined including recent case law. In respect of methodology it is stated that at screening stage, WCC the competent authority at that stage determined that the proposal was likely to have a significant effect on two European sites which are the Slaney River Valley SAC and the Wexford Harbour and Slobs SPA. It is stated that in accordance with the requirement for AA, that the NIS assesses the likely effects of the proposed development on the integrity of the sites 'screened in' at Stage 1 with the six steps and guidance documents outlined. The ecological assessments undertaken are outlined including the desk studies, field surveys (walkover survey 5th June 2018) including habitat survey, otter survey, marine mammal risk assessment (appendix H), wintering bird survey (2015/2016), bird study (2014/2015), aquatic ecology, intertidal and sub tidal benthos (Benthic survey at Appendix C), invasive species survey.

6.3. The second section describes the proposed development and the existing environment. The proposed phasing of the development is outlined as are the service elements of the proposal including surface water drainage and SuDS measures proposed. Building design for the proposed buildings is outlined as are the proposed public realm and landscaping, pathways, planting and lighting. The design details for the proposed sea wall, boardwalk and marina are also detailed. The Construction Methodology is outlined at Section 2.4 of the NIS and the Environmental Operating Plans including the Construction Environmental Management Plan Environmental Operation Plan and Construction & Demolition (C&D) Waste Management Plan are outlined in Section 2.5. The receiving natural environment is detailed at Section 2.6 with a habitat map for the site included at Appendix E. Invasive species are outlined and it is noted that other than red data book species Rock Sea-spurrey no rare or protected species are known to be present within the site. It is stated that two European Sites overlap with the footprint of the proposed development with two further European sites in the wider Wexford Harbour area. Section 2.7 outlines the significant risks to the natural environment including construction works and presence of new works, noise and vibration impacts during construction, artificial light and shade during construction and operation, water quality impacts and construction activities that do not comply with existing Invasive Species Management Plan in place for Trinity Wharf.

6.4. Section 3 is entitled Identification of Adverse Effects and commences by identifying the likely zone of impact (Figure 3.1) which given the variable outlined was defined as the entire area within 550m of the proposed development (a precautionary flushing distance for waterbirds) and the lower Slaney Estuary transitional water body (as far upstream as Ferrycarrig Bridge) together with the Wexford harbour coastal water body. The boundaries of the European sites as they overlap with the proposed development boundary is set out in Figure 3.2. Table 3.1 outlines the 4 sites and notes that each, Wexford Harbour & Slobs SPA, The Raven SPA, Slaney River Valley SAC and Raven Point Nature Reserve SAC all have potential pathways for impacts from the proposed development site. It notes that there are no pathways for effects between the proposal and any other European Sites. A site overview, the qualifying interests and the sensitivities of the site and its qualifying interests are outlined for each site. Tables 3.2-3.5 provide an evaluation of the likely effects of the proposed development in view of the conservation objectives of each site. Adverse effects on the wetland and waterbirds qualifying interest in the Wexford Harbour & Slobs SPA could not be ruled out and adverse effects on the estuaries and mudflats/sandflats and sea lampray, brook lamprey, river lamprey, Twaite Shad, Atlantic Salmon, European Otter and harbour seal qualifying interests in the Slaney River Valley SAC could not be ruled out. A summary of the European Sites and the qualifying interests likely to be affected are set out in Table 3.6. The Raven SPA and Raven Point Nature Reserve SAC have been ruled out at this stage.

6.5. Section 4 provides a detailed analysis and evaluation of the adverse effects identified in Section 3 above. The Slaney River Valley SAC is examined in the context of the two Annex I habitats which are likely to be affected and the attributes for same are outlined – habitat area and community distribution. It is stated that the proposal provides for the permanent loss of a limited area of estuary and intertidal mudflat habitat with the total area estimated as 2,168m, 969m2 of which is within the SAC representing c.0.005% of the estimated area and c.0.009% of the estimated total area of mudflats and sandflats not covered by seawater at low tide within the SAC. While the loss is not significant in view of the structure of the habitats, it notes that any permanent reduction is considered significant and monitoring is required under Article 17 of the Directive. Community distribution is also addressed as is water quality during the construction and operational phases. Migratory fish species

are addressed in Section 4.2.2 with the potential impacts outlined including anadromy and barriers to migration. It is concluded that in the absence of appropriate mitigation that the proposal has the potential to adversely affect the Conservation objectives for the migratory fish species listed. In terms of the European Otter the attributes for same are outlined as are the potential impacts arising, the Harbour Seal is equally considered. In terms of the Wexford Harbour and Slobs SPA it is stated that the only qualifying interest of same which is a habitat is wetlands and waterbirds with the attributes fro same the wetland habitat area. It is stated that intertidal and sub tidal area along the south eastern edge of Trinity Wharf are mapped as wetlands with a permanent loss of a narrow strop proposed which is 2,168m2, 999m2 of which is with the SPA representing 0.002% of the total area which does not represent a significant proportion and will not significantly affect the overall structure and function of the habitat with monitoring proposed under Article 17 of the Directive. Water quality matters are stated to have been addressed in respect of the habitats in the Slaney River Valley SAC.

6.6. Section 5 addresses mitigation and outlines the principles and approach taken. It then addresses the mitigation required for water quality during construction and operational phases. Noise and Vibration at construction phase is outlined in section 5.2.2 with the only adverse effect at operational stage considered to arise from disturbance of the Harbour seal from marine traffic with information boards proposed by way of mitigation. The mitigation measures are summarised on page 88. Effects from lighting and shade on the migratory fishes, otter and seal are outlined. Other measures including biosecurity are outlined as are invasive species. Section 5.2.5 addresses monitoring of habitats and water quality. Section 5.3 addresses implementation and compliance and outlines matters contained in the construction environmental management plan of relevance. Inspection and monitoring form an important element of same with a Site Environmental Manager and Project Ecologist proposed. In respect of residual effects arising, the loss of Annex 1 habitats is not considered to adversely affect the integrity of either European site in view of the conservation objectives. The mitigation proposed provides the proposal will not adversely affect the integrity of the migratory fish species in view of their conservation objectives with same applying to the European Otter and Harbour Seal.

6.7. In-combination effects are addressed at Section 6 with the methodology for addressing same outlined. A number of projects in the area are outlined including an Irish Water outfall to serve the treatment plant, Wexford Creamery proposals, a number of other urban developments proposed in the area, the M11 bypass scheme in addition to plans such as the Wexford County Plan and Town and Environs Plan. It finds that the proposal does not have the potential to significantly affect any European site in combination with other plans or projects. The report concludes at Section 7 that in light of the finding that in the absence of appropriate mitigation that the proposal either individually or in combination with other plans or projects would adversely affect two European sties, appropriate mitigation is proposed. Apart from the permanent loss of a small area of 'estuaries' and 'mudflats and sandflats not covered by seawater at low tide', which is not considered ecologically significant but will be monitored and accurately quantified under Article 17, any residual effects have been assessed as not constituting adverse effects on the integrity of any European sites.

6.8. A series of drawings and documents are appended to the document as follows:

- Appendix A – drawings of the proposal
- Appendix B – Trinity Wharf Marina Feasibility Study
- Appendix C – Marine Benthic Assessment
- Appendix D – Winter Bird Survey Report
- Appendix E – Habitat Map
- Appendix F – Invasive Species Management Plan
- Appendix G – Outline Environmental Management Plans
- Appendix H – Marine Mammal Risk Assessment

7.0 Policy Context

7.1. National Policy Context – Project Ireland 2040 - National Planning Framework

7.1.1. The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country up to 2040 which at its core seeks more balanced and concentrated growth. Wexford is located within the southern region where there is a target of an additional population of 340-380,000 and additional employment of 225,000. One of the key priorities for the area (pg.47) is "*More emphasis on consolidating the development of places that grew rapidly in the past decade or so with large scale commuter driven housing development with a particular focus on addressing local community and amenity facility provision in many of the larger commuter towns through targeted investment under relevant NPF National Strategic Outcomes".*

7.1.2. Compact growth is central to the objectives, which at page 22 is summarised as, '*Targeting a greater proportion (40%) of future housing development to be within and close to the existing 'footprint' of built-up areas'* and '*Making better use of under-utilised land and buildings, including 'infill', 'brownfield' and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport'.*

7.1.3. Chapter 4 deals with 'making stronger urban places and includes a number of National Policy Objectives which are of relevance.

Objective 4 seeks to *"ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being".*

Objective 5 seeks to '*develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.*

Objective 6 seeks to '*regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area'*.

7.1.4. The National Planning Framework (section 4.5/pg 65) targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas. This is applicable to all scales of settlement, from

the largest city, to the smallest village. The following objectives are particularly relevant:

Objective 11 provides that **'***in meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth*".

Objective 13 provides that **"***in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected*".

7.2. Regional Context –Regional Spatial and Economic Strategy for the Southern Region

7.2.1. The Regional Spatial and Economic Strategy (RSES) came into effect in January 2020. It sets out a 12-year strategic development framework for the South East region. The Strategy's aim is to support the national level 'Project Ireland 2040' and sets out a development framework to guide development in the region.

7.2.2. The Region boasts a strong network of urban centres with cities (Cork, Limerick and Waterford), and thirteen larger settlements with populations of more than 10 thousand people which includes Wexford Town. Wexford is identified as a 'key town' in the region and has a significant zone of influence. According to the 2016 Census, County Wexford had a population of 149,722 persons with 20,188 in Wexford Town. The Southern Region RSES (2018) population projections for County Wexford indicate that the County will increase from 149,000 persons in 2016 to between 169,000- 172,500 persons up to 2031.

7.2.3. The RSES identifies 6 'key infrastructural requirements' for Wexford which include: (v) investment to support development of Trinity Wharf as a Strategic Employment location. Regional policy objective 16 for Wexford Town are set out on page 65 of

the document, one of which (g) is to improve the public realm and attractiveness of the town centre through the urban regeneration of key locations.

7.3. Local Context - Wexford County Development Plan 2013-2019

7.3.1. The County Plan includes policies and objectives in respect of economic development, housing and tourism amongst others. Chapter 6 addresses employment, economy and enterprise with section 6.4 outlining the economic development strategy which seeks to harness the economic potential of the county's urban areas in particular the hub of Wexford Town. Section 6.4.3 deals with the role tourism plays in the economic development of the County. Section 6.4.12 refers to brownfield sites in rural and urban areas and states that the 'Council will favourably consider the re-use of vacant or derelict buildings and sites for employment and enterprise-generating activities. Section 7.4 of the Plan outlines its sustainable tourism development strategy which seeks to maximise the potential of tourism as a pillar of economic growth which will contribute to balanced economic development. Urban tourism is addressed in Section 7.4.4 although Wexford Town is not mentioned.

7.4. Local Context – Wexford Town and Environs Development Plan 2009-2015 (extended)

7.4.1. At the outset it should be noted that 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 with the Plan continuing to have effect until 2019, or such time as a new County Development Plan is made.

7.4.2. The site is zoned 'town centre' in the Plan. The objective of this zone is "*to protect and enhance the special physical and social character of the existing town centre and to provide for new and improved Town Centre facilities and uses*". Section 3.2 sets out the development strategy for the town which seeks to reinforce the town centre with the masterplan strategy outlined in section 3.3.The site is located within Masterplan zone 13B (Town Centre). Within this masterplan the site is included within site 13 referred to as Trinity Street. It states that a number of sites exist that

offer development and redevelopment opportunities. It also states that as sites become available new buildings of 5-6 storeys could be developed along this road and that there is a long term objective to expand the town centre retail core from South Main Street to the Trinity Wharf site.

7.4.3. Chapter 4 of the Plan deals with economic development with the proposed economic strategy outlined in Section 4.2 with key opportunity sites outlined in Section 4.3 the first one of which is Trinity Wharf. Chapter 6 includes culture with Section 6.2 stating that "*the importance of developing the Town's cultural infrastructure has seen recent developments in the Arts, with substantial investment in the library, museum and theatre. The importance of culture in all its guises in supporting both local need and in assisting in economic development, is recognised and will be supported and encouraged by the Councils as far as possible. The whole area of culture is seen as a key resource for the Town and its population*".

7.4.4. Recreation and tourism are addressed in Chapter 7 where it is stated that *"the development of the harbour and quays has enhanced the attractiveness of the Town as a Tourism Centre, but considerable attention needs to be given to the harnessing of new markets such as conference tourism and activity breaks*". Infrastructure is addressed in Chapter 9 which includes transport management (section 9.2) with the Plan outlining "*that the existing public transport network needs to be integrated and rationalised to provide a more efficient service and encourage increased use*". It also notes that "*Wexford's cycle network must be improved and expanded. This includes provision of appropriately marked and signed cycle lanes on all major roads, or shared use of the footway when appropriate*" with Section 9.4 addressing cycle and walking. Surface Water is addressed at Section 9.8.

7.4.5. Chapter 10 provides design guidance including landmark buildings (10.4), gateway buildings (10.5), tall buildings (10.6). Chapter 11 deals with standards including zoning and car parking with standards for same at Table 4.

7.5. Local Context – Wexford Quay Economic Development and Spatial Implementation Plan

7.5.1. In response to the request for further information a copy of this plan, referenced as the Stage 2B report, was submitted and is included as Appendix E1 of the further

information response. The plan was commissioned by Wexford Co. Co. and prepared by a team led by Scott Tallon Walker Architects working in close cooperation with a Steering Group from Wexford County Council. It is stated that "*with renewed economic activity becoming more evident, it is an appropriate time to consider the opportunity to provide a strategic vision for the revitalisation and regeneration of the Wexford Quays area*".

7.5.2. It is stated that "*the spatial strategy guides the location and pattern of development whilst ensuring the compact urban form is maintained. The economic and spatial strategy provides a framework for the economic and physical renewal of the area and a flexible vision for its long term potential*". It also provides that "*the Spatial Implementation Plan provides a strategic vision for the comprehensive and sustainable development of the Wexford Quays area over the next 5 to 15 years*".

7.5.3. The Plan sets out key actions which include the preparation of a masterplan for the development of Trinity Wharf which is identified as one of the strategic sites within the area. Trinity Wharf is specifically considered in Section 3.2.4 with Table 3.5 setting out proposed actions. It is also addressed in terms of proposed development areas with the Pauls Quay Extension and Trinity Street at Section 5.3.1 with a conceptual Plan provided. Section 6.7 outlines the proposed Implementation Plan for the development of the site.

8.0 Prescribed Bodies

8.1. Eight submissions were received from prescribed bodes which are summarised as follows:

8.1.1. **Department of Culture, Heritage and the Gaeltacht**

Nature Conservation

- Department has concerns that impacts from the project on the little tern (Sterna albifrons) have not been assessed in the NIS (February 2019)
- Little Tern is a special conservation interest species for the Wexford Harbour & Slobs SPA (004076) and the rarest of Irelands five breeding tern species with the species nesting on sandbars at the mouth of Wexford Harbour.

- Conservation objectives for the species include a target that human activities should occur at levels that do not affect the breeding little term population (NPWS 2012).
- As a ground nesting bird, the species is particularly prone to human disturbance and is in decline in Britain and Ireland (Mitchell et al 2004)
- Proposed 64 berth marina and waterside high-density residential development of 58 apartments will lead to an increase in recreational use of the harbour which may cause disturbance to little terns particularly through landings for recreational purposes on sandbars used as nest sites with EIAR (page 6/41) referring to an active group of water sports enthusiasts in Wexford Harbour and the marina facilitating greater participation in boating activities within the harbour among the local community.
- Cumulative impact of the current proposal in combination with aquaculture in Wexford Harbour (Marine Institute 2016) and other forms of human disturbance should also be assessed.
- Protective measures may need to be considered with an example of a study on little tern nesting success in Portugal (Medeiros et al 2007) showed that the presence/absence of protective measures (warning signs and wardening) was most important predictor of nesting success, with birds being up to 34 times more likely to succeed with protective measures. Information signage at the marina as proposed in the EIAR (pg7/50) should advise boat owners of the importance of the area for breeding little terns and how to avoid disturbance. NPWS available to provide information on any measures considered as part of assessment;
- Monitoring should be included to evaluate the success or otherwise of any protective measures and any failure should be identified and measures put in place to rectify.

<u>Noise Impacts at Operational Stage</u>

- NIS details impacts of noise levels on Natura 2000 sites at construction stage only and given inclusion of public outdoor spaces referred to as ‘central civic area’ and a cultural performance centre in the development there is potential for noise to impact special conservation interest bird species at operational stage

also with night time firework displays during Wexford Opera Festival proven to disturb roosting Greenland white-fronted geese more than 6km away (Fox et al 2019).

- Further information required to relation to assessment of noise impacts at operational stage on Natura 2000 sites particularly on special conservation bird species and consideration should be given to appropriate operating conditions including noise limits to avoid disturbance in immediate vicinity and of roosts of wintering Greenland white-frontage geese.

Archaeology

- Department's recommendation that the mitigation measures detailed (Section 14.4 & 14.5 of EIAR) should be carried out in full.

8.1.2. **Department of Agriculture, Food and the Marine**

- Of specific interest to Department are marine aspects of the works including the Marina, seawall and coastal path and any potential impact on the aquaculture industry in Wexford Harbour and noted a foreshore application is to be submitted for the proposed development.
- May be some short term impact to the fishing vessels using Wexford Harbour and accessing Wexford Quays during the construction of the marina and this will be covered in the foreshore application.
- Significant existing licenced sites and applications for potential future aquaculture sites within Wexford Harbour and note that there is contaminated materials on the site.
- Potential impact on aquaculture considered not to be significant provided development proceeds as outlined in documentation.
- No objection to proposed development.

8.1.3. **Bord Iascaigh Mhara**

- Using opportunity to ensure that the current and future needs and concerns of seafood sector are appropriately considered with the Board's assessment decision.

- Mussel culture important economic activity within Harbour and licensed operators are part of the Irish Bottom Grown Mussel Marine Stewardship Council (MSC) certification and some operators also hold organic certification for their mussels and these accreditations demonstrate a responsible approach to sustainable production practices and environmental stewardship by the sector.
- Acknowledge that consideration given to issues that were requested to be covered in response to scoping which relate to surface water run-off pre and post development, sewage pre and post development, risk of discharge of hazardous materials during construction and alterations to the hydrodynamic regime in the main channel and outer harbour.
- If development proceeds satisfied that proposal to pump sewage from proposal to the main collection scheme for treatment at the WWTP for the town and request that design ensures no stormwater is mixed with foul sewage at the development site and no overflow of sewage is allowed due to proximity of licenced aquaculture and Sea Fisheries Protection Authority's designated shellfish sampling point for microbiological classification.
- Main mussel production area is currently classified as B and it is vital that this is maintained or improved to ensure that shellfish from the area are safe to eat and require no additional treatment than that which is currently required prior to consumption with this important for the sustainability of the seafood businesses in the bay.
- Happy with SuDS design for 1 in 100 year rainfall event and a petrol/hydrocarbon interceptor for treating surface water.
- Happy that a project specific Construction Environmental Management Plan and Environmental Operating Plan prepared for the development to cover all potentially polluting activities and include an emergency response procedure.
- Note elevated levels in some of the sediment samples at proposed dredging sties for the marina and satisfied that a decision has been taken not to dispose of dredge spoil at sea.
- Crucial to take preventative measures to curtail spread of particulates to current mussel beds during any dredging/silt disturbing operations and recommend that

the developers liaise directly with the licenced mussel operators to determine the best time of year to undertake dredging/silt disturbing operations in order to minimise any impact to current stocks.

- Note that sewage pump-out facilities available to all leisure boats using marina and suggest the importance of using these facilities should be reinforced to marina users due to the close proximity of licenced aquaculture sites for mussels.
- These are classified under a system based on e-coli levels in shellfish and undergo regular testing and would like to seek clarification on the management system for the sewage and request it is appropriately treated prior to discharge.
- Currently working with Aquaculture operators in Wexford Harbour to conduct risk assessments and develop biosecurity measures in relation to invasive alien species.
- Proposed marina facilities will contribute to an increased risk of Invasive Alien Species introductions to the area and request that marine alien species are considered in Invasive Species Management Plan and that appropriate actions are taken to minimise risks associated with vessel movements, hull fouling and maintenance of marine infrastructure.
- Satisfied that the marina design option chosen will have least impact on the hydrology of the harbour and sedimentation of the main channel in and out of the harbour.

8.1.4. **Transport Infrastructure Ireland**

- No specific observations

8.1.5. **Failte Ireland**

- Wexford strategically located within Ireland's Ancient East and offers a good accommodation base with the proposed new hotel a valuable addition to the accommodation stock.
- Proposed cultural/performance centre will further enrich the high quality tourism and cultural offering in Wexford adding to towns high end offerings such as the Opera Festival.

- Public realm supports public interaction and contributes to place making and can transform towns into high-quality places to live, visit and invest encouraging day and evening economies.
- Failte Ireland welcomes inclusion of a public plaza within proposal.
- 64-berth floating boom marina would enhance access to the water and shoreline and should be noted that many tourists visiting Ireland engage in activities and partake in sport and recreational activities along the coast with majority of visitors accessing the coastline from the land and therefore infrastructure such as marinas are critically important.
- Proposal comprises a mixed-use urban quarter redevelopment of a brownfield derelict site which will provide tourism accommodation, a new cultural centre/public plaza and provide access to the water and from tourism perspective Failte Ireland support the proposal in line with all proper planning/environmental and tourism standards and registration requirements once they are met.

8.1.6. **Iarnrod Eireann**

- Railway Safety Act 2005 requires all persons carrying out works on or near railway to ensure no increase in risk to railway as a consequence of these works and because of proximity of the site to the railway the Council must take into account this obligation in Design, Construction and Operation of the Scheme.
- Present access arrangements across railway to the site via a user controlled level crossing which is presently unused and unsuitable for a development on the site with Council proposing to relocate this level crossing to a new location and automating it so that it is controlled by the signal system.
- IE have commenced discussions with WCC regarding proposal and the approval of the new level crossing arrangement is subject to the approval of the Boards of IE/CIE in conjunction with the necessary rail safety validation and the approval of the Commission of Railway Regulation and as part of that approval process the closing of the existing access will be required i.e. that there will be no access across the railway to this development at any location except the proposed new level crossing.

- In order to comply with Rules of the Road regarding cyclists crossing at a level crossing the orientation of the road access the level crossing must be at right angles to the rails.
- In order to achieve requirements for automated level crossings the layout shown in the application may have to be adjusted including but not limited to locations of fencing, barriers, signs, road markings, road layout and control cabin.
- No intrusions above rail level within the railway curtilage and includes there being no raised footpath or raised cycleway between the level crossing gates.
- No trees planted along the railway boundary or in such location that may in future fall on railway of shed leaves on railway.
- Boundary treatment between the development and railway is to be agreed between the Council and IE and is to be a minimum of 2.4m high.

8.1.7. **Commission for Railway Regulation**

- Notification of decision required to IE.
- IE to be consulted to ensure risks associated with railway trespass not increased during construction or following completion.
- Party undertaking construction should ensure future works which may affect safe operation of railway are undertaken with consultation of IE and in accordance with Guidance.
- Observations/issues raised by IE should be addressed.
- If granted, party undertaking work to consult with IE regarding road-rail interfaces on access routes.

8.1.8. **Irish Water**

- IW note that it is proposed to locate elements of project in close proximity to a number of IW below ground assets, particularly a 700mm diameter rising main which runs parallel to the railway line adjacent to the development site.
- Request further information and liaison with IW to ensure no conflict with this rising main or other IW assets and in particular require details of specific

measures to protect the 700mm diameter rising main and would advise that this cannot be diverted.

- Trial holes may need to be dug to confirm depth of rising main and inform type of protection measures that might be required.
- Noted that the long section produced for the access road as part of the planning application does not provide information on location of proposed storm sewers, foul sewers, watermains etc and how these would interact with the existing railway line and existing rising main.
- Provision of water and wastewater network for the site itself and proposed connections, a pre-connection enquiry is required to IW and through the process IW can assess the capacity of the IW infrastructure to cater to proposed connections and can assess the design of the water and wastewater network on the site to ensure compliance with the IW standards.

9.0 Observations

9.1. Nine observations were received which are summarised as follows:

9.1.1. **Eamon McMahon**

- Submission relates specifically to location and design of proposed vehicular access from Trinity St, deficiencies within applicants assessment and to traffic safety issues majority of which have been highlighted in Independent Road Safety Audit but which were not addressed.
- Consider that creation of a vehicular access that safely addresses issues raised would require a complete redesign of an access junction and possibly an access junction in a different location.
- Observer supports proposal but current access arrangement will have disastrous implications for McMahon Building Supplies, a long established business, in terms of premises access for stocking/supplies and deliveries and in terms of available and convenient customer parking.
- An alternative and safe access given the frontage is likely available to the applicant.

- Traffic survey data undertaken in Dec. 2016 with supplemental survey in August 2018 with best practice and normal industry standards to undertake surveys during normal school term and not deemed appropriate to undertake during holidays with 2016 data considered old for use, undertaken during Christmas shopping period and during time of Wexford Winterland on the quays.
- No evidence that traffic surveys in August are valid for use with same highly irregular and not deemed acceptable with traffic patterns during summer holidays hugely different and consider valid and appropriate traffic surveys could have been undertaken during other valid times.
- If necessary invite ABP to explore accuracy of applicants LiNSiG modelling through an independent 3rd party specialist review.
- Applicants LiNSiG model has been modelled on a 3-arm junction with 2 pedestrian crossings with 4th arm into SeaView Ave not included with the modelling undertaken not reflecting the applicants proposed junction design with no pedestrian crossing of 2 arms and no signal stage for Seaview Ave.
- Correct introduction of 4th arm into capacity model and correct introduction of an all-red pedestrian phase both of which are included in applicants design along with remedying other technical problems with the model (cycle time, inter-greens and stage minimums) will have significant implications for traffic capacity and modelled traffic queues and may have knock on effects on traffic safety.
- Traffic capacity assessment erroneous and misleading to ABP and does not reflect what will occur in the event of a permission.
- Applicant has not illustrated any of the required traffic signal hardware such as traffic signal primary and secondary poles, filter heads etc all of which are fundamental requirements for the safe and appropriate design of a signalised junction and not clear if they can be accommodated safely with potential for nuisance to residents from audible pedestrian crossings and pedestrians queueing outside front doors.
- Creation of traffic signal junction at observer's premises will require customers and large vehicles to cross 2 lanes of traffic immediately at a traffic signal junction

when traffic queues may prevent same occurring and which has been totally ignored.

- Significant other concerns relating to traffic generation and appropriate use of TRICS Database, Traffic Assignment and Distribution Methodology and Implications for long vehicular queues which have not been correctly modelled or illustrated which is particular concern given the interaction with a mainline rail at-grade crossing with issues ensuing.
- Design Standards/Guidelines for roads, such as TII's DMRB are not there to allow sections to be 'cherry picked' by Professionals applying some sections and ignoring others with correct application of these procedures proving successful in road safety with normal process that Stage 1 preliminary design submitted for audit and feedback incorporated.
- Noted that ROD report states that all issues raised in Road Safety Audit have been accepted so proposed development will be satisfactory in terms of traffic operations and safety with Stage 2 audit to be carried out on detailed design and Stage 3 on constructed scheme.
- Despite applicant statement appears no evidence that they have either accepted the Safety Audit Recommendations or removed or supplemented the design to address the auditors concerns (Road Safety Audit response in Appendix 1).
- Applicant does not appear to have adhered to Audit procedures with additional issues outlined (Appendix A) which were overlooked by the Auditor and appears no attempt made by design team to address significant issues raised by Auditor.
- Review of traffic safety issues to supplement issues raised by Auditor outlined (Appendix B) with many of the issues raised stated to be not easily addressed if at all with fundamental design deficiencies including proposed intervisibility envelopes overlapping with buildings, deficient in terms of swept path of vehicle types, issues with turning for refuse lorry/fire tender on Seaview Ave.

9.1.2. **Personal Reps of Maureen Hickey**

- Seeking an oral hearing given complexity and large scale of proposal;
- OS map attached which shows land in ownership of observer included within blue line area in site layout plans and therefore not in applicants ownership;

- Newspaper notice included in Wexford People on 12 February 2019 made no reference to fee of €50 to make observation and note a further notice in same paper on 26 February 2019 included reference to €50 fee
- Consider that second notice could be misinterpreted by a reasonable member of the public who may not fully understand significance of 2nd notice and consider proposal has not been adequately described in the 2nd Notice.
- Some people may not have been aware of 2nd Notice which could lead to an invalid observation/submission;
- Consider Newspaper Notice has not been advertised correctly and is not in accordance with statutory requirements for such notices and in interest of fairness should be re-advertised again correctly with new site notices;
- Peak parking demand of 509 extremely optimistic and no factual basis or information provided in traffic documentation to suggest this peak demand and while accept fact that there will be some overlap, car parking requirements of 1112 suggest otherwise with 45% of same provided and lead to serious on-street car parking in immediate vicinity of the site.
- Surrounding road network forms part of R730 route to Rosslare roundabout/N11/N25 and has not been adequately addressed in the Traffic analysis report;
- Issues for William Street have not been addressed including poor road alignment and road width, footpath widths, car parking requirements for residents and impact of construction traffic on old properties.
- Considerable loss of parking for William Street residents as carriageway width is not adequate to cater for large traffic flows associated with proposal;
- Traffic impact on William Street must be adequately addressed;
- Properties 1-63 on William Street within 500m study area with some within 75m of high rise buildings with Sections 2 & 3 not including a section showing the relative heights of the properties on William Street and the proposal with impacts of existing properties on William Street not adequately addressed including visual impact, no proposals for site boundaries, noise and vibration during construction,

car parking, overlooking from offices, devaluation of property, human health, air quality and timescale of proposal;

- No direct consultation by applicant with observer who is most severely impacted and despite unlimited resources development proposal is of poor quality particularly level of analysis by various contributors of the significant impacts of proposed high rise development on William Street which have been ignored.

9.1.3. **TL Mussels Ltd.**

- Objection arises partially from conflict/potential conflict between granting permission for a marina and/or any structure which would encroach upon or otherwise adversely affect area shown on the map with application for site T3 99.
- Apart from application for a mussel cultivation license on Site T3 99 before Department of Marine at present there is history to Site T3 99.
- Abbreviation of site history provides that observers predecessor in title (Lett & Company Ltd) cultivated Site T3 99 and applied for and was granted a license for Site T3 99 with main objector being the previous applicant on subject lands whose permission also encroached upon and affected access to the seabed of Site T3 99 and sought judicial review of licence quashing decision on the license.
- Predecessor made a new application with a fresh application made by the observer without prejudice to its customary and historic rights to cultivate a mussel bed on site T3 99 which it acquired from Lett & Company Ltd. as well as any and all rights of renewal which Lett & Company Ltd may have had in respect of its application for an Aquaculture Licence on Site T3 99.
- Current technical position is that rights which TL Mussels Ltd acquired from Lett & Company Ltd on Site T3 99, such as they may be, still exist and TL Mussels Ltd, has in a manner requested by Department of the Marine, made a fresh application for a new license in respect of Site T3 99.
- If proposal is granted it will have an enormous detrimental effect on site T3 99 as areas affected by the proposal comprise one of the best areas for mussel cultivation within Wexford Harbour/Slaney Estruay.
- Observer paid substantially to take over rights of predecessor on Site T3 99 with no current conflict between an existing permission and existing aquaculture

license as was the case when High Court reviewed the decision of Department of Marine with two competing rights over the same area at that time.

- Currently no permission on the site with only applications for an Aquaculture licence and exercise latterly by observer of historic rights to mussel cultivation.
- Historic evidence across the world, significantly in Gulf of Mexico, of land based developments of hotels, apartments, marinas, breakwaters, embankments etc. destroying shell fish industries and causing long term and unforeseeable damage to marine environment.
- Still possible in Wexford Harbour to avoid these impacts by doing as little as possible to adversely interfere with the natural flow of the River Slaney and the movements of the tides within the harbour and current productive and environmentally healthy state of Wexford Harbours marine environment for shellfish cultivation.
- Wexford Harbour notoriously tricky harbour to access into and egress from unless tides are benign and location of sand banks verified up to date with sandbanks moving continuously with location for a marina for boats in transit extremely limited, limited local demand for a marina with most boats operating in and around the Harbour/Estuary small with some moored within the Slaney Estuary and launched and recovered from Trailers and moved from time to time.
- No need to locate services on the seabed with plenty of scope for access to Wexford Harbour and the Slaney Estuary for any boats wishing to access it and short-sighted and contrary to experience in other areas such where development permitted unnecessarily in environmentally sensitive areas where there is now a known and foreseeable adverse impact on the marine environment.

9.1.4. **John Hayes** and on behalf of residents of Emmet Place, Trinity Place, Fishers Row and William Street as listed.

- Majority of residents agree that development on the site is desirable and beneficial as long as it is completed in consultation with communities impacted, integrated with those communities, sustainable in terms of traffic, utilisation of the site, amenities to local area, is in character with the area and is safe for all citizens.

- Councils own figures indicate that 696 spaces required for 58% of 1200 workforce who drive to work added to residential (58) and hotel (40) total requirement of 794 with shortfall of 285 spaces which is in excess of total number of spaces identified in Council's own survey of available spaces within 10 minute walk with survey undertaken 3 years ago with possibility that less spaces now available.
- No provision for coach parking for hotel/cultural centre and no allowance for deliveries, drop off's, HGV's.
- No parking allocation for proposed 400 seat cultural centre, retail/restaurant space and marina and submission regarding parking allowance for hotel at odds with reality that hotels operating at over 90% capacity and statement that conventions are held at weekends erroneous with current proposal overdevelopment of the site and unsustainable and should be refused.
- WCC submission that proposed junction is third choice and justified only by view on entry to the proposal with elevation of the view above increased pollution and decreased traffic safety contrary to good sense.
- Original existing entrance represents safest route to the site with proposal a clear danger to young children playing in Seaview Ave/Trinity St area and pedestrians crossing entrance of Seaview Ave with WCC stating existing entrance was first option and would represent the common interest and question why the 7m required to facilitate same was not compulsorily purchased.
- Vehicular access to Seaview Ave for larger vehicles compromised by proposed traffic plan and road users proceeding on a green light.
- Proximity of new junction to Fishers Row/Trinity Street at 60m is too close negatively impacting on traffic.
- Vehicles exiting Seaview Ave would have no view to pedestrian or vehicle traffic coming from north side of proposed junction due to existing dwelling houses with lack of available sightlines.
- No pedestrian pathway for residential access/entry to Seaview Ave in proposal forcing residents of Seaview Ave to walk through an active traffic zone to enter/exit their street;

- Removal of on-street parking spaces a catastrophe for residents most with children or elderly with proposed changes to layout of street without any consultation with local community.
- If granted proposed turning head for Seaview Ave should be altered to accommodate 4 parking spaces for residents of Seaview Ave and current parking spaces at the green area on Trinity Street be reoriented to a herringbone formation and while there will be a loss of green spaces it will alleviate the loss of parking spaces.
- Reliance on ATC measurements should be viewed with scepticism given they were carried out on August BH weekend when reduced flow of traffic to/from the town centre due to severe congestion with one bus provider suspending approach from south of town for whole of August due to congestion with schools out of term.
- Traffic report omits two of main access points to area affected (William St. Lower & Fishers Row) which are main feeder roads to Trinity Street with width of both streets creating issues with current traffic volumes underestimated and proposal adding unsustainable amount of traffic.
- Insufficient detail on construction traffic and parking management, site management, noise pollution, dust pollution and the 80 month duration would cause extreme inconvenience and seems grossly excessive.
- Detailed construction management plan required and in order to safeguard residential amenities a series of conditions proposed relating to hours of construction, cleanliness of the site, alternative office space for residents working from home, adequate parking for residents and construction workers, works exceeding 3 years subject to compensation scheme.
- Visual amenity of area permanently damaged by proposal which would have overbearing impact on historical area of the town and permission should be refused for proposed height.
- No facilities for existing community which is described as a deprived area despite request for same with one small playground 1km from area, proposal should add to existing amenity value of the area in terms of playground/amenities and

request if permission granted that site of old Cash & Carry be designated in perpetuity as a playground/amenity area and provided prior to completion.

- National guidance of providing 1.5m minimum distance for cyclists not provided and nearest current cycling path ends 850m from the site and cycle path should be completed before any work on site commences and cycle lanes be included.
- Concern at presence of Japanese Knotweed with permission refused on Ref. 20190025 due to European Regulations 2011 with 5-year programme proposed.

9.1.5. **Katja Hayes**

- Proposed traffic and parking management proposals were not addressed at public consultation phase with WCC with proposed new signalised junction creating negative impacts including loss of on-street car parking leaving 26 properties with 10-13 spaces and a 50% shortfall with parking an existing challenge and pay and display not a guarantee to retain spaces for residents with no monitoring provided with proposal providing a shortfall of parking forcing parking in surrounding area.
- Changes proposed to Seaview Ave include an insufficiently sized turning area for larger vehicles and an exit lane with a traffic light in operation which removes parking spaces and no provision of a footpath with current ‘static’ space used removed.
- Direction of proposed new lane directly in line with 1 Seaview Ave impacting on amenity with emissions, light pollution and walking directly onto the road from doorway and new exit lane does not provide safe exit from Seaview Ave due to gable end of house impacting visibility creating safety hazard for pedestrians and cars and request plans for re-designing Seaview Ave refused.
- Traffic volumes in Traffic and Transportation report should be reviewed with care given timing of survey undertaken over August BH weekend with no schools and limited commuter traffic and severe congestion within the area.
- Signalised junction and feeding lanes proven problematic elsewhere in Wexford with excessive tailbacks and proposal will cause major tailbacks on William St and impact on the bus stop.

- Proposed uses will increase traffic times particularly at proposed junction exposing residents to increased noise pollution and request permission for this junction is refused.
- Proposed documents indicate entrance is the least favourable location due to longitudinal gradient required for railway crossing negatively impacting safety for traffic and pedestrians and increased air pollution.
- Independent auditor outlines challenges with proposed width at junction comprising safe access for bigger vehicles and question emergency access with arrangement worsened by sharp bend and arrangement chosen because it avoided need to purchase 7m of land to use existing entrance and provide a sea view entering the development with choice of a view over safety against common sense and if view not a valid reason to object how can it be a valid reason for obtaining permission.
- Height of proposal and materials proposed out of place with existing streetscape with proposal large-scale anonymous development found anywhere and would destroy character of the area.
- Parking proposed on site provides shortfall for office and limited parking for the hotel and other uses not provided with any parking and lack of parking will limit commercial potential of the offices and lead to empty buildings in other areas.
- Parking survey undertaken 3 years ago does not reflect current reality with density and parking facilities only increasing congestion.
- Current cycle infrastructure does not provide for safe cycle access to the proposal from within the area or town centre with closest path 850m away with encouragement to cycle not reflected in the plans.
- Excessive construction period of 80 months with insufficient details on construction impact in terms of traffic, parking, pollution, site management, alternative work arrangements for home-office works and attempt to push responsibility on construction company not acceptable.

9.1.6. **Karol Jackson**

- Conduct business, Menapia Properties and live with family at 21 Trinity Street and while support submission on behalf of residents independent submission

required as business and quiet enjoyment of home will be impacted negatively unless reasonable solution can be obtained with WCC;

- Having purchased property expected to be able to park car directly outside of property which have been doing as use car for business and if not able to park close to premises will have negative financial effect on the business;
- Permission granted in 2015 (Ref. 20150060) for retention of 3-storey extension to house, permission for change of use from apartment to shop at ground level, change of use from apartments to single residence and other associated works with one of conditions payment of a contribution for works including car parking facilities which was paid.
- Proposal provides for a new vehicular entrance and signalised junction and other works which eliminate 18 on-street car parking spaces including one outside of (observers) premises (with EIAR report Plate 5 showing observer's car parked outside the property).
- Introduction of pay for parking on Trinity Street in March 2019 does not appear to make any difference to availability of spaces and on three days of week (of submission) have had to park car across street which is a regular occurrence with spaces across the street also proposed to be eliminated as part of proposal;
- Preliminarily discussion with WCC proposed that vehicular parking for residents be provided in the area to RH side of Seaview Ave at Fishers Row with section 5.4.2 provides for a turning head on Seaview Ave and proposed that provision for parking for at least 4 cars be provided with parking continuing up Trinity Street heading south of a herringbone design and specifically request that one of these spaces be designated for the observer as direct impact from loss of space outside property.
- Concern with lack of parking now available for residents and customers of the businesses on Trinity Street if proposal granted.
- Copy of submission by John Hayes (summarised above) included as consider valid points raised in same;
- Would welcome further discussion with WCC and subsequent conditions impact on development to come to amicable solution to the problem outlined.

9.1.7. **Angelo Bonfirraro**

- Main concern is scale, height and bulk of proposal and massive visual impact on the neighbourhood and town in general, dwarfing other development and destroying visual skyline south from the quays, the Bridge and Ferrybank;
- Out of character with low level of south side of the town degrading the view, atmosphere and ambience of the town and neighbourhood;
- Not against appropriately scaled low level development but proposal inappropriate and better placed in a location with similar structures such as Council's own offices with subject site more appropriate for mixed housing and some leisure facilities with proposed height, scale and bulk not in accordance with proper planning and development of the area;
- Concern regarding climate change, rising sea levels and environmental implications of such intensive overdevelopment of seafront site and question how it is acceptable and appropriate to construct a development heavily threatened by rising waters and requirement for flood defences.
- Plenty of locations around Wexford for office, hotel and apartment development with none of these issues and essential that long term implications are recognised and remiss to ignore reports of international environmental organisations.
- Serious over development of a small site in an inappropriate location which is residential in character and low rise with no regard for quality of life of residents with overwhelming impact on neighbourhood,
- Under provision of car parking on site as per local authority requirements and area over-subscribed in terms of parking for residents and workers with provision of car parking unacceptable with reliance on walking and cycling unrealistic with majority continuing to use cars pushing demand onto already overused public roads where spaces being reduced.
- Already traffic delays in the area and recent developments permitted which will substantially increase traffic movements into and out of the area with proposal substantially increasing traffic movements.

- Environmental impact on the estuary during and after construction including impact on fishing and wildlife which must be given priority and impact on tidal movements creating further silting problems in the harbour which was a problem caused by extension of the quays.
- No demand in Wexford for office space and danger of wasting public funds in hope businesses will arrive to occupy the offices and potential for displacement of existing office space.
- Query need for another new hotel in town with permission granted for a hotel opposite Wexford Bridge with town well served with hotels and threat to viability and displacement of existing facilities.
- Architecturally completely out of character and not cognisant of culture and heritage of the area with development overpowering and suffocating maritime ambience of south side of the town.
- Café and retail uses would impact negatively on unique vibrancy and old town ambience of Main Street causing displacement of existing businesses.

9.1.8. **Stephen Shakeshaft & others**

- Appreciate ambition of WCC to bring new opportunities to the town but feel proposal will irrevocably change the area which is primarily residential with established residences.
- Imposition of a high density development not sympathetic to existing residential areas with proposal ill thought out and not in keeping and seems to be an ‘off the shelf’ plan mirroring others here and abroad;
- Little thought as to how site will develop in coming years with no through pedestrian traffic to other established areas with potential to create a ghost town at evenings and weekends;
- Plan does not include anything which would organically connect it with existing town quays with any residents or hotel quests one-way traffic towards the centre;
- Proposal to use such an iconic and well positioned site as a glorified business park short sighted and a less high density better considered development

including more open spaces and public facilities with strong local identity would be more attractive

- Overriding concern is traffic with amount of traffic using William St/Trinity St (R730) greatly increased and already operating above capacity and is main arterial road from South Wexford into the town centre car parks and from Europort over Wexford Bridge and while some traffic issues alleviated following completion of N11 bypasses route will continue to carry considerable traffic volumes;
- Note traffic survey completed over August BH weekend and did not include William St or Fisher's Row bearing no relation to true use of road and consider new survey required;
- Insufficient parking on site with little spare car parking capacity in the area with majority of residents using existing on street parking and while understand development aiming to reduce car usage, no alternatives provided and little public transport in the area with proposal not addressing this.
- Suggest Iarnrod Eireann approached to formulate a plan to use railway line and existing car parking to create a carless development.
- Proposed multi-storey car park c.100 ft from property with no consideration of privacy, noise, and light pollution with no screening to rear of properties and nothing within the plan to protect right to privacy of residents on William Street (east).
- Construction phase of 80 months of grave concerns to residents of William Street with noise and pollution having a considerable impact with nothing proposed to lessen the impact and no approaches to hear concerns.

9.1.9. **Alan & Mary Clancy**

- Residence backs onto the site and while acknowledge economic benefits of proposal have grave concerns as house and garden have enjoyed uninhibited views of the sea and harbour for last 20 years with house bought for same and house will be one of very few houses where proposal will obstruct only view to the harbour and sea.

- Member of project team agreed and acknowledged view from garden would be impacted by proposal with residential building and office A totally blocking view and imposing a view on property which are far beyond average ridge heights in the area of the town and totally misaligned with the area.
- Informed that present ground level of the site will have to be raised for the foundations increasing overall height of the buildings.
- Engaged with development at every opportunity and submitted observations at available opportunities.
- Home and garden will be overlooked by the apartments with countryside and peaceful feel of garden lost due to noise levels, construction traffic and air quality.
- Impact on health and wellness with loss of view and sea air exposure with new research showing those living with extensive sea views deemed to have lower risk of depression and mental health issues with proposal if permitted providing a view of five storey apartment and office blocks.
- Monetary loss as proposed apartments given premium view of sea and harbour, ‘our view’ and advised by auctioneers that view from garden a substantial selling point with value impacted by loss of same.
- Concerned at volume of traffic on William Street with no information received in relation to traffic changes nor were any plans shown at public consultation stage.
- William Street busy area with existing delays particularly in summer months with customer parking to be removed for businesses in the area and issued with offloading deliveries
- Introduction of traffic lights will exacerbate backlog of traffic and loss of parking will lead to residents in Trinity Street/Seaview Ave parking further up William Street where parking already an issue.
- Do not believe proposal will have a moderate impact on traffic with further proposed development in the area.

10.0 Further Information Request and Response

A request for further information was issued by the Board dated 24 July 2019. A response to the request was received from the applicant on 14 October 2019. The following sets out the information sought and a summary of the response received.

10.1. Item 1 - Natura Impact Statement

10.1.1. Request

(a) Qualifying Interest

You are requested to address the issues raised by the Department of Culture, Heritage and the Gaeltacht (NPWS) in relation to the potential disturbance of Little Tern, a special conservation interest species (breeding) of the Wexford Harbour and Slobs SPA (site code 004076) during construction and operation of the proposed Trinity Warf development.

(b) Habitat loss

You are requested to provide clarity on the estimated area of permanent habitat loss of subtidal benthos in relation to the targets set as part of the Conservation Objectives for the habitat Type Estuaries [1130] and Mudflats and Sandflats not covered by seawater at low tide [1140] for the Slaney River Valley SAC.

It would be useful to put this predicted habitat loss in context of the natural processes occurring in the dynamic estuarine environment.

Note 1: the final figure in the NIS is unsubstantiated at 1,547 m^2 with clearer information presented in the Biodiversity Chapter and in the Benthic study. Please clarify if this takes account of the overlap between the extent of the SAC and the SPA as this is not clear in the NIS.

Note 2: It should be noted that monitoring cannot be used as a method to mitigate potential habitat loss and any uncertainty in relation to the calculation of habitat loss should be addressed in the NIS.

(c) In combination effects

The assessment of in-combination effects assesses other plans and projects for potential cumulative adverse effects on the Wexford Harbour and Slobs SPA and Slaney River Valley SAC however, it does not take ongoing activities such as aquaculture into account. Aquaculture and recreational activities are identified as

pressures and threats to these European Sites. Consideration should be given to the possibility of in-combination effects of these ongoing activities within the Estuary and the proposed development.

This information can be submitted by way of either a revised NIS or an addendum to the current NIS

10.1.2. **Response**

The response received addresses the matters arising in respect of the NIS at part 1 responding to each of the three matters.

- Appendix A2 includes an NPWS scoping document,
- Appendix A3 includes an Addendum to the NIS in respect of in-combination effects.
- Appendix A4 includes a Winter 2018-2019 Bird Survey Report.

10.2. **Item 2 - Traffic and Transportation**

10.2.1. **Request**

A revised EIAR, Chapter 5 entitled Traffic Analysis (and any other chapters effected as appropriate) and a revised Traffic and Transportation Report shall be submitted which includes the following:

(a) Marine Traffic/Transport

Chapter 5 of the EIAR, entitled Traffic Analysis and the Traffic and Transportation Report address onshore traffic and transportation impacts only and does not address traffic or transport matters arising in the marine environment. You are requested to revise the documents above/provide an addendum to address marine related traffic/transport.

(b) Traffic Surveys

The traffic survey data submitted relates to December 2016 and August 2018 including the bank holiday. You are requested to undertake a traffic survey to include 24 hour Automated Traffic Counts on Parnell Street, Trinity Street and William Street Lower and any other street considered necessary and Junction Turning counts at (1) Trinity Street/King Street and Park Quay Junction, (2) Trinity Street/Sea View Avenue Junction and (3) Trinity Street/Fishers Row/William Street Lower and (4) Trinity Street/Parnell Street Junction and (5) Distillery Road/Joseph Street/Mill

Road/King Street on a mid-week day during the school term. The traffic impact analysis assessment of the Traffic and Transportation report and Chapter 5 of the EIAR shall be amended to reflect any changes which may arise from the new survey information. Furthermore, a map clearly outlining the location of each of the streets and junctions should be included within the reports under 'existing traffic'.

(c) Car park survey

Please provide an updated town centre car parking survey to that undertaken in November 2016 which shall include a map including the location of the car parks and an indication of the streets within the vicinity of the site where pay and display parking is in operation. The transport demand generation parking provision shall be reviewed on the basis of the results of the surveys undertaken and traffic impact analysis assessments updated to reflect same.

(d) Junction Design

Section 6.3.2 of the Traffic and Transportation report states that the new access junction will form a 4-way signalised junction with Trinity Street and Sea View Avenue. However, the modelling undertaken in the junction capacity analysis refers only to the Trinity Street and Access road junction. You are requested to undertake a review of the junction design and modelling undertaken which takes full account of Sea View Avenue.

It is also requested that you examine and outline the manner by which access to and egress from the vehicular entrance to the commercial premises to the west of the site can be maintained for loading/unloading.

The traffic impact analysis assessment of the Traffic and Transportation report and Chapter 5 of the EIAR shall be updated to reflect same.

(e) Road Safety Audit

It is stated in the documentation, Section 6.4.1.7 EIAR and Section 11 of the Traffic and Transportation Report, that all issues raised in the RSA have been addressed/accepted so the proposed development will be satisfactory in terms of traffic operations. It is noted that the Road Safety Audit identifies 13 problems. Please provide a report or appendix to the Traffic and Transportation Report which outlines the measures undertaken to address each of the identified problems.

(f) Cycle/pedestrian access/proposals

Please provide an outline of the existing and proposed cycle lanes and pedestrian pathways on the public roads in the vicinity of the site and proposed connections from same to the cycle lanes proposed in the development. A map should be provided to outline same and a timeframe for the delivery of proposals for cycle lanes/pedestrian pathways not yet in place/subject of proposed improvements.

10.2.2. **Response**

An Addendum to Chapter 5 of the EIAR – Traffic Analysis and the Traffic and Transport Report is included as Appendix B1

- It provides an Addendum to the Chapter which includes an assessment of Marine Traffic/Transport.
- The Addendum also includes details of the traffic surveys undertaken and the details of same including junction capacity analysis undertaken with the new data included.
- Car park survey undertaken with details outlined in the Addendum.
- The Traffic Addendum at Appendix B1 also includes the revised junction model which includes Seaview Avenue.
- Appendix AA5 of the Traffic Addendum includes a summary of the Road Safety Audit Issues and Responses.
- Response provided at Part 2(f) to matter related to cycle/pedestrian access/proposals with information outlined in respect of proposed greenways.

10.3. **Item 3 - Flood Risk**

10.3.1. **Request**

Notwithstanding the consideration of flood risk in Chapter 10 (hydrology) of the EIAR, you are requested to submit a Site Specific Flood Risk Assessment for the proposed development site with specific reference to the Justification Test set out in Chapter 5 of the Planning System and Risk Management, Guidelines for Planning Authorities 2009. Chapter 10 of the EIAR (and other sections of the EIAR as appropriate) should be amended to reference the SSFRA required).

10.3.2. **Response**

- A site specific flood risk assessment is included as Appendix C1.

- Chapter 10 of the EIAR has been updated to reference same with this updated Chapter included as Appendix C2 of the Submission.

10.4. **Item 4 - Water and Wastewater Infrastructure**

10.4.1. **Request**

(a) In their submission to the Board, Irish Water note that it is proposed to locate elements of the proposed development in close proximity to a number of IW below ground assets in particular a 700mm diameter rising main which runs parallel to the railway line adjacent to the development site. In this regard you are requested to provide details to ensure no conflict with this rising main or other IW assets and in particular provide details of specific measures to protect the 700mm diameter rising main which Irish Water advise cannot be diverted.

Irish Water have outlined that trial holes may need to be dug to confirm the depth of the rising main to inform type of protection measures that might be required.

(b) Please provide a revised long section for the access road which provides information on the location of proposed storm sewers, foul sewers and watermains and how these would interact with the existing railway line and existing rising main.

(c) Please provide a pre-connection enquiry from Irish Water to facilitate assessment of the capacity of the Irish Water infrastructure to cater for proposed connections and to assess the design of the water and wastewater network on the site to ensure compliance with the IW standards.

10.4.2. **Response**

- Appendix D1 includes a drawing outlining the location of the existing rising main in relation to the proposed services.
- Appendix D2 includes correspondence from Irish Water

10.5. **Item 5 - Other Matters**

10.5.1. **Request**

(a) Please submit a copy of the Wexford Quay Economic Development and Spatial Implementation Plan referenced in the Planning Report and Statement of Consistency with Planning Policy.

(b) Please respond to the submissions and observations received by the Board in respect of this application.

10.5.2. **Response**

- Copy of the Wexford Quay Economic Development and Spatial Implementation Plan provided as Appendix E1 of the submission.
- Section 5 (section 5.1-5.16) of the submission provides a detailed response to each of the submissions/observations received by the Board.

11.0 Submissions from Prescribed Bodies and Observers on Response

Having regard to the response received and to the addendums provided to the EIAR and NIS, the applicant was requested to re-advertise stating that further information had been received and providing an opportunity for a response to same. An advertisement was placed in the Wexford People dated 29 October 2019 which provided for same. 11 submissions/observations were received and are summarised as follows:

11.1. **Office of the Minister of Agriculture, Food and the Marine**

- Correspondence will be brought to the Ministers attention and in the interim will be forwarded to relevant Department officials.

11.2. **Southern Regional Assembly**

- Correspondence referred to Regional Planning Division.

11.3. **Carlow County Council**

- No comment/observation.

11.4. **Transport Infrastructure Ireland (TII)**

- No specific observations in relation to potential impacts to existing and/or proposed national road network in the area and following review of FI documentation this remains the position.

11.5. **Bord Iascaigh Mhara**

- Satisfied that:
  - invasive alien species risks adequately assessed and measures implemented to improve bio-security;
  - plans in place to keep storm and foul water separate;
  - plans in place to have no foul water discharging into the estuary;
  - plans in place to pump all foul water to network;
  - plans in place to contain, pump, and treat wastewater by pumping into the network;
  - stand by pump at pumping station with 24 hour holding capacity;
- Additional requests for clarification
  - If all pumping systems are alarmed or contain notification system;
  - If 24-hour holding capacity sufficient;
  - If holding tank over run where will overflow be discharged.
- Key objective is to ensure that microbiological classification of the Bay (Currently B) is not negatively impacts and that shellfish safety is not compromised.

11.6. **Alan & Mary Clancy**

- Responses very general and do not address fact home and garden with exceptional view will be significantly blocked by proposed buildings;
- Nice trees and landscaping at ground level will not make up for the loss with the view a unique selling point with panoramic views from apartments referenced.
- Applicant does not realise impact on home and wellbeing.
- While development may bring value to the area it is very general with view an intrinsic element of value of (observers) home which will lose significant value as the development will block the view.
- Need a personal and specific response to concerns but no engagement.

11.7. **Karol Jackson**

- Page 55 of FI response comments on observation and welcome response in relation to introduction of herringbone parking in front of the green area to Fishers Row but as mentioned in original submission, there is a provision for a turning head on Seaview Ave and residents proposed provision of designated parking for residents along with the turning head to alleviate immediate loss of parking with herringbone parking proceeding south along Trinity St to Fishers Row which would reduce some of green area with representatives of Fishes Row who cares for green area agreeable to suggestion.

- Obliged if the Board could take this into consideration as well the herringbone parking proposal when considering the proposal.

11.8. **Eamon McMahon**

- Traffic safety and operational concerns highlighted in original submission remain wholly unresolved with devastating consequences on observers business with response not addressing primary and legitimate operational, parking, servicing and traffic safety concerns raised with original issues unresolved which could be addressed through sensible simple design changes.

- Response by WCC to stores vehicular entrance and loading activities (Item 5.7(a)/pg 41 WCC response) totally at variance with ROD submission (pg 12 ROD addendum) with WCC proposing loading bay and ROD not with clear contradiction.

- Delivery by 16.5m articulated trucks from Dublin have established rights of way north and south on Trinity Street but proposal requires they ‘circle the block’ which is queried given scale of vehicles and urban environment they would need to navigate with no detail provided on same.

- Question legal authority to change long established public rights of way when safer and acceptable alternative access available that would reduce implications on business.

- Generally required to submit drawings clearly illustrating location for traffic signal equipment and facile to dismiss as detailed design particularly in restricted urban environments where traffic safety concerns expressed by own Auditors and not a

difficult thing to do with Chapter 9 of Traffic Design manual outlined and surprised WCC & ROD have not illustrated signal equipment on revised drawings.

- Consider not possible to design a safe traffic signal controlled junction in an urban environment without associated signal equipment and particularly important where located on intended shared pedestrian/cycle track with addition of equipment in this instance confirming deficiencies of junction in current location.

- In terms of response to road safety audit problems, question what constitutes a standard size van with Design Team acknowledging refuse lorry or large panel van cannot be accommodated.

- Selection of 10m long bus to prove design adequacy incredulous given standard 52-seater bus is 12-13m and 10m bus different swept path to fire tender/refuse lorry and swept path of 16.5m HGV's needs to be accommodated.

- Issues with junction design for cyclists, trees, echelon parking, wheel stops, parking areas, maintenance vehicles for marina and restriction of access should have been shown on drawings.

- Cherry picking of references to design guidance noting National Cycle Manual states shared facilities should be avoided in urban environments with opportunity to design a proposed junction and internal network.

- Concern that southbound drivers travelling straight through junction may sight into opposing lane leading to head on collisions highlighted with Auditor requesting measures with applicant proposing to address same at detailed design stage through street lighting which does not remedy poor lane alignment issues. Consider right turn shelter on southbound approach required but may not be sufficient land for same.

- Nowhere in DMURS or any other guidance allows signal inter-visibility requirements to be relaxed as it is a vital traffic safety component and safe traffic signal controlled junction cannot be designed in absence of these details.

- Indented parking adjacent to carriageway at the junction is required to comply with Road Traffic Regulations and is not exempt as stated by applicant.

- DMURS does not allow basic normal traffic safety issues to be disregarded with junction inter-visibility and lane alignment basic traffic safety elements of traffic signal junction design with past poor junction design not a reason for future poor design.

- Junction not in compliance with DMURS or Traffic Signs Manual.
- Junction cannot be made to meet inter-visibility requirements without completely knocking third party walls.
- Issue of refuse trucks servicing Seaview Ave overlooked as proposal to make garbage collections from Trinity Street leads to trucks having significant adverse impact on safe traffic progression and forward visibility at the proposed junctions as nowhere for the refuse trucks to pull off the road (Fig. 17 of observation).
- Failure to provide an appropriately sized turning head in Seaview Ave will require larger vans either blind reverse back into the junction or stop and reverse into the Avenue within the junction.
- Reference made at Item 5.7(d)(i) of WCC response refers to a 12m standard rigid bus when ROD response is to a 10m bus providing misleading information with concern expressed by Auditor at proposed need for left turning 10m long vehicle to sweep into offsite lane to make manoeuvre.
- Concerns expressed at use of 'examples' within residential areas of Dublin which are historic aged junctions with responsible road design achieved through rigid application of modern design guidance principles.
- A simple safe alternative design is available to WCC which provides a safe and acceptable solution to access for all parties and addresses the myriad of traffic progression and safety issues in current design – see A3 drawing NRB-OB-001A.
- Solution would maintain multi-directional service vehicle access and maintains on-street parking for McMahons.
- Request that ABP direct WCC to consider merits of proposal as a solution to vehicular access to the site with proposed access moved c.20-25m north (could be moved further) and provides that Seaview Ave would not need to be signal controlled and ties back into proposed internal road proposal quickly.
- Merits of the suggested alterative outlined and request ABP review suggested proposal and require WCC to explore the option and if unwilling or unable to do so permission should be refused on grounds of traffic safety.

11.9. **John Hayes**

- Contention 1,200 employee figure only used at commencement of project (now reduced to 830) difficult to accept when it was figure repeatedly used and request accurate consistent figures provided.
- Shortfall of 130 car parking spaces with only 135 spaces within a 10 minute walk with no extra capacity.
- Crescent Quay off Street Car park north (61 spaces) included but previously considered unsuitable for works as there is a 4-hour parking restriction.
- Further reduces available spaces within 10-minute walk to 74 which is further received by removal of on-street long term parking on Paul Quay reducing to 60 the available spaces for the 130 shortfall anticipated.
- No parking provision for staff/users of proposed hotel, convention centre, shop/café, cultural centre marina with impact on town centre parking in town centre from proposed staff using spaces.
- Current proposal is an overdevelopment of the site and unsustainable in context of current infrastructure and should be refused.
- Parking requirement as per Development Plan is 1115 spaces leading to a shortfall of c.600 spaces and whatever numbers are used there is a significant shortfall in parking and urge the Board to refuse permission.
- Given use of original junction would remove need for radical redesign of the current street layout, most economic option would appear to represent the common interest with WCC having power to CPO the small area of property required which residents consider is safest route to the site as redevelopment of Seaview Ave represents increased danger.
- Existing Seaview Ave layout allows sightlines and is safe unlike proposed layout which would require large vehicles would have to reverse into the Avenue and no pedestrian pathways into and out of the Avenue changing a shared static space for pedestrians/traffic into an active traffic zone.
- Distance of proposed new junction to Fishers Row/Trinity Street junction is too close and will negatively impact traffic flow in an already restricted area.

- Loss of parking on Trinity St. catastrophe for local residents with proposed changes to road layout not subject to consultation with local community with no capacity on any of the surrounding streets to absorb parking and if permission granted proposed turning head on Seaview Ave should be used for parking.

- Enforcement of pay & display parking on Trinity St so sporadic that is absent with businesses on the street who have vehicles/advertisement parked for full working day without a permit and out of town businesses who park cars for sale all day.

- Revised traffic survey undertaken at same time as major road works being carried out along entire length of William St with traffic diverting from the area which was not measured with traffic data not reflective of normal usage with traffic counts on other junctions compromised by same works, omits two of main access points to the area (Fathye & Fishers Row) one of which is used as a main feeder to Trinity St.

- Response that road widths on William St outside extent of proposal unacceptable as its one of main entry roads to the site, ignoring issues on William St outlined by focus on areas further away.

- Proposal adding to unsustainable amount of traffic in already congested area.

- Lack of sufficient detail on traffic and parking management during construction and other construction impacts over the 80 month construction period causing extreme inconvenience for all residents with concern it could last longer and construction plan should be agreed with local community with no consultation made.

- Construction practices including hours of construction proposed and requirement on WCC to ensure adequate parking for residents/workers during construction, full survey of houses before and on completion of survey, compensation scheme.

- Visual amenity of the area permanently damaged with proposal overbearing on historical area of the town and out of place with existing streetscape.

- No facilities in the area and welcome proposed urban playground/amenity area and if original access used, amenity area would be sufficient to cater for the area and request site of old Cash & Carry be used as a playground/amenity area.

- Minimum passing distance for cyclists not provided for in proposal with nearest cycle path 850m from the site with cycle parking on site inadequate with requirement

that Development Plan prepared, cycle lanes provided and sufficient cycle parking increased or overall proposal reduced.

- Proposed office workers could be accommodated in office space a third of proposed size leaving two empty office buildings.

- Invasion of Japanese knotweed on site should be treated by same restriction and treatment regime that WCC imposed on other sites where permission refused.

11.10. **Katja Hayes**

- Traffic surveys conducted on streets requested by ABP and not on any other streets as suggested by ABP and question why no surveys conducted on other streets which provide links or alternative routes to avoid Trinity St.

- Major road works were ongoing at time of surveys but not mentioned in report and resulted in diverted traffic with data considered unreliable.

- Car parking survey show alternative parking predominately within 10+ minute walk from proposal in town centre with traffic diverted to centre contradicting aim of reducing congestion.

- 13 long-terms spaces at Paul Quay now part of footpath and 21 to be removed for boardwalk not considered in survey with underutilised spaces at peak times more than 10 minute walk with 10 min walk time questionable and some car parks having 4-hour max stay.

- Considered only 115 spaces actually available for overflow parking with 130 required with likely impact use of spaces closest to development along Trinity & William Streets with removal of spaces on same providing remaining spaces will not be sufficient for residents or visitors and pay & display infrequently enforced.

- Encouraged by proposed angled parking along Trinity Street but road safety concern as drivers will need to reverse and while proposed to work with residents to address parking it is not part of application with no formal contact made.

- Proposals for HGV's to access McMahons requires use of narrow streets passing schools with no traffic surveys on any of these streets.

- No timeframes for development of cycle lanes in the town or in vicinity of site and permission should be refused until plans and timeframes advanced.
- Residents were told that parking and traffic management were not part of the consultation meetings with masterplan not showing junction design.
- Concerns remain at junction design in respect of oil delivery trucks and need to reverse out of junction.
- Unclear why turning head, limited to cars and vans, is provided on Seaview Ave instead of extending same and providing 4 car parking spaces for residents.
- Reference to shared space at Seaview Ave being a static space questioned given creation of exit lane and introduction of traffic light.
- Despite proposal to hood the traffic light concern remains about light pollution given proximity of junction with no safe area in front of No. 1 as it is part of exit lane.
- Sightline issues exiting Seaview Ave will create traffic hazard for pedestrians with insufficient space and request permission refused until satisfactory solution reached.
- Response on choice of proposed access to development contradicts initial justification and question reasoning behind proposed new access and disadvantages arising when existing access could be utilised.
- Proposed views in immediate area not considered 'limited' as shown in graphics with view replaced with concrete and glass, request 5/6 storey buildings refused.
- Proposal to provide a playground on vacant site opposite Fishers Row may not happen and permission should be refused until such plans included with proposal.
- Reduction in proposed number of office workers suggest office space could be reduced.
- Construction Traffic Mgt Plan and mitigation should be included with application with daily construction hours and length of programme requiring more details.
- Earthworks mentioned are all on site and do not mention Seaview Ave including works to facilitate the turning head with resulting impacts on air, noise, dirt without mitigation proposed and request permission refused until detailed Cons. Traffic Mgt Plan and mitigations be provided.

11.11. **Representatives of Maureen Hickey – Deceased**

- Issues of ownership of the land has not been clarified but may be dealt with later through the legal system.
- Noted ABP considered notices inadequate which we understand has been rectified.
- No alternative to car dependency in rural towns like Wexford with concept of using industry standards at variance with reality with no frequent public transport to warrant reduction in car parking standards.
- Under provision of car parking will lead to serious traffic hazards on main roads with idea that conference centre will not be used during office hours unrealistic and statement that car parking in surrounding area will not be affected difficult to believe.
- Proposal to use town centre car parking for proposal acknowledges inherent deficiency.
- Consider shortfall of 667 car parking spaces, 57% which is difficult to justify.
- Difficult to see how William St can accommodate car parking, cycle lanes and two lanes of carriageway with loss of parking on William St serious loss of residential amenity (appendix I&II).
- Don't understand why Stage 1 RSA not carried out on Trinity and William Streets;
- Suggest area of parking on WCC lands adjoining William St to front of site for parking for William Street residents (appendix III)
- ABP have refused permission for College Green Plaza on basis of inadequate traffic analysis.
- Proposed site section 9 shows detrimental impact from car park on 3 William St with no remedial measures proposed.
- Despite resources and opportunity to revise proposal, traffic analysis and direct and indirect impacts on road infrastructure and residential amenity on William Street ignored in analysis and urge ABP on basis of own precedent (College Green) to refuse proposal in current format.

12.0 Oral Hearing

12.1. The Board determined by Direction dated 1 November 2019 that an oral hearing would not be held in respect of the proposed development.

13.0 Project Assessment

13.1. Procedural Matters

13.1.1. The first matter which was raised by the agent for the personal representatives of Maureen Hickey states that the OS map attached shows land in the ownership of the observer is included within the blue line area in site layout plans and therefore is not in the applicant's ownership. I also note the matter is raised in response to the FI submission. The provisions of Section 34 of the Planning and Development Act 2000, as amended do not apply to applications made to the Board under Section 177 or Section 226 and while including land not within the applicants ownership would not entitle them to carry out works within the area, it would not prevent including land within their ownership within the boundary. Furthermore as noted in the response from the applicant the lands are within the blue line rather than red line application boundary.

13.1.2. The second matter addressed by the same observer relates to the newspaper notice which was published in the Wexford People on 12 February 2019 and which made no reference to the requirement to pay a fee of €50 to make an observation. The observer refers to the further notice included in the same paper on 26 February 2019 which included reference to the requirement for a €50 fee. The concern raised by the observer is that they consider that the second notice could be misinterpreted by a reasonable member of the public who may not fully understand the significance of the 2nd notice and consider proposal has not been adequately described in the 2nd Notice. They also state that some people may not have been aware of 2nd Notice which could lead to an invalid observation/submission. It is their consideration that the Newspaper Notice has not been advertised correctly and is not in accordance with statutory requirements for such notices and in the interest of fairness that it should be re-advertised again correctly with new site notices. While it was unfortunate that the requirement for a fee was omitted from the original notice, this

was rectified by the second notice which itself refers back to the original notice dated 12 February. I would also note that 9 valid observations were received by the Board which clearly indicate that the requirements of the process were understood.

13.2. **Rationale/Justification/Need**

13.2.1. Firstly, I would point out that the National Planning Framework through multiple objectives seeks to create high quality urban place, regenerate towns and make better use of under-utilised land. The proposal in principle meets all of these strategic objectives. The planning report submitted by the Local Authority in support of the application outlines the justification or need for the proposal which can largely be divided into two main themes – firstly, economic development and secondly, environmental improvements and creation of a new urban quarter. In respect of the economic argument, they state that in order to support the continued growth and wellbeing of Wexford, it is essential to make available a range of suitable options for companies considering Wexford as a location. Modern business trends are rapidly changing with the accelerating technological shift to innovative knowledge-based sectors. These businesses are attracted to high quality urban locations where they can cluster, create synergies, where people can interact and think creatively, with an easy walk to high quality amenities, uniqueness of place, and a broad range of town centre uses all providing a high quality of life for employees.

13.2.2. In respect of the environmental improvements and creation of a new urban quarter, it is stated that the development will enhance the greater Trinity area, creating an attractive urban quarter which is connected to the town centre and which will attract investment to the area. Equally important is that the proposed development of Trinity Wharf will also encourage existing residents living outside the traditional town to use and support the town centre on a more frequent basis, encouraging inward investment from a broader business base.

13.2.3. Reference is made to the 'Wexford Quays Economic Action and Spatial Implementation Plan 2017' which identified Trinity Wharf as the key opportunity site close to the historic town centre with the potential and capacity to attract these types of innovative, growth businesses. The previous use of the site for employment purposes is outlined and it is noted that the site historically was home to some of Wexford Town's largest employers, including Wexford Dockyard, the Star Ironworks

and Wexford Electronix. On this basis, Trinity Wharf was identified as the most appropriate site for a high quality attractive urban quarter; capable of providing the large floor plates required, close to the town centre that meet modern business requirements.

13.2.4. I would note that the policy objectives set out in national, regional and local policy documents support the proposal. The creation of a high quality urban development with buildings suitable to attract commercial interest and most importantly investment complies with local and national policy objectives relating to creating a vibrant hub in Wexford town. Furthermore, a substantial development was previously permitted on the site. I consider that in order for Wexford to compete with other similarly sized urban centres and take advantage of its locational advantages and picturesque setting, a development of the kind proposed must be welcomed.

13.2.5. I note the concerns raised by TL Mussels Ltd relating to examples in other parts of the world where land based development has caused long term and unforeseeable damage to the marine environment with particular reference to the Gulf of Mexico. I also note the response from the applicant at Section 5.1 of the FI submission with which I concur. While the concern expressed is acknowledged, the subject site is a brownfield site within the Harbour historically used for industrial activities which is now proposed as a new urban quarter in the town providing access to the Harbour. Furthermore, the regulatory requirements in this State with transposed European Directives provide for a robust system which seeks to protect the marine environment with mitigation of the proposed development detailed within the EIAR and NIS.

13.2.6. In relation to tourism I note the comments from Failte Ireland which state that the proposal comprises a mixed-use urban quarter redevelopment of a brownfield derelict site which will provide tourism accommodation, a new cultural centre/public plaza and provide access to the water and from a tourism perspective Failte Ireland support the proposal in line with all proper planning/environmental and tourism standards and registration requirements once they are met.

13.2.7. A number of submissions reference the potential threat of displacement of existing hotels, offices and café/retail uses within the town centre. While I would acknowledge the concern expressed, in order for Wexford to compete with other

urban centres of its scale, high quality office and hotel complexes are required. If such spaces are not available operators/businesses will go elsewhere and as outlined it is local policy as expressed in the Development Plan to encourage such business to Wexford.

13.2.8. There is also concern expressed in a number of submissions that the proposal will irrevocably change the area. While I acknowledge the concern in this regard, towns are constantly evolving with the site itself an area of reclaimed land. In order to continue to evolve and grow the nature of the development proposed is one which provides a new modern urban quarter reflecting the uses required for this particular evolution of the town expressed in a modern form and design. I consider that the proposal is appropriate in this context. Furthermore, I would note that the nature of the uses proposed provides both day and night-time uses creating the most sustainable use of the site. There is concern that there is no through traffic to other areas and no organic connection to the town. The site itself extends into the harbour from the quays and is disconnected from the harbour side by way of the rail line. This provides that direct connectivity is challenging. However, the proposed walkway connecting the site to Pauls Quay provides a new connection between the existing town centre/quays and the site. I consider that connectivity to and from the site has been appropriately addressed particularly in the context of the site's unique location.

13.2.9. In relation to need for the proposed marina element of the proposal, I note in particular the applicant's response to the submission from T&L Mussels which questions the need and demand for the proposed marina. They state that currently, there is no dedicated berthing facility serving the lower harbour resulting in numerous moorings and vessels located in an ad hoc manner throughout the Harbour which have to be accessed by small tender, which is not ideal particularly in times of strong winds or tides. It is stated that the proposed marina provides a purpose built public facility for these vessels with improved mooring conditions, facilities and shelter, as well as safe means of access and egress to/from leisure craft in the harbour. The majority of vessels that will be using the proposed marina are expected to be coming from existing adjacent moorings within the estuary. I consider that that proposed marina is acceptable in principle particularly given its proximity to the town centre and potential for synergies with same.

13.3. Residential Amenity

13.3.1. Considerable concern has been expressed in the observations at the potential impact of the proposal on the residential amenity of residential properties on William Street from the proposed high buildings. It stated that properties numbered 1-63 on William Street are within the 500m study area with some within 75m of high rise buildings. It is stated that Sections 2 & 3 do not include a section showing the relative heights of the properties on William Street and the proposal with impacts of existing properties on William Street not adequately addressed. These impacts are stated to include:- visual impact, no proposals for site boundaries, noise and vibration during construction, car parking, overlooking from offices, devaluation of property, human health, air quality and timescale of proposal. While I address the environmental factors such as air quality and noise in the EIA below, I would note that the proposed buildings which are most proximate to the residential properties are the proposed car park structure which is 6 storeys (18.15m) and the apartment building which is 5 storeys (15m).

13.3.2. In relation to the impact of the proposed multi-storey car park, particularly on properties on William Street, I would note that the proposal is separated from the existing properties by a rail line and its embankment and the distance between the elevation of the car park and the rear boundary of the properties varies from 38m to in excess of 55m. This is not the distance to the rear elevation of the properties which are a further 15m away at the closest receptor from the proposed car park elevation but to the rear boundary of the site. I refer in Section 13.5 below the proposed design of the car park, which I consider is appropriate. I do not consider that the proposed car park would have an adverse impact on the residential amenity of the most proximate residents given the significant separation distances involved. This is highlighted by the sections submitted by the applicant in their response to the further information request (Appendix 5.2.1). In relation to the impact from the proposed apartment block, as I outline above, the elevation which addresses the most proximate residents is the side elevation which is 16m in length. There is one kitchen window on this elevation at each level and a wraparound balcony on the south-eastern corner. The closest distance of this balcony to the nearest boundary is c.45m and the angle is oblique. I consider that the separation distances proposed

are appropriate and that the proposal would not have significant adverse impacts on the residential amenities of the most proximate residential dwellings.

13.3.3. I note the applicants have provided a specific response to the concerns expressed by Alan and Mary Clancy in their observation. The applicants have provided a contextual section taken perpendicularly through the rear garden of 49 William Street showing the existing and proposed development (Appendix 5.2.1). I consider that this drawing clearly outlines that the proposal will not adversely impact same.

13.3.4. The other matter of relevance to residential amenity is construction impacts and in particular the concerns expressed at the length of the construction phase which is proposed at 80 months (6 years 8 months). Other concerns expressed relate to the need for a Construction Traffic Management Plan at this stage of the process rather than a draft. The residents contend that nothing has been proposed to lessen the impact and no approaches were made to hear concerns. While 80 months does appear to be a very lengthy period of construction the development is significant in scale. I note the documentation submitted includes a series of plans including a Construction and Environmental Management Plan and other drafts of Construction related plans which sets out the proposed procedures. Given that the proposal is currently at planning stage it is not possible to have concrete finalised plans in advance of permission for any development. I would also note that the construction phase changes over the period concerned with development undertaken in different areas of the site at different stages. I do not agree that insufficient detail on construction impacts have been submitted and I note that the EIAR outlines the potential impacts at the construction phase for the various environmental factors.

13.4. Marine Related Matters

13.4.1. Concern regarding climate change, rising sea levels and environmental implications on the subject seafront site are addressed elsewhere in this report including at Section 13.7 in terms of flooding and in Section 14.3.36 of the EIA below in respect of hydrology. This section addresses the proposed marine elements of the project specifically the marina, alterations to the seawall and the proposed boardwalk and addresses the environmental impact on the estuary and the impact on tidal movement and the potential for further silting problems caused by extension of the quays. At the outset, in terms of the principle of the proposed marina, I consider that

the principle of providing marina facilities within the Harbour at the subject site make eminent sense given the area can provide good quality access to facilities and to the town centre. I would also note that the impact and effects of the proposed marine related elements of the proposal are addressed elsewhere in this report including the EIA the AA.

Marina

13.4.2. Firstly in relation to the proposed marina it is proposed that the facility will accommodate 64 berths. The design of the structure comprises floating pontoons, walkways and floating breakwater units. As outlined in the documentation received, it is proposed that they will be restrained using either piles driven into the seabed or helical anchors drilled into the seabed as lower terminals for anchor chains that will connect and secure the breakwater units, pontoon walkways and finger berths. Depending on substrate conditions, restraint chains could also be anchored by appropriately sized anchor blocks buried into the seabed. The method of securing the marina elements (i.e. piled restraints or chained restraints) will be subject to ground investigations and will be confirmed during the detailed design phase. The breakwater design proposed comprises pre-fabricated floating breakwaters with skirts that will be tethered to the seabed on the outer side of the marina to shelter the marina and boardwalk from incoming waves.

13.4.3. I would refer the Board to the comprehensive Trinity Wharf Marina Feasibility Study (November 2018) which addresses the feasibility of developing an attached marina facility at the subject site. The study is comprehensive and outlines the proposed locations of such a facility and the rationale for ruling out some of the areas in the vicinity of the site. The study includes comprehensive analysis of the Harbour area including a bathymetric survey, flow and suspended sediment monitoring and sampling of sediment. These studies then led to the development of conceptual layouts of which there are six which were assessed using a series of considerations including dredging requirements, coastal processes, construction considerations, initial capital cost and impact on existing harbour operations. It also addresses the option of providing a fixed or floating breakwater with the floating option considered to have virtually no associated environmental impacts and suited to relatively sheltered environments. I consider that the approach outlined which lead to the proposed location of the marina is comprehensive, the methodology is clearly

outlined and the concerns expressed in observations regarding the potential impact on the Harbour have been appropriately addressed.

Seawall

13.4.4. Another element of the proposal seeks to replace the existing seawall which surrounds the site with a new construction. As I outlined above, this matter is also addressed in the Appropriate Assessment undertaken by my colleague Dr. Maeve Flynn under separate cover. This section seeks to provide an assessment of the engineering elements of the proposal for the Board's benefit and to outline the rationale for the approach taken. Section 4.3.12 of the EIAR provides a useful outline of the existing situation regarding the sea wall and the proposal herein. It states that the existing sea wall bounding the site comprises a combination of shallow rock armour along the southeast edge, reinforced concrete wall along the northeast edge and stone masonry wall along part of the northeast edge and all of the northwest edge of the site. The EIAR includes photographs of the existing wall. In terms of the existing structure it is stated that the structural wall on the northeast and northwest edges show signs of deterioration throughout the reinforced concrete and masonry sections and has been assessed to be inadequate to be maintained or rehabilitated for the proposed development. As outlined elsewhere in this report, it is proposed to raise the level of the site by approximately 1.5m and this measure for flood defence purposes makes any utilisation or medication of the existing structure unfeasible. I consider that this is a reasonable stance for the applicant to take given the existing seawall arrangement was designed for the existing site contours. Therefore a new sea wall is required for the site perimeter.

13.4.5. While I outline the proposed design at Section 3.1.4 above, for the Board's ease of reference, it is proposed that a new sheet-piled sea wall is proposed around the coastal boundary of the site with an overall length of c.550m. It is proposed to comprise a 2.4m OD structure with a 1m parapet wall along the perimeter. It is proposed to face the wall with precast concrete cladding along the north-western section in the vicinity of the boardwalk for c.81 m in length. It is proposed to place rock armour along the north-western boundary for c.62 m length between the precast concrete cladding in the vicinity of the boardwalk and the boundary of the site with the railway line. It is also proposed to place rock armour for the length of the south-eastern boundary c.187 m length as it addresses Goodtide Harbour. The remainder

of the boundary with the Harbour will comprise exposed sheet-piled walling along the north-eastern side (c.220 m length) which it is proposed to paint. I would note that the EIAR provides a detailed design of the proposed wall including cross sections (Plates 4.28 & 4.29). I consider that the rationale outlined for the design of the proposed sea wall is satisfactory and that visually it will be appropriate.

Boardwalk

13.4.6. I consider that the proposed Boardwalk is a welcome addition to the town providing the subject site with good quality connectivity to the town centre and vice versa. It facilitates safe cycle and pedestrian access to the site and creates visual interest from the quays leading the eye to the site of the proposed development. I consider that the loss of parking spaces within the Pauls Quay car park is a necessary consequence of facilitating the most appropriate landing point for the boardwalk.

Aquaculture

13.4.7. I note the observations submitted by TJL Mussels Limited which outlines in detail the history relating to aquaculture in the vicinity of the site. They reference what was a current licence application at the time of the subject application relating to a site which includes part of the seabed which is included in the subject application. I also note the reference to historical aquaculture activity. I would note that as outlined at Section 5.1 of the response to further information, as of 10 September 2019, the Minister for Agriculture, Food and the Marine determined the application stating that it is in public interest to grant a variation of the licences sought i.e. reducing the footprint of the site from 56.323 hectares sought to 11.9141 ha. I would note that the further information response from the applicant includes a map (Appendix 5.1.2) which outlines the extent of the area to which this licence relates. It is located to the east of the application site and does not overlap with same.

13.4.8. I also note the comments from the Department of Agriculture who state they have no objection to the proposal. They also state that the potential impact on aquaculture is not considered to be significant provided the development proceeds as outlined in the documentation. I would also note the comments received from Bord Iascaigh Mhara which seek to ensure that the quality of the water within the Harbour and the measures proposed to ensure inappropriate discharges to the water are prevented. In response to the concerns raised, the applicant have responded at Section 5.4 of

their submission to the matters raised which relate particularly to water quality to support mussel production. In respect of the Marina while referencing the potential for marine alien species and the need to consider same in Invasive Species Management Plan, they state that they are satisfied with the marina design option chosen.

13.4.9. While I acknowledge the observers' concerns regarding the potential impact on mussel production, I consider that the determination on the relevant aquaculture application has provided that there is no conflict in respect of the proposed development. The matters raised by Bord Iascaigh Mhara in respect of water quality have been appropriately addressed by way of the mitigation measures outlined in the EIAR. I would also note that BIM's concerns regarding marine invasive species have been satisfactorily addressed in the FI response as they have confirmed in their submission on the FI response.

13.5. Design and Visual Impact

13.5.1. Many of the observations received relate to the proposed height of the buildings outlined. I would refer the Board to Section 14.3.45-48 of the EIA below where I address visual impact on the environment. I would acknowledge the concern of the observers that the proposal is of a completely different scale to that which exists in the local community and I note the historical context within which this area of Wexford town emerged. The criticisms of the proposal as outlined in the observations include that the proposal would have an overbearing impact on historical town centre, that the materials are out of place with existing streetscape and that the proposal dwarfs other development and destroying visual skyline south from the quays, the Bridge and Ferrybank.

13.5.2. I do not consider it is reasonable to propose that the site would be developed at the same scale and height as that which was considered appropriate in the 19th century. The subject site comprises a unique site within the town suitable and capable of accommodating considerable development. Indeed the previous decisions on the site have determined the site's capability to accommodate a sustainable extension to the town. The five and six storey heights while considerably higher than the existing context are appropriate given the site's context and location in the Harbour and the separation between the site and the most proximate residential properties.

13.5.3. While as outlined in the visual impact assessment in the EIA below the proposal will have a significant impact on views both local and also from locations such as the Quays and the Bridge I consider that the impact is positive. I do not agree with observations received, both initially and in response to the further information submission, that local views from surrounding streets would be detrimentally affected. Yes, there will be significant change but in the context of an urban environment, it is not unexpected to see buildings of substantial scale. The proposal signals a new era for Wexford town. Towns are constantly evolving and it is incumbent on the proposers of the subject development that the proposal establishes a suitable character to signify the current era of its development.

13.5.4. Rather than being too high I consider that the proposal is appropriate and I would suggest to the Board that the northeast corner where it is proposed to locate the 'Office Building A' which is proposed as a potential HQ could in fact absorb greater height creating a landmark building at this corner. If the Board agree with this contention they may wish to seek an amendment to the structure. However the proposal as set out is satisfactory.

13.5.5. I note the initial observation from Alan and Mary Clancy and their observation on the further information response who outline their concern that the current view from the property will be obstructed by the proposed development. While I acknowledge that the existing view from the property will be impacted and irrevocably changed, a view of the Harbour still remains albeit not panoramic. I would also note that there is no legal right to a view or maintenance of a view. This is a town centre location and it is unreasonable to expect that a prime town centre site would not be sustainably developed in order to maintain a panoramic private view.

13.5.6. The response to the further information request provides a response to observations which raised the matter of height and visual impact. I would concur with the applicant's contention in respect of the visual impact of the proposal and agree that the proposal will facilitate urban regeneration of the area by transforming a strategically located brownfield site into a high quality attractive development.

13.5.7. The design of the car park is a matter which I consider requires careful consideration. The car park is located adjoining the boundary with the railway line. At 6 storeys and 18.15 metres it is a substantial structure. However, I consider that the

layout of the structure provides that it can be appropriately absorbed into the site given the level differences, the railway line and the proposed materials. I note, as outlined in Section 4.3.5.6 of the EIAR, that it is located adjoining the rail line and also in close proximity to all of the buildings which it will serve. The design proposed provides for a rippled bronze coloured light weight screen cladding system which the applicants suggest will provide a sculpted elevational treatment during the day and will diffuse and soften internal lighting at night. I consider that, as outlined in the Architects Design Statement, the design of this structure has been appropriately and carefully considered. I do however think that it is essential that the high-quality material proposed is incorporated and that at construction stage that the applicant does not seek to dilute the quality of the elevational treatment.

13.6. **Traffic, Junction Design and Car parking**

13.6.1. This matter has a number of elements as follows which I will address in turn:

- Junction Design and Seaview Avenue
- Car Parking
- Assessment of Traffic
- Impact on Road Network
- Cycle Provision and Pedestrian Permeability
- Rail Line
- Other Matters

Junction Design & Seaview Avenue

13.6.2. There are a number of matters arising in respect of junction design which have been raised by observers both in the original submissions and in the submissions received following the further information response.

13.6.3. Firstly, in relation to the rationale put forward by the applicant for choosing the location of the access, concern is raised by observers that the rationale for the junction design chosen is based on the view available on entry to the proposal. They also stated that the original existing entrance represents the safest route to the site with the proposal a clear danger to young children playing in the Seaview Ave/Trinity

St area and pedestrians crossing the entrance of Seaview Ave. It is stated that the existing entrance was the first option considered by the applicant and that this would represent the best solution. It is questioned why the 7m required to facilitate same was not compulsorily purchased.

13.6.4. Section 3.7.6 of the EIAR addresses alternatives as it relates to traffic provisions and the main site access in particular. It is stated that the current access to the site, which includes a gated level crossing, was not suitable due to the geometric constraints of the road which is too narrow and could not be upgraded given the proximity of adjacent privately owned land which would have to be acquired. While a number of observers consider that part of this private land could have been acquired with CPO powers, it would seem unreasonable to seek to acquire private land if a reasonable alternative is available which the EIAR then outlines. Access to the site is complicated by the location of the railway line and the need to safely cross same. Three options for the main access road are outlined in Section 3.7.6.2 of the EIAR which include widening the existing lane as outlined above. The proposed option, Option 3, was chosen on the basis that the site area is within the applicant's ownership (with no private land required) and the alignment chosen makes the most sustainable use of the plot of land concerned. It is stated that the views which result from this option are a bonus rather than the reason for its choice. Therefore, I consider that the process by which the proposed access was arrived at is transparent and rational.

13.6.5. Secondly, representatives of Eamon McMahon state that the proposed access arrangement will have disastrous implications for McMahon Building Supplies, a long established business, in terms of premises access for stocking/supplies and deliveries and in terms of available and convenient customer parking. They also state that the creation of a traffic signal junction at the observer's premises will require customers and large vehicles to cross two lanes of traffic immediately at a traffic signal junction to access the front of their premises when traffic queues may prevent same occurring and that this has been totally ignored. The submission received in response to the further information goes into further detail about the traffic signal equipment details, the loading arrangements proposed and provides an alternative design for the access which is located further away from the McMahon

business premises and provides that Seaview Ave is not signalised (Observer drawing NRB-OB-001).

13.6.6. There are a number of matters which I consider require consideration in respect of the McMahon premises. Firstly, in relation to the loss parking spaces which facilitate the McMahon premises, it is proposed as part of the application to remove the parking spaces along the street in front of this premises. However, this is part of the public roadway and these spaces are not owned by the observer. I would also note that there is an area of ground adjacent to their premises to the southeast which is part of the application site and the location of the proposed access road, but is currently used for parking vehicles associated with the McMahon's business. When I visited the site vehicles associated with the business were parked on this area of ground. However, given that it is within the ownership of the applicant it cannot be considered that the loss of this space would impact on the premises as it is not part of the premises. I would note that, while they do not make any legal claim to this area of ground, the proposed development would result in the loss of this area of ground for operational parking. I note that the revised design proposed by their consultant would result in this area of ground being unaffected by the proposal and therefore it could be construed that it would remain available for their parking notwithstanding that it is outside of their ownership or control.

13.6.7. In respect of vehicular access to the premises, the current situation provides that McMahons load and unload on the street into the premises. They state that they receive deliveries via articulated truck from Dublin although they do not state how often such deliveries occur. The response to the further information has responded to the request from the Board to address this matter. It is stated within the Traffic Addendum (part d) that the general arrangement of the proposed access junction has been refined to improve vehicular access to the McMahon Building Supply Premises. This refinement includes the provision of a loading bay/yellow box and the repositioning of the stop lines and pedestrian lines at the junction. The amended drawing is included in Appendix A5 (figure 4.9). The existing situation and proposed arrangement are further explained by additional text proposed to be added after the last section of 5.4.1 of the EIAR. It states that the McMahons Building Supplies premises has a vehicular entrance to the front of the store which is accessed by the store's delivery vehicle. Currently the vehicles must reverse in/out between kerbside

car parking spaces and cross the footpath to enter the store. Visibility of pedestrians on the footpath is obscured to a reversing vehicle accessing the store if vehicles are parked in the spaces either side of the entrance. Likewise, visibility of pedestrians on the footpath is obscured to a reversing vehicle egressing the premises by the building's envelope. Visibility of the traffic on Trinity Street is also obscured to a reversing vehicle if a vehicle is parked in the space beside the entrance. This current arrangement is not ideal with safety implications to both pedestrians and traffic on Trinity Street. The situation is mitigated because the delivery truck driver is familiar with the conditions and the hazards.

13.6.8. The proposed development will replace the parking spaces approaching the junction with a traffic lane for a left turning vehicles. In relation to loading I note the concerns expressed regarding the articulated truck delivery with the observations noting that the majority of deliveries of building products are by way of 16.5m articulated lorry coming from Dublin. I would note that it is not stated how many such deliveries happen on a weekly basis. I also note that as suggested by the applicant such deliveries could be timed to avoid peak hour traffic. While I note the concerns expressed in terms of the circuitous route that such a lorry may have to take to access the premises, access from Dublin is available through a number of routes into Wexford town centre. Indeed many retail premises within the town centre have deliveries via articulated lorries on a daily basis. I note the observer's concerns at an apparent contradiction between WCC and ROD in their responses to this matter however, the traffic addendum report includes a drawing – Figure 4.9 – which clearly outlines the proposed response. I would suggest that a condition may be included requiring that the yellow box proposed at the premises be increased to facilitate a longer vehicle than what is currently proposed, however I do not consider that it is necessary to redesign the proposed junction to facilitate the temporary loading and unloading from an articulated lorry. I would also note that the redesign proposed by the observer would also sever an urban site which could accommodate a myriad of other uses, subject to permission. I consider that it would not be justifiable to refuse permission for the redevelopment of a strategic urban site on the basis of the inconvenience caused to an adjoining operation which has been accommodated within the proposed design.

13.6.9. The proposed arrangement in relation to the proximity of the McMahon access to the junction is stated by the applicant to be common in mid-sized towns where priority-controlled junctions are signalised as a result of an increase in traffic. The response then proceeds to provide a number of examples (Plate 5.15, 5.16, 5.17, 5.18) of situations which are similar in nature and which operate without significant traffic disruption or incidents. The response to this submission on behalf of McMahon's is that the junction design provides a substandard junction in an urban area when the objective should be to provide a design which meets all standards as would be the requirement on a greenfield site.

13.6.10. In considering this issue I am mindful that this is an existing urban area and in order to redevelop the lands in question changes must be made to the street layout and existing parking arrangements. A balance must therefore be struck between facilitating the continuation of a long standing commercial business and the redevelopment of a significant town centre site. I am satisfied that the solution proposed is appropriate in this regard.

13.6.11. The implications of the proposed design on Sea View Avenue has been raised by a number of observers both initially and in response to the further information. Concern is expressed that vehicles exiting Seaview Avenue would have no view of pedestrian or vehicle traffic coming from the north side of the proposed junction due to existing dwelling houses with a lack of available sightlines. It is also stated that there is no pedestrian pathway for residential access/entry to Sea View Ave in the proposal, forcing residents of Seaview Avenue to walk through an active traffic zone to enter/exit their street. I would note that the traffic data submitted indicates that peak hour traffic flow at Seaview Avenue is in the region of 3 cars which highlights very low traffic flows in the lane.

13.6.12. The current situation on Sea View Avenue is that this cul-de-sac does not include any facility to turn once a car enters the street and therefore cars driving into the street must reverse out of the street or alternatively cars must reverse into the street in order to drive out. Furthermore, there is no provision for pedestrian crossing of this avenue. I consider that the proposal to provide a turning area within Seaview Avenue provides a very positive improvement to the existing situation allowing cars turn within this area and drive onto Trinity Street via the proposed signalised junction which is controlled. I note the concerns expressed in the observations on the further

information response, however I consider that the proposal to signalise this junction and provide controlled pedestrian crossing facilities is an improvement on the existing situation where there is no control and where vehicles must reverse onto the street. One of the advantages of providing a signal controlled junction is that the signal timing can be controlled so that the turning movements required for vehicles entering and exiting this narrow lane can be accommodated. This lane was laid out prior to the invention of the engine and therefore was not designed to facilitate vehicles. Access and egress to and from same will therefore require consideration which I consider can most appropriately be provided by controlling the access and egress to same. Proposals outlined in the observer submissions to create parking spaces within the proposed turning area are not reasonable given that the intended use of the turning area is to facilitate vehicle turning movements.

Car Parking

13.6.13. Parking provision is detailed in Chapter 5 of the EIAR at Section 5.4.8. It is estimated that the demand generated by the development is 639 spaces with 509 spaces proposed on site by way of 462 within the proposed multi-storey car park and 47 at surface. There is therefore a shortfall of c.130 spaces which it is proposed can be accommodated within surrounding streets and at other car parks within the town centre. In terms of accommodating the shortfall, Section 5.4.8.3 of the EIAR outlines the conclusions of a town centre car parking subject which was undertaken in November 2016. Given that the information was almost 3 years old the further information request required the submission of up to date surveys. In response to the further information request the car parks were resurveyed on a number of weekdays in September. Table A1 of the Traffic Addendum (appendix B1) provides details of the occupancy of the car parks on three different dates for 8 hours during the day. It is clear that there is a reserve capacity of 25% or more throughout the day. It is clear that there is sufficient capacity within the existing town centre car parks to cater for the shortfall on the subject site. I would also note that Appendix AA4 includes a series of drawings which outline the off-site car parking and indicates the number of spaces within same. The drawings also outline the location of short term, long term, barrier parking, bus parking and resident only parking areas and are very useful.

13.6.14. Car parking was one of the main issues raised in the observations received by the Board both initially and in response to the further information request. One of the

matters raised in the submissions received to the further information response seek to address the indicative numbers of employees which may emanate from the proposed development and consider that the reduction in same for the purposes of calculation of a density for the development provides an oversupply of office space. I do not concur with the rationale outlined by the observers and consider that the high quality office environment proposed necessitates such large floor plates.

13.6.15. In relation to the principle of dual use I consider that the uses proposed – offices and hotel/cultural provide perfect complementary uses to share spaces given the night time/weekend use for the cultural uses and weekday use by offices. Furthermore, in terms of sustainability it is imperative that all new developments prioritise mobility management on site supporting users to use sustainable transport modes. It would appear counterintuitive to seek to reduce traffic congestion on the road network, with existing traffic congestion stated by observers as an issue, and to require larger numbers of car parking spaces which would encourage car based transport to the site with attendant additional congestion. Sustainable transport measures require the provision of appropriate levels of car parking on site and providing suitable pedestrian connections from existing car parking facilities within the town centre which I would note is provided by the proposed boardwalk.

13.6.16. One of the main concerns raised by a number of observers is the loss of on-street car parking spaces on Trinity Street which impact commercial operations such as the McMahon business as discussed above, businesses operating from observers' properties and access to parking for residential properties. As outlined in a number of the reports including Chapter 5 of the EIAR, the new junction proposed involves the removal of 16 on-street car parking spaces to the front of properties on Trinity Street. These are public parking spaces along the public road and are not the property of the owners of the adjoining buildings/properties. While it is acknowledged that the loss of the spaces will cause inconvenience to individual businesses/property owners, given the positive impacts for the wider area in respect of the development of this key site, the loss of such a small number of spaces is considered reasonable particularly given that spaces are available in the surrounding area. I do not consider it is reasonable as part of this proposed development that the Board require the provision of resident parking spaces at a number of different locations within the immediate area as suggested by a number of observers. I do

note in the FI response (pg 56) that the applicant states that parking for residents and businesses in the area will be protected from long term parking of commuter vehicles generated with the expansion of the permit, tariff and enforcement system. This is a method adopted in many urban areas around the country and I consider it is an appropriate response in this instance.

13.6.17. One observer states that a development contribution paid on a permission granted for their property included parking. While parking is indeed one of the matters included for the purposes of such a contribution it is not stipulated that the payment of same provides for parking directly adjoining the property. Therefore payment of such a contribution does not convey any ownership to the property owner of the public road outside of that property.

Assessment of Traffic

13.6.18. One of the concerns raised by a number of observers relates to the timing of the traffic surveys undertaken. As outlined in Section 5 of the Traffic and Transportation Report, traffic surveys were undertaken on two occasions. The first between 1st and 3rd December (sic) (Thursday – Sunday) in 2016 with updated surveys undertaken between Thursday 2nd August and Thursday 9th August 2018. While I note that the rationale for the August surveys is stated as being to capture peak seasonal traffic, I had a number of concerns at the timing and content of same. Reference is made in Section 5 (TTA) to a slight increase on the 2016 volumes, however they are not comparable given the seasonal variance in the timing of the survey and the locations where the traffic counts were undertaken are not the same. The peak hour in the 2018 survey is 11-12. However the actual traffic counts included in Appendix 2 show peak AM for Thursday 1st and Friday 2nd Dec (2016) to be 8-9 AM which would correlate with school and work traffic on the network. I did not consider it is appropriate to rely on a base survey undertaken in 2016 when the stated update was not undertaken at the same time of the year during term time. I would also note that the surveys included different streets and junctions. In this regard further information was requested to provide up to date survey information undertaken mid-week during the school term. The response to same provides that the traffic survey locations were resurveyed between Thursday 5th September and Thursday 12th September which accounts for mid-week during the school term. The surveys are set out in Appendix AA1 of the response. I note the concerns expressed

in the observation received that roadworks were ongoing at the time. However I would note that the photographs submitted show that the two lanes remained open and that there is no stop and go system. They also do not indicate the period over which these roadworks were undertaken. Therefore I do not consider that there is any reason not to accept the new surveys provided to the Board.

13.6.19. Observations from the representatives of Eamon McMahon stated that the applicants LiNSiG model had been modelled on a 3-arm junction with 2 pedestrian crossings with the 4th arm into Sea View Ave not included with the modelling undertaken not reflecting the applicant's proposed junction design with no pedestrian crossing of 2 arms and no signal stage for Seaview Ave. The further information request required that the applicant revise the model to include this fourth arm which I note has been submitted within the Traffic Addendum (Appendix B1). It is stated that the junction capacity analysis of the access junction on Trinity Street was remodelled as a 4-way junction to account for Seaview Avenue with a summary of the results presented in Table 5.5.

Impact on Road Network

13.6.20. A number of the submissions assert that the proposal will have an adverse impact on the existing road network adding to existing congestion in particular. As a matter of principle I consider that the redevelopment of the subject site which is a large former industrial brownfield site would provide significant regeneration for the town. The site has been ear marked for development for many years and permission was previously granted on the site for a large scale development. Therefore the principle of significant development on the site and by extension traffic generation emanating from same has been established. Furthermore, the location of the site within the town centre provides that it would comply with a multitude of national polices which seek to regenerate significant sites and create vibrant centres to facilitate population growth and increased services and activities for existing and future populations. In terms of the impact of the proposal on the local road network, notwithstanding the updated surveys, it is stated that the original conclusions of the traffic analysis remain with only marginal impacts on the network and surrounding junctions. It is noted that the AM peak is between 08.30 and 09.30 and the PM peak between 16.15 and 17.15. Many of the uses proposed such as the cultural and elements of the hotel uses would not overlap with the peak times. Figure 5.2 within

Appendix AA4 of the FI response indicates existing traffic on each of the streets and junctions surveyed and is a useful indication of peak traffic concentrations.

Cycle Provision and Pedestrian Permeability

13.6.21. The proposed development incorporates cycle and pedestrian access into and out of the site and it is proposed to connect the site into the wider cycle network. I consider that the proposals into and out of the site and within the site are appropriate and provide for a safe and amenable cycle and pedestrian environment. In order to consider the wider context the further information request sought consideration of the proposed connections into the wider network. Section 2(f) of the response addresses same and states that the Council is seeking to implement the Walking and Cycling Strategy for Wexford Town to develop cycle and walking infrastructure which proposes 8 new routes within the town boundary of which routes 1 and 2 are proximate to the site. It is stated that there is no particular timeframe for the roll out of the strategy but that Route 1 is complete, which runs from the N25/R730 junction into Rocklands, with a dedicated cycle lane at carriageway level separated by road markings. I would note that the response includes Plate 2.2 which illustrates the routes. In terms of Route 2 it is proposed that this route would pick up from Rocklands (end of Route 1) running to Redmond Square with part of the route developed (Route 2D) with the proposed development providing element Route 2B both of these elements are combined cycle and pedestrian pathways. It is also noted that the design of the proposed access junction and access link has been refined to accommodate this pedestrian/cycle link with the proposed pavement marking indicating a shared surface. This is indicated on Plate A1 of the Traffic Addendum submitted as Appendix B1 of the further information request.

13.6.22. This leaves sections 2A and 2C of this section of the network. It is stated that the Council plans to complete Route 2C prior to the completion of Phase 1 of the proposed development converting the existing 3m wide footpath into a combined pedestrian/cycleway. It is also stated that depending on the full scope of works and cost that this proposal may need planning permission. This element would provide access from the site to Wexford Bridge all off road. The FI response states that there is no immediate timeframe to develop Section Route 2A. This comprises the section from Rocklands up to William Street and will need to take account of available road space and existing residential parking with the potential for the development of

shared spaces with reduced speed limits. It is also noted that new cyclepaths have been developed to the north of Wexford Bridge. The response submitted also addresses proposed greenways with the Council in the early stages of preparing a consent application for a greenway from Wexford to Curracloe with the potential for a Wexford to Rosslare greenway also being examined. I consider that the cycle network is being satisfactorily progressed and the Council are endeavouring to connect the elements they can deliver particularly those which are off-road with the development of the subject site delivering an important element of the network. I do not concur with an observer's request that permission be refused prior to the delivery of the overall network.

Rail line

13.6.23. One of the main constraints arising on the subject site is the location of the Dublin-Rosslare Rail line which traverses the site and dissects it from Trinity Street. The current access arrangement across the rail line provides for an informal gated level crossing. Given the constraints identified at the existing access, narrow access road and proximity to adjoining private land, the EIAR at Section 3.7.6 outlines the two options considered at the proposed new location of the crossing. These are a at-grade level crossing with automatic signalised boom barriers which activate for 3 minute durations 8-times daily. The second option was a grade separated crossing involving a bridge with approach ramps which was ruled out given cost, land take and visual impact leaving the at-grade option the preferred option for the proposal.

13.6.24. Iarnrod Eireann have made a submission to the Board on the application outlining the requirements in respect of works to and in the vicinity of the rail line. They also state that they have commenced discussions with Wexford County Council regarding the proposal and the approval of the new level crossing arrangement is subject to the approval of the Boards of IE/CIE in conjunction with the necessary rail safety validation and the approval of the Commission of Railway Regulation. It is stated that as part of that approval process the closing of the existing access will be required i.e. that there will be no access across the railway to this development at any location except the proposed new level crossing. I would note that the response from the applicant to the further information request clarifies

that the applicant is agreeable to the requirements of Iarnrod Eireann. I consider that the requirement of IE and the applicant's response to same is reasonable.

Other Matters

13.6.25. It is stated by an observer that there is insufficient detail provided on construction traffic. I would note that Section 4.4.15 of the EIAR details the proposed construction traffic envisaged for the site with 162 HGV movements per day at peak during the earthwork activities and an anticipation of 50 construction workers on site and assuming all travel separately by car, 100 movements would be envisaged. I consider the information is sufficient to predict the impacts likely to arise which are detailed in Table 4.5.

13.7. Flooding

13.7.1. In relation to flooding which is also addressed in Section 14.3.36 of the EIA below, a site specific flood risk assessment was requested from the applicant at further information stage. In response a SSFRA has been submitted and is enclosed at Appendix C1 of the Response. I note that Table 3.3 of the SSFRA outlines the possible sources of flooding associated with the site and likelihood of same. A high likelihood has been identified for both tidal and fluvial flooding. The Stage 2 assessment addresses the sources of flooding and concludes that there is potentially elevated levels of coastal flood risk arising along the boundary of the site, which has been determined to be within Zones A & B as set out in the OPW's South Eastern CFRAM Study. This provides that a Stage 3 SSFRA is required as outlined in section 4.3 of the report.

13.7.2. As per the precautionary approach it was proposed to use the highest values amongst the various flood studies (as set out in Table 5.1) as they are considered the most suitable indicator of flood risk. Minimum levels required within the site are then proposed with the lowest ground floor level within the site proposed as 3.30mOD which is above the minimum floor level of 2.64mOD in the Development Plan and the minimum road level proposed 2.8mOD which is greater than the minimum level of 2.34mOD proposed in the Flood Risk Guidelines. I also note that the report references the feasibility study undertaken for the development of the site and the recommendation that sloping revetments to 2.4mOD with an additional 1m

parapet (final parapet height of 3.4mOD) would be required to provide protection to pedestrians and the wider development from waves. The justification test is outlined in Section 6 of the SSFRA and concludes that the proposed development satisfied all requirements. I consider that the SSFRA submitted provides an appropriate site specific flood risk assessment which provides rationale justification for both the minimum ground floor and road levels. I am satisfied that the matter has been appropriately addressed.

13.8. **Infrastructure**

Surface Water

13.8.1. It is proposed to develop a SuDS surface water drainage system which it is stated will provide treatment to surface water runoff from the site during operation. I would note that there is currently no surface water drainage system within the Trinity Wharf site with runoff draining directly to the Lower Slaney Estuary. It is contended that the SuDs system will ensure that no sediment will runoff directly into the Slaney Estuary as per the existing situation, avoiding potential impacts including on aquaculture. I consider that this is a reasonable contention. The SuDS measures proposed include blue/green roofs for all buildings, raingardens at the perimeter of buildings, bioretention areas and swales/basins in soft landscaped areas and permeable paving on hardstanding areas. It is stated that the drainage network will attenuate and cleanse the surface water runoff from the site prior to discharge to the sea through a diffuse system or point discharge as described in Chapter 4 of the EIAR. I consider that the SuDS measures are satisfactory and I consider that the proposal is appropriately described and outlined in the documentation particularly in Chapter 4 of the EIAR.

Wastewater Treatment

13.8.2. The documentation submitted with the application states that foul waste from the site will be required to be pumped to the public wastewater infrastructure network. The approach for the site proposes that foul effluent will discharge from the proposed buildings by gravity to a large-scale public (Irish Water owned) underground pumping station located at the north-west corner of the development site adjacent to the access road. This is delineated on the site layout plans. From here it is proposed that

wastewater will be pumped to the existing public combined sewer network. A connection to the existing combined sewer network on Trinity Street is required. It is acknowledged that this will have short term impacts on users of Trinity Street while a connection is being established but will not cause significant adverse effects. I consider that this is reasonable. It is also proposed that a class II petrol interceptor will be located beneath the multi-storey carpark ground floor slab together with a pumped manhole in order to convey detergent runoff from the carpark cleaning operations to the foul drainage network. For the Boards information, details of the foul water drainage network are shown in Figure 4.3 in Volume 3 of this EIAR.

Water Supply

13.8.3. A new water supply will be required to service the site which will require a connection to the existing water network within Wexford Town. It is stated that a pre-connection enquiry was submitted to Irish Water and discussions are ongoing with Wexford County Council. It is stated that it is likely that upgrading of the surface water pipe on Trinity Street will be required, which would have short term impacts on Trinity Street users and local businesses but due to the short term nature of the works is not expected to cause significant adverse effects.

13.8.4. It is also stated that a water abstraction point will also be required at the northern corner of the site to provide an inlet supply of water from Wexford Harbour for use by Fire Engines in the event of a fire on the site. This supply is a requirement of the Wexford Fire Officer and will provide a capacity of water which can be used in the event of an emergency.

13.8.5. Finally, I would note that the applicant was requested to respond to the matters raised by Irish Water in their submission (summarised at section 8 above). Section 4 of the applicant's response to the further information request responds to each of the matters raised. I consider the response as outlined is acceptable. Of particular relevance, is the contention that there is no conflict between the proposed services for this development and the existing 700mm rising main. A minor readjustment to the location of the proposed management building is proposed to provide a minimum 3.5m separation distance. Three drawings have been included within Appendix D1 of the response to illustrate the location of the proposed and existing services and distances between same.

13.9. Consultation

13.9.1. A number of observations cite concern at what they consider to be a lack of direct consultation with observers most affected. While I address impacts in terms of residential amenity and visual amenity elsewhere in this assessment and in respect of the EIA below, I would note that at section 1.6 of the EIAR details of the consultation undertaken is outlined. This provides for the non-statutory consultations which comprised an event in Wexford town in September 2018 where the proposals were displayed with the event advertised in the local press and with the information available on the local authority's website. Feedback was invited with 34 submissions received the majority of which were positive. I would note that 9 observations were received on this application by the Board with further consultation provided on the further information response. Furthermore, this site has been the subject of longstanding objectives for redevelopment as a key site within the statutory development plan for the area. I consider that the consultation undertaken by the applicant, in this case Wexford County Council, has been satisfactory.

13.10. Other Matters

13.10.1. Some concern has been expressed in the observations regarding invasive species and previous refusal reasons on other sites which cited such issues. The matter of invasive species has been addressed in a site specific Invasive Alien Species Management Plan for the site which was prepared in November 2017 which outlines the presence of two such species, Japanese knotweed and Three-cornered leek which are Third Schedule (S.I. 477/2011) species and a medium invasive species referenced as *Buddleia davidii* which is not listed in this Statutory Instrument. The plan detailed each stand of each species noting their growth stage and whether they require excavation. The treatment for the species are outlined as are the biosecurity protocols. I also note the concerns expressed by BIM in respect of marine invasive species which is considered elsewhere in this assessment. I consider that the matter of invasive species has been satisfactorily addressed and if the Board are minded to grant permission that a condition should be attached requiring an implementation plan for the management of these species on the site.

13.10.2. I would note that concern is expressed in the observations that no facilities for the existing community are proposed as part of the proposed development most particularly a playground. While I note that a playground is not proposed, I note that the further information response (page 52), in response to an observation seeking the inclusion of a playground on the lands adjoining the subject site, states that as the Cash and Carry site is primarily outside of the red line boundary that a playground on same could not be included. It is stated however, that the Council consents, subject to securing development consent through the Part 8 process to develop an urban playground/amenity area for the use of the local community in parallel with the development of the subject lands. I would suggest to the Board that this is outside the remit of this application as such a facility is not proposed within the subject proposal. Notwithstanding, I consider that the development provides a new high quality public realm including a public plaza and a boardwalk connection to the Quays. I consider that the proposal includes significant additional improvements to the public realm, provides for the regeneration of a significant brownfield site and will have a positive impact on the local community.

13.10.3. Finally, as I have noted elsewhere in this report, the construction phase of the proposed development is estimated at 80 months (6 years 8 months). While not specifically requested by the applicant, I would recommend that a 10 year permission is provided by way of condition to ensure that the proposal, given the elements of same, can be appropriately completed within a defined period of time.

14.0 **Environmental Impact Assessment**

14.1.1. This application was submitted to the Board after 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

14.1.2. The application is made under Section 226 of the Planning and Development Act 2000, as amended which provides at Section 226(3) that Section 175 (Environmental Impact assessment of certain development carried out by or on behalf of local authorities) of the Act applies to proposed development belonging to a class of development identified for the purposes of Section 176 (Prescribed classes of

development requiring assessment). The proposed development, comprising urban development with an area in excess of 2 hectares in the case of a business district, is a class of development for the purposes of Section 176. Therefore an EIAR is required.

14.1.3. The EIAR is laid out in three documents, the main document in two parts (Volume 2), the figures (Volume 3) and the non-technical summary (Volume I). The outline of the EIAR is detailed in Section 5 above.

14.1.4. The likely significant direct and indirect effects are considered under the following headings, after those set out in Article 3 of the Directive from Chapter 5-16 as follows:

- Traffic Analysis
- Population and human health
- Landscape and Visual
- Biodiversity
- Soils and Geology
- Hydrogeology
- Hydrology
- Landscape and Visual
- Noise and vibration
- Air Quality and climate
- Archaeology and Cultural Heritage
- Architectural Heritage
- Material Assets and Land

14.1.5. I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

14.1.6. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the prescribed bodies and observers has been set out at Sections 8, 9 & 11 of this report and include matters relevant to the EIA. The relevant issues raised are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation including conditions.

14.1.7. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct and indirect effects of the proposed development on the environment, and complies with article 94 of the Planning and Development Regulations 2000, as amended.

14.1.8. I would note, for the benefit of the Board, that Section 6.3.2 of the EIAR usefully outlines that the proposed development is comprised of two distinct land use areas. Firstly, Wexford Harbour marine environment which is a navigational channel and source of recreational, ecological and amenity value. Secondly the 3.6 hectares brownfield site which is known as Trinity Wharf and which comprises land reclaimed dating back to the 1800's. In this regard it is of note that some impacts as outlined address factors related to either or both of these areas.

14.2. **Alternatives**

14.2.1. Article 5(1)(d) of the 2014 EIA Directive requires the following:

"*a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into account the effects of the project on the environment.*"

Annex IV (Information for the EIAR) provides more detail on 'reasonable alternatives':

"*2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of*

the main reasons for selecting the chosen option, including a comparison of the environmental effects."

14.2.2. The submitted EIAR outlines the alternatives examined at Chapter 3. In relation to alternative locations it is stated that the site is identified as a mixed urban quarter and has previously been granted permission for a substantial urban development with the proposal similar to same but with the current proposal having a more commercial focus rather than the previous retail focus with the marina smaller than previously permitted. In relation to alternative layouts, the iterations of the proposed development are outlined as are the key objectives for the development of the site including the relationship with the surrounding areas and the quays and principles including urban design, access and movement in addition to the consideration of building services. Traffic options including access to the site, level crossing options and junction design are also addressed in considerable detail. One matter raised in the observations relates to the choice of the proposed access and I have addressed that in Section 13.6 above. Alternative options for the location of the marina and the design of its foundation in addition to the appropriate treatment of the sea wall including an assessment summary of the options are outlined including in tabular format. It is therefore considered that the issue of alternatives has been adequately addressed in the application documentation, which is to be considered by ABP as the competent authority in the EIA process.

14.3. Assessment of Likely Significant Direct and Indirect Effects

Material Assets - Traffic Analysis

14.3.1. At the outset I would note that I have addressed the matter of traffic in Section 13.6 above in respect of the project assessment and therefore it is not intended to restate the matters addressed above in detail. However, as also noted above, further information was requested by the Board in respect of traffic and transportation matters and this resulted in the submission of a revised chapter on traffic analysis (Appendix B1 of the FI Submission). It is this revised Chapter which I will address given it is supported by the updated traffic surveys and junction modelling. Furthermore, one of the matters which was requested was a consideration of marine traffic given that the original EIAR did not address marine traffic matters. The Traffic

Addendum included in Appendix B1 also addresses marine traffic. I will therefore address marine and land traffic separately as follows:

Marine

14.3.2. The EIAR states that marine traffic movements within Wexford Harbour can be considered to come within three sectors. Firstly, commercial fishing comprising 10-12 mussel dredgers during the summer in the main and 8-10 inshore undertaking daily trips. In relation to local marine leisure vessels, there are c.150 which are currently moored in an ad-hoc basis with sporadic movement. Visiting leisure vessels comprise c.20 in the summer. It is also stated that the volume of marine traffic within the estuary is naturally managed and limited by the restrictive depth of the entrance to the harbour whereby shifting sand banks and channels restrict vessels with medium to deep draughts from passing. The applicant has provided correspondence from Harbour Captain Phil Murphy who states that a significant increase in the marine traffic in the Harbour is not feasible as the area is not deep enough. It is also clarified that larger vessels including trawlers, charter vessels and large sailing vessels are all accommodated by the nearby Kilmore Quay, the largest fishing port in Wexford.

14.3.3. The stated purpose of the proposed marina element of the proposal is to facilitate improved mooring conditions, facilities and shelter for existing vessels moored in an ad-hoc manner which are expected to comprise the majority of the vessels using the proposed facility. It is proposed that there will not be a significant increase in marine traffic as it will comprise a re-configuration of existing moorings and no significant negative impact is envisaged with a positive impact envisaged as the proposal would reduce the number of ad-hoc mooring arrangements around the harbour providing safe access to vessels.

Land

14.3.4. As I have noted, I address a number of matters relating to traffic in detail in Section 13.6 of my assessment and therefore it is not intended to address each of the matters arising in detail. In particular, I address the potential impacts on an adjoining commercial operator and parking in Section 13.6 and this section should be consulted in respect of same. While I also address impact on the local road network and local junctions above it is the most significant concern raised in the submissions

as it relates to traffic, save for loss of parking. I consider that the baseline environment has been appropriately outlined with the addendum submitted updating the survey information. The predicted impacts outlined in the EIAR are stated to comprise the proposed access junction which would result in the loss of car parking spaces which is considered a moderate impact but is mitigated by the fact that the number is a slight reduction on the overall parking available. The loss of parking within Paul Quay car park is another stated impact however it has been demonstrated that there is significant car parking capacity within public car parks in the town. As I note above, I address parking in Section 13.6 above. The turning head on Seaview Avenue is considered to be a positive impact given that there is no existing facility to turn a vehicle on this narrow lane. Reference is also made to the potential impacts on the rail line however I would consider that the proposed changes to the access and egress across same provides a positive impact given it creates a controlled level crossing. Traffic impact on the local road network is considered to have a slight impact on the capacity of same and I consider that the evidence outlined is acceptable. In terms of construction traffic impacts, it is estimated that there would be a 2.6% increase in total traffic movements and an increase of 28% in HGV movements. While I note that the construction phase proposed is a considerable length, the phasing of the development provides that the impacts will not be of the same magnitude throughout this period.

14.3.5. As I outline in relation to parking in Section 13.6 above, it is imperative that a development of this scale within the subject location requires the implementation of a mobility management plan which is the principle mitigation measure proposed. I consider that such a Plan should be conditioned. Other mitigation measures include the preparation of an accessibility management plan and a construction environmental management plan.

14.3.6. I have considered all of the written submissions made in relation to traffic both land based and marine. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of traffic.

Population and Human Health

14.3.7. Section 6 of the EIAR is entitled population and human health. Firstly, I would note that Table 6.1 provides a useful outline of the interactions of the factors within the EIAR with population and human health. Section 6.3 of the Chapter provides a very detailed and useful description of the environment as it relates to population and human health. The potential predicted impacts at construction stage include nuisance and disruptions to residential and economic operations in the vicinity of the site. Impact on journey amenity and traffic disruption is also highlighted, road, rail and marine. I address the impact on residential amenity specifically in Section 13.3 above and would refer the Board to same for specific assessment of this matter. I consider that while the construction phase is of a significant duration at 80 months and will cause impacts on adjoining properties it is temporary in nature. I would also note that the construction phasing comprises many elements and therefore the impacts will not be continuous over the 80 months. While many of the predicted impacts are considered to be negative, with the principle impacts specifically discussed elsewhere in this assessment e.g. air quality, noise & vibration and hydrology, the construction phase has the potential to provide a positive economic impact with employment generation and spin off economic activity in the local area.

14.3.8. Furthermore, specific mitigation measures are outlined specifically in Section 6.5 for both construction stage which centre on the construction/environmental/traffic management plans and operational stage which includes the preparation of an accessibility implementation plan for events on site to address traffic and parking. I would also note the reference within the proposed mitigation to the proposed construction environmental management plan an outline of which is included in Appendix 4.1 of Chapter 4. This itself contains 5 appendices (2 of which are proposed) including another copy of the Mitigation Measures (Chapter 18), the Planning Approval to be added by contractor, and a Schedule of Commitments to be added by contractor. An Invasive Alien Special Management Plan (2017) is also included. In addition, Appendix 4.2 contains an outline Environmental Operating Plan which itself contains 2 appendices as follows: Outline Construction and Demolition Waste Management Plan and an Outline Incident Response Plan.

14.3.9. In terms of the predicted operational impacts, many of the impacts outlined are positive, these include delivering a new urban quarter in Wexford, new economic and tourism opportunities, regenerating this area of the town both economically and

visually and creating a physical link between Paul Quay and the site given the unauthorised access currently undertaken to the site along the rail line. Impacts also addressed relate to the potential of collisions in the Harbour given the new layout of the Harbour with the proposed marina and boardwalk. However I note that a report is included which addresses marine and harbour safety. It is stated that strict adherence to the mitigation measures will ensure no negative impacts or effects on population and human health. I consider that the documentation submitted is comprehensive in its consideration of the impacts on population and human health and subject to adherence to the conditions of any permission which may be granted it is considered acceptable.

14.3.10. I have considered all of the written submissions made in relation to population and human health. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of population and human health.

Biodiversity

14.3.11. Chapter 7 of the EIAR refers to biodiversity. I would also refer the Board to the Appropriate Assessment undertaken by my colleague Dr. Maeve Flynn which is attached under separate cover (R303726A).

14.3.12. Habitats and species of ecological significance occurring or likely to occur within the defined Zone of Influence and study area of the proposed development were classified as Key Ecological Receptors. The Zone of Influence was defined as the entire area within 550m of the proposed development (a precautionary flushing distance for waterbirds) and the Lower Slaney Estuary transitional water body (as far upstream as Ferrycarrig Bridge) together with the Wexford Harbour coastal water body. The study area includes the entire Trinity Wharf site and an appropriate buffer (c.150m on land and as far as visible with binoculars over the estuary). Table 7.13 outlines the key ecological receptors, of which there are 8, and then describes and evaluates same. I consider that the receptors identified are reasonable particularly having regard to the surveys undertaken which include – a habitat survey, invasive species survey, wintering birds survey, fauna surveys including badger, otter and

bats, marine mammal survey and benthic communities survey. I will address each of the 8 receptors in turn in terms of potential impacts, mitigation and residual impacts. Mitigation is outlined in Section 7.8 of the report which includes mitigation by avoidance, design and then specific mitigation measures for the individual receptors. The first two receptors, the mudflats and benthic habitats and the River Slaney/Wexford Harbour waterbody have the same matters arising and are addressed in detail in the AA undertaken under separate cover (R303726A).

14.3.13. The predicted impacts to the mudflats and benthic communities include permanent loss of subtidal and intertidal habitats, sub tidal benthic habitat, impact on fauna, habitat fragmentation and accidental pollution. The EIAR states that the loss of estuarine habitats cannot be mitigated but that g the area of loss is small, has low faunal diversity and is not important for wintering birds. It is not considered significant. The matter of habitat loss was also part of the further information request sought. I would note the conclusions reached in the AA by my colleague in respect of this habitat loss where it is concluded that careful consideration has been given to the implications for the loss of small area of benthic habitat within the estuary and that it has been assessed as not being significant to the overall functioning of the Slaney River Valley SAC or Wexford Harbour and Slobs SPA and will not impact on the overall integrity of these sites

14.3.14. Migratory Fish – As outlined in Table 7.13, Twaite Shad, Atlantic Salmon and Sea Lamprey and River Lamprey are all Qualifying Interests for the Slaney River Valley SAC. These species require unimpeded passage upstream to spawn. European Eel also require unimpeded passage from sea to freshwater habitats in the River Slaney. Fish could be impacted by increased barriers to connectivity and reduced water quality as a result of accidental pollution events and disturbance during construction and operation. Mitigation measures are proposed to protect water quality, the timing of construction works such as pile driving within the Harbour and the appointment of a marine mammal observer are also proposed. The measures are considered reasonable.

14.3.15. Otter – the impact from noise associated with construction are considered a potential impact however, given that no breeding or resting places were recorded near the development it is not considered to be a significant impact. Mitigation

measures particularly in respect of noise and vibration and lighting are also considered appropriate.

14.3.16. Marine Mammals - On the basis that marine mammals could be impacted through construction activities, they have been included as a Key Ecological Receptor of the proposed development. A marine mammal risk assessment (IWDGC, 2018) was undertaken for the proposed development and is provided in Appendix 7.3. Two cetacean species, harbour porpoise (*Phocoena phocoena*) and common dolphin (*Delphinus delphis*), have been recorded in Wexford Harbour, but are rare. The conservation status of grey and harbour seals in Ireland has been assessed as favourable. The main activities that could impact on marine mammals were identified as the installation of the steel sheet pile wall around the entire coastal boundary of the site, the addition of rock armour revetment along the south-east and north-west edges and piling for the construction of the marina and boardwalk. Marine mammals have therefore been included as a Key Ecological Receptor. The potential impacts and proposed mitigation are described in table 7.15 and Section 7.8.2.

14.3.17. No sightings or evidence of any marine mammals were recorded during the multidisciplinary survey. The marine mammal risk assessment (MMRA) listed four species of marine mammal that have been recorded in Wexford Harbour (Appendix 7.3). The MMRA also concluded that the likelihood of cetaceans being in the area is very low. Only harbour porpoise and common dolphin have been reported from the area and only very occasionally. There are important haul out sites for both harbour and grey seal in the mouth of Wexford Harbour and at the Raven. The proposed development occurs within an SAC for which harbour seal is a Qualifying Interest. These haul out sites are typically >2km away from the construction site but individual seals are likely to forage within the harbour and thus may occur in the water near the proposed development. All cetaceans and grey seals are part of a larger population and are very mobile, with records of movements of grey seals between SE Ireland and west Wales. Piling and installing rock armour could lead to temporary disturbance including injury to marine mammals. While the construction of the marina is expected to increase boat traffic, this would occur over an extended period, allowing seals adjacent to the site to accommodate this increase. Wexford Harbour is already a busy site with recreational and fishing activity, thus any increase in recreational traffic is against a back drop of high levels of use and will not

significantly increase long term disturbance of the haulout sites. I consider that the mitigation measures proposed including the appointment of a marine mammal observer and signage in the harbour for boat owners about the importance of seals are appropriate.

14.3.18. Bats – Bat activity encountered during the survey undertaken is stated as low with only one species (common pipistrelle) recorded. It is stated that bats could be negatively impacted by poorly-designed or excessive artificial lighting during the construction and operation of the proposed development. Therefore, bats have been included among the Key Ecological Receptor of the proposed development. I consider that the significance of the impacts are appropriately determined and the mitigation measures such as lighting, and noise outlined in section 7.8.2 are satisfactory.

14.3.19. Invasive Species - The presence of invasive species was recorded with the survey focusing on species subject to restrictions under Regulation 49 of the Habitats Regulations, including Japanese Knotweed (*Fallopia japonica*), which is known to occur in the area and which is included as a key ecological receptor. The construction works have the potential to spread invasive species within and outside the site. Prior to any works being carried out, a pre-construction invasive species survey will be undertaken to ensure that additional invasive species have not been introduced to areas within or close to the proposed development footprint. I also note the response to further information which addresses marine alien species in response to BIM's submission. It is stated that the marina will not result in significant increase of marine traffic as it proposed to facilitate a reconfiguration of existing moorings with large vessels prevented from entering the estuary given the shallow conditions thereby providing that it is not expected to increase the existing risk of introducing invasive species. The Invasive Species Management Plan that is currently in place is presented in Appendix 7.4. It is considered that vessels associated with the construction of the sea walls, the boardwalk and the marina have the potential to introduce invasive species to Wexford Harbour. Vessels should adhere to the industry recommended guidelines for preventing the introduction of non-native marine species. UKMarineSAC (2009) recommends that vessels comply with International Maritime Organisation guidance wherever possible, seek guidance from the Wexford Harbour authority regarding areas where ballast water uptake

should be avoided (e.g. near sewage outfalls), encourage the exchange of ballast water in the open ocean, and discourage/prohibit the unnecessary discharge of ballast water in the harbour area. Additionally, it is proposed that signage will be put in place at the marina informing the public of the marine invasive species that are associated with small craft and marinas and the importance of boat maintenance. I consider that the mitigation proposed is appropriate and the existence of the management plan on site prior to the making of the application outlines that a strategy is already in place to address this matter.

14.3.20. Birds – The EIAR states that a wintering bird survey was carried out during the winter of 2015/2016 by Natura Environmental Consultants (Natura, 2016) for the proposed development. The study area included the entire area within 1km of the proposed development. The surveys recorded 23 species of bird, 15 of which are qualifying interests of the Wexford Harbour and Slobs SPA. The report concluded that: "The most abundant species here were Black-headed Gull, Oystercatcher and Lapwing. The most important habitats are the training walls on either side of the river mouth. The bird numbers present in this area [within 1km of Trinity Wharf] represent a small proportion of the total numbers in the Wexford Harbour and Slobs SPA. Very few individuals occurred within the immediate vicinity (200m) of the Wharf because there is limited suitable habitat here. As there is limited suitable habitat and low numbers of wintering birds using the area within 200m of the proposed development, the impacts of visual and noise disturbance, considering the ambient visual and noise disturbance levels in the area, will be limited to very few individuals.

14.3.21. The EIAR states that there are a number of mitigation measures included for other receptors, namely people, marine mammals and migratory fish, which will reduce the noise and visual impacts on the small numbers of birds within 200m of the proposed development. These include the erection of 3m-4m high hoarding along the southern and northern site boundaries of the site once the sea wall is constructed and the implementation of a 30 minute soft start/ ramp up procedure for piling associated with the marina and boardwalk. During the operation phase, the breakwaters will provide a roosting site for waterbirds.

14.3.22. In considering the potential impacts on wintering birds including the direct and indirect habitat loss; the fact that bird use is low within 200m of Trinity Wharf as described by Natura (2016), the location of the proposed development within an

existing urban environment, and the conclusion that feeding, roosting areas and flight paths of wintering birds will be unaffected, wintering birds have not been included as a Key Ecological Receptor with the key receptor the displacement of birds from the site with the measures outlined in terms of bats in terms of lighting are relevant to the mitigation of potential impacts on birds. In addition, bird friendly glass to avoid collisions is proposed on all buildings.

14.3.23. Residual impacts are outlined in Table 7.16 with the loss of habitat the most significant of same with the displacement of fauna around the site considered a moderate temporary impact. I consider that this is reasonable.

14.3.24. I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity.

Soils and Geology

14.3.25. In respect of soils and geology, the EIAR outlines at the outset that owing to the reclaimed nature of the site, the superficial soils are dominated by relatively deep layers of 'Made Ground'. Made ground has been defined as soil which has been altered in some way by human activity (imported and placed in-situ). The thickness of the made ground is stated to vary from 1.5m to 4.1m. The characteristics of the proposed development that will impact soils and geology include raising the ground level using imported material, a new sea wall around the coastal boundaries of the site through sheet piles and the placement of rock armour along sections of the northern and southern edges, reinforced concrete superstructure for the proposed buildings, 64 berth marina and associated breakwater units, pontoon walkways and finger berth either piled or anchored, pontoon berths and walkways will be restrained using tubular piles driven into the seabed or an alternative restraint system, 180m boardwalk structure at the northern corner of the site the foundations for which are proposed to be driven steel tubular sections.

14.3.26. The site is described as rectangular in shape, connected to the original bank at its southwestern side. The other three sides (north, east and south) that make the

coastline are partially protected by historical concrete and masonry sea wall. The sea bed depth at the location of the marina ranges from -2.5m OD (Ordnance Datum) to -7m OD while the depth at the location of the proposed boardwalk ranges from 0m OD to 2m OD. The site does not contain any Geological Heritage features or quarries. Environmental testing was undertaken which found elevated levels of Polycyclic Aromatic Hydrocarbons (PAHs) and sulphates in the made ground stratum in five out of seven samples. In general, low to moderate levels of contamination have been noted.

14.3.27. A Preliminary Asbestos Walkover Survey was undertaken and identified fragments of asbestos cement and floor tiles and/or floor tile debris in numerous locations across the surface of the site. The preliminary findings indicate that Asbestos Containing Materials (ACMs) are broadly concentrated along the retaining wall in the northern portion of the site; along the edges of floor slabs; adjacent to and within many of the demolition stockpiles and in the gravel track along the eastern boundary. The sea bed in the vicinity of the Trinity Wharf development, corresponding to the location of the boardwalk and the sea wall/revetments was sampled and tested as a part of the Trinity Wharf Marina Feasibility Study. A comprehensive sampling programme was undertaken in July 2016 to inform the feasibility study. The samples from the North West side of Trinity Wharf (A, B & C) were found to have values above the upper guidance threshold for OCPs and PAH levels that are substantially in excess of the lower guidance limit.

14.3.28. Predicted impacts include disturbance of soils primarily with the construction of the foul sewage pumping station (located in the western corner of the site), excess settlements stemming from structure loading, soil excavation inducing movement and settlement of surrounding ground during the construction phase. It is stated that all material excavated in the made ground stratum at the site shall be assumed to be contaminated and that appropriate testing of this material by a suitably qualified and licenced waste contractor will take place for all aspects of ground contamination. Any contaminated material that is required to be excavated will be disposed of to a suitably licensed and permitted contractor to a licenced landfill site, which will be determined in accordance with the actual level of contamination and Waste Acceptance Criteria. Mitigation and monitoring and control measures are outlined in section 8.5 which include asbestos mitigation are considered to be reasonable. I

would also note that the rock proposed to be used in the revetment can be found in two quarries in County Wexford which are outlined.

14.3.29. I have considered all of the written submissions made in relation to soils and geology. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of soils and geology.

Water - Hydrogeology

14.3.30. Chapter 9 deals with hydrogeology. The EIAR outlines that a walkover survey of the site was undertaken by Roughan & O'Donovan in 2018. In 2007, intrusive ground investigations were carried out at the development site with a total of 22 boreholes investigated, with 7 samples sent for environmental testing under the Murphy Suite requirements. While adequate information was available from these previous investigations, additional and more detailed ground investigations have been commissioned to be undertaken at the development site prior to detailed design stage in order to further classify ground conditions for design and also to quantify the disposal options for excavated material which may be contaminated. Groundwater vulnerability mapping for the site indicates that groundwater is at low vulnerability to pollution at the ground surface as a result of human activities. The intrusive site investigations generally encountered made ground overlying alluvium and sandy clays or gravels. The actual groundwater vulnerability across the site therefore ranges between moderate and high depending on the exact thickness of silt/clay deposits present. A recharge cap of 100mm has been assigned to these rocks indicating rejection of infiltration water annually.

14.3.31. There are no recorded public groundwater supplies or group water schemes on the GSI database within the study area. There are a small number of recorded boreholes within 1km of the development site which are for industrial use. Under the requirements of the Water Framework Directive (WFD), the Castlebridge North groundwater body is classified as having an overall good status for water quality and quantity 2010-2015. The development site is bounded to the north, south and east by the Lower Slaney Estuary. Under the most recent Water Framework Directive

monitoring period (2010 – 2015), the status of this water body is classified as being "poor". Construction phase impacts include excavation of made ground, contamination of soils, aquifer contamination and piling and rock armour revetment installation. Operational phase impacts include are considered insignificant and include road runoff, drainage and foul sewers, contaminated land, ground water supplies and aquifer recharge. Mitigation and monitoring measures are outlined in Section 9.5 which include the implementation of the site specific Construction and Environmental Management Plan and Environmental Operating Plan. I consider that the mitigation proposed is appropriate.

14.3.32. I have considered all of the written submissions made in relation to hydrogeology. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of hydrogeology.

Water - Hydrology

14.3.33. Chapter 10 of the EIAR deals with water and hydrology. The board should note that the response to the further information request includes an updated version of Chapter 10 which takes account of the site specific flood risk assessment which was prepared for the site and which is addressed at Section 13.7 above. This assessment therefore addresses the revised Chapter 10. It is stated that the Lower Slaney Estuary had an EPA Transitional Surface Water Quality Status of "Potentially Eutrophic" from 2010 – 2012 and a Water Framework Directive (WFD) Status of "Poor" from 2010 - 2015. The existing topography dictates that runoff discharges directly to the Lower Slaney Estuary. While I consider flood risk separately at Section 13.7 above, I would note that the EIAR states that the flood risk of the proposed development has been assessed as part of this study stating that previous flood studies have been undertaken as part of the national Preliminary Flood Risk Assessment (PFRA), the Catchment Flood Risk Assessment and Management (CFRAM) Programme, the Irish Coastal Protection Strategy Study (ICPSS) and the Wexford Town and Environs Development Plan 2009 – 2015 (as extended). It is stated that a SSFRA for the subject site has been undertaken which examined the PFRA maps, CFRAM mapping and ICPSS mapping in addition to the Wexford

Development Plan and the Trinity Wharf Feasibility study. The published final CFRAM (20/04/2017) fluvial mapping indicates that the development site is within the 1 in 10 year, 1 in 100 year and 1 in 1000 year fluvial flood extents. The site also lies within the 1 in 10 year, 1 in 200 year and 1 in 1000 year tidal flood extents, as indicated on the final CFRAM (18/07/2018) tidal mapping.

14.3.34. In relation to potential impacts at construction stage, which relate to construction activities which pose a significant risk to watercourses, particularly contaminated surface water runoff from construction activities entering the watercourses I consider that the impacts identified are reasonable with the mitigation measures outlined in Section 10.5 a satisfactory response detailing best construction practice and in particular the preparation of project-specific Construction Environmental Management Plan (CEMP) and Environmental Operating Plan (EOP) which it is proposed will address the concerns and outline measures which are considered best practice for the construction phase of such a development.

14.3.35. In relation to the potential impacts of the construction works associated with the marina, in particular, precast concrete anchor blocks being gently lowered to the seabed where they will then embed within the existing silt/sediment/mud providing an anchoring point for the marina. There is potential for negligible impacts to the River Slaney Estuary given the existing disturbance of sediment during tidal events. It is stated that in the unlikely event that the seabed is unsuitable for such works there is the potential for the requirement of local excavation on the sea bed. Mitigation if required is proposed by way of undertaking same behind a geotextile screen and boom with oil barrier to prevent pollution. This is considered reasonable.

14.3.36. In terms of flooding at construction stage, it is stated that the volumes of water displaced by the proposed sheet pile wall and board walk foundations during the construction phase is extremely small relative to the volumes of the receiving waterbody and will result in an imperceptible impact which is considered acceptable. The final potential construction impact relates to sediment transport. It is stated that hydrodynamic modelling was undertaken for the proposed marina in 2018 by RPS Consulting Engineers as part of the Trinity Wharf Marina Feasibility Study (RPS). This study concluded that the marina development would not significantly alter the sediment supply or flow of sediment in Wexford Harbour with the associated impact is deemed to be slight. I consider that this is reasonable.

14.3.37. Operational Impacts are outlined in Section 10.4.2 and include morphological changes to surface watercourses & drainage patterns and hardstanding runoff which are deemed to be slight and given the design and mitigation I consider that this is reasonable. I note that in terms of mitigation it is stated that SuDS components will convey runoff to the Lower Slaney Estuary while attenuation will be provided for the 1 in 100 year 6-hour event. The conveyance of runoff to the Lower Slaney Estuary will generally follow the existing site topography. The implementation of these proposed mitigation measures reduces the impact to imperceptible.

14.3.38. In relation to drainage and foul sewers, there is no indication of any existing foul or surface water drainage connections to the site. New separate foul and surface water drainage systems are proposed to serve the site. I note the request for additional detail from Irish Water and this is addressed in Section 13.8 above. It is stated that due to topographical constraints, foul effluent will require pumping to the existing foul/combined sewer network located on Trinity Street, south west of the site, where the effluent will ultimately be conveyed to the Wexford Wastewater Treatment Works for treatment. In terms of mitigation it is stated that in the event of a pump failure at the proposed foul pumping station, mitigation measures have been proposed. The pumping station has been designed to provide 24-hour effluent storage in case of failure. Standby pumps will also be provided.

14.3.39. The consideration of designated sites and water quality in that regard is addressed in more detail in the appropriate assessment under separate cover and I would refer the board to that report. I would also note that matters raised by Bord Iascaigh Mhara in terms of water quality are addressed at Section 13.4 above in respect of aquaculture. The applicant's response to the further information request responds in detail to the concerns expressed which I consider are satisfactorily considered.

14.3.40. Flood risk at operational stage is a matter which required further consideration and as noted above required the submission of a site specific flood risk assessment. It is addressed in Section 10.4.3 of the amended Chapter 10 which notes that the Board requested same at further information stage. Calculated sea water levels are outlines and tide and wave height are noted as potential impacts. Flood risk mitigation is outlined. I would note that in Section 13.7 above the SSFRA references minimum ground floor levels of 3.3mOD however the EIAR references minimum

finished floor levels of 3.3mOD with a minimum road level of 2.8mOD. I would note that the level of 3.3mOD is well above that recommended in the Wexford Plan of 2.64mOD whether it is FFL or GFL. Reference is also made to the sea wall and rock armour revetment which is set out in satisfactory detail.

14.3.41. I have considered all of the written submissions made in relation to hydrology. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of hydrology.

Landscape and Visual

14.3.42. Chapter 11 of the EIAR refers to the landscape and visual impact. The development will significantly change the landscape of a large brownfield site to a new urban quarter which will extend the town centre of Wexford. The landscape character of the wider coastal landscape is also included within the Study area which is detailed in Plate 11.1. The development would present a significant change in the character of the existing wider landscape. The report selects a large number of views (21), near and distant with photomontages included in Volume 3 of the EIAR. The report outlines the baseline scenario which provides a derelict brownfield site set within a waterfront location. The report outlines the construction impacts but given they are temporary they are not addressed in any significant way which I consider is reasonable but I do note that mitigation measures are proposed for the construction phase such as site hoarding and general good housekeeping. It is the operational phase of the scheme where the significant impacts arise. Each of the 21 views are outlined in terms of the existing and proposed view, visual receptor sensitivity and the magnitude of change.

14.3.43. I would concur with the visual receptor sensitivity, magnitude of change and significance of the visual effect proposed for each of the views which range from imperceptible on longer range views to significant in more localised views. The viewpoints are illustrated on Figures 11.3A, B & C.

Viewpoint (each description starts with view)	Visual Receptor Sensitivity	Magnitude of Change	Significance of Visual Effect/Quality of Effect
1 - from steps to the waterfront path/amenity area at Ferrybank	High	Medium	Moderate/Neutral
2 - from Wexford Bridge towards proposal	High	Medium	Moderate/Neutral
3 - from waterfront promenade looking south to proposal	Medium-High	High	Moderate-Significant/Neutral
4 from Crescent Quay towards proposal	Medium	Low	Slight/Neutral
5 from southern side of breakwater towards proposal	High	High	Significant/Adverse
6. from along waterfront looking south towards proposal	Medium-High	High –Very High	Significant/Neutral
7. from Church of the Assumption grounds over town & towards proposal	Low-Medium	Low	Not Significant/Neutral
8. from Trespan Rock/Rocklands amenity area	High	Medium	Slight/Adverse
9. from junction of The Faythe/William Street Lower	Low-Medium	Low	Not Significant/Neutral
10. from Harbour View/Gulbar road junction	Medium-High	High	Significant/Adverse
11. from end of Batt Street towards Wexford Harbour and proposal	Medium-High	High	Significant/Adverse

12. looking along Fisher's Row from junction with The Faythe	High	Medium-High	Moderate/Adverse
13 from Trinity Street south of junction with Fisher's Row	Medium-High	Low	Not Significant/Neutral
14. from end of Fishers Row	Medium-High	High	Significant/Beneficial
15. from Fisher's Row above Trinity Street	High	Very High	Significant/Neutral
16. opposite site entrance on Trinity Street	Medium	Very High	Significant/Beneficial
17. opposite Trinity Motors on Trinity Street	Medium-High	Medium	Moderate/Neutral-Beneficial
18. opposite Trinity Motors on Trinity Street (further west)	Medium	Low	Not Significant/ Neutral-Beneficial
19 Trinity Street (opp Maxol)	Low-Medium	Medium	Slight/Neutral
20 from Rosslare Strand	High	Low	Not Significant/ Neutral
21 from The Raven (Raven Point) Nature Reserve	High	Low	Not Significant/ Neutral

14.3.44. The EIAR concludes that the overall landscape effect on the site and immediate environs is considered to be moderate to significant with the quality of the effect having both beneficial and adverse effects. While I acknowledge the adverse effects, I would note that they are adverse in the sense that the scale, height and mass of the proposal differ from the existing context and effect open views rather than that they create an adverse visual impact. This is an important consideration to clarify. I consider that the proposal creates a positive visual impact in that it provides a new quarter which has a presence particularly along the waterfront. From more proximate locations within the Paul Quay/Trinity Street areas the development will make a significant change to the urban landscape but this I consider is positive. From wider views across the Harbour from Rosslare and Raven Point the impact is negligible as the development is viewed within the context of the built form of the

town. Mitigation measures are outlined but I would note that for the operational phase, the most significant mitigation is the quality of the design. As I outlined in Section 13.5 of this assessment I consider the design approach and quality of the architectural response to be of high quality creating a modern urban development. While I consider, as outlined in Section 13.5 above, that a higher building could have been proposed in the location of proposed Building A to create a landmark corner, the consideration of environmental impacts of what is proposed is the consideration of this proposed section and I would consider that the landscape and visual impact is significant and positive which I consider is reasonable for the site context, location and function.

14.3.45. I have considered all of the written submissions made in relation to Landscape and Visual. I am satisfied that the identified adverse impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. Beneficial impacts also arise in terms of the creation of a new high quality urban landscape. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Landscape.

Noise and Vibration

14.3.46. Chapter 12 addresses noise and vibration. The baseline noise environment is outlined with attended noise measurements undertaken during the day and evening periods at two locations close to the site of the proposed development with their closest proximity to the site, providing that the impact assessment at these locations will be greater than for other dwellings located further from the site. A map of the survey locations is presented in Appendix 12.2 and Plate 12.1. A night-time survey was not required as neither construction works nor significant operational activities will occur at night (23:00 to 07:00 Hrs). Given the location of the train line, the noise level of a passing train event was measured as LAeq, 32sec = 60.6dB. This was measured approximately 30 metres from the track in free-field conditions on the existing site, (Additional Survey Location in Plate 12.1). The result represents typical train event noise levels at the rear of the dwellings closest to the site on Trinity Street.

14.3.47. In terms of construction impacts, these are considered to comprise construction activities including traffic noise and noise from construction plant. I note the construction impact assessment compares the sum of the ambient and predicted noise levels to the limits set out in the TII guidance and the categories in BS5228 with Table 12.7 setting out a summary of the results showing that the limits would not be exceeded at either survey location during weekdays. It is noted that the lower limits at weekend in BS5228 (55dB) would be exceeded in the absence of mitigation which I note is proposed by way of selecting less noisy activities at the weekends so as not to exceed the reduced limits. I consider that this is reasonable particularly as weekend working hours are also curtailed and should be conditioned as so. In relation to vibration, it is stated that a prediction of vibration levels at nearby buildings as a result of the development of the Trinity Wharf scheme is not possible without detailed analysis of the ground substrate. In relation to the construction phase, it is stated that a vibration monitoring programme will be required to be adopted at a select number of the nearest buildings during the most critical phase(s) of construction e.g. pile driving, etc and this is proposed as a mitigation measure which I consider is reasonable. The EIAR proposes, a comprehensive Construction Environmental Management Plan (CEMP) which includes adopting appropriate mitigation measures will manage the risk of noise impacting the community. This is proposed even though there is little likelihood of a significant adverse impact from the construction works. It is also proposed that contract documents should clearly specify that the Contractor undertaking the construction of the works will be obliged to take specific noise abatement measures and comply with the recommendations of BS5228-1 2009. Measures' set out in Section 12.10.1.I consider that this is reasonable and demonstrates the intention to undertake best construction practices on the site.

14.3.48. In terms of the operational phase, the Operational Impact Assessment undertaken acknowledges that as per the results, almost all locations will see an increase in noise level as a result of the development. Baseline and post development noise comparisons are outlined in Appendix 12.5 for all locations set out in Appendix 12.2. Referencing guidance on environmental noise for planning purposes it is stated that in order to maintain a level increase below 5dB particularly at the most sensitive receptor that the context of the area must be considered with

21 William Street (House 1_A) already experiencing significantly higher levels as a result of the existing traffic on William Street than from the proposed development. This supports the considerations outlined in terms of context (outlined in table 12.13 and 12.14) and I consider that the arguments put forward to show a predicted increase of c.3.9dB which is below the adverse impact levels identified by BS4142 is reasonable. Table 12.14 also addresses other locations identified in Appendix 12.5 with an L_{den} of 5 dB or more and applies the context correction of -3dB to the other locations also. I consider that the approach and the conclusions are reasonable. It is proposed that a general noise management strategy should be developed as part of the development and management of the marina and café/ restaurant uses including hours of operation, training for staff and signage to notify the public of the potential effect their activities, particularly at night, may have on nearby residents. There is likely to be no adverse vibration levels as a result of the operation of the development.

14.3.49. I consider that the conclusion of the Impact Assessment that the proposal falls within the LOAEL – Lowest Observed Adverse Effect Level i.e. that some impact is likely to be detectable but is not considered significant is a fair and reasonable conclusion and while it is acknowledged that the noise environment in the area will change, the change will not be adverse. I would also note that the subject site was developed as an industrial site and continued as so until c.2001 and therefore while the amenity of the existing environment is critical consideration there is an established precedent for a baseline of activity associated with site.

14.3.50. I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration.

Air Quality and Climate

14.3.51. Chapter 13 deals with Air Quality and Climate. The key pollutants reviewed in the assessments are NO_2, PM_{10}, $PM_{2.5}$, benzene and CO, with particular focus on NO_2 and PM_{10}. Concentrations of key pollutants are calculated at sensitive receptors

that have the potential to be affected by the proposed development. The impact on sensitive ecological receptors with regards to nitrogen deposition was also conducted. The EIAR outlines the baseline environment and references Meteorological Data in particular as well as trends in air quality with the acknowledgement that air quality is variable and subject to both significant spatial and temporal variation. In terms of air monitoring and assessment, it is stated that the proposed development site is within Zone C. The long-term monitoring data has been used to determine background concentrations for the key pollutants in the region of the proposed development. The background concentration accounts for all non-traffic derived emissions (e.g. natural sources, industry, home heating etc.) with current background concentrations for each of the pollutants using information from monitoring sites in other Zone C locations.

14.3.52. The predicted impacts at Construction Phase are outlined with the EIAR stating that the greatest potential impact on air quality during the construction phase of the proposed development is from construction dust emissions and the potential for nuisance dust and PM_{10}/$PM_{2.5}$ emissions. I consider that given the nature of the proposal that this is reasonable. It is calculated that there is the potential for significant dust soiling 100m from the source (Table 13.4). While construction dust tends to be deposited within 200m of a construction site, the majority of the deposition occurs within the first 50m. There are a number of sensitive receptors, predominantly residential and commercial properties in close proximity to the site, along the western site boundary. Both Wexford Inner and Outer harbour areas are designated EU Shellfish areas which can be susceptible to increased sediment levels. It is stated that provided the dust minimisation measures outlined in the plan (Appendix 13.3 EIAR and Section 13.5.1) are adhered to, the air quality impacts during the construction phase will not be significant. I consider that this is reasonable.

14.3.53. Other impacts relate to climate such as the potential for a number of greenhouse gas emissions to the atmosphere during the construction of the development as a result of construction vehicles and generators but the impact on the climate is considered to be imperceptible in the long and short term. In terms of impacts on human health, addressed at Section 14.3.8-9 above, best practice mitigation measures are proposed for the construction phase of the proposed

development which will focus on the pro-active control of dust and other air pollutants to minimise generation of emissions at source. The mitigation measures that will be put in place during construction of the proposed development will ensure that the impact of the development complies with all EU ambient air quality legislative limit values which are based on the protection of human health. The impact of construction of the proposed development is likely to be short-term and imperceptible with respect to human health. It is noted that a preliminary survey of the site found asbestos containing materials and asbestos containing soils to be present on site. It is proposed that any remedial works will be carried out by a certified contractor and air monitoring will be conducted during any disturbance of the asbestos containing materials or soils to ensure concentrations are within the acceptable thresholds. Standard mitigation measures will be implemented for the duration of any remedial works to avoid any significant impacts to air quality or human health. The impacts are predicted to be temporary and insignificant with regards to human health which I consider is satisfactory.

14.3.54. In terms of Operational Phase impacts, these include local air quality with the potential for a number of emissions to the atmosphere during the operational phase of the development. In particular, the traffic-related air emissions may generate quantities of air pollutants such as NO_2, CO, benzene and PM_{10}. Modelling was undertaken to predict these with background concentrations included in the modelling study with the background concentrations year-specific and account for non-localised sources of the pollutants of concern. The impact of the proposed development has been assessed by modelling emissions from the traffic generated as a result of the development. The receptors modelled represent the worst-case locations close to the proposed development and were chosen due to their close proximity (within 200 m) to the road links impacted by the proposed development. The results of the assessment of the impact of the proposed development on NO_2 in the opening and design years are shown in tables 13.6 and 13.7 with the overall impact of NO_2 concentrations as a result of the proposed development is long-term and imperceptible at all of the receptors assessed as is PM_{10}, $PM_{2.5}$. The impact of the proposed development in terms of CO and benzene is negligible, long-term and imperceptible. These conclusions are sound I consider in terms of the information assessed which I consider is reasonable.

14.3.55. In terms of regional air quality impact, the likely overall magnitude of the changes on air quality in the operational stage is imperceptible, long-term and not significant. In relation to the air quality impact to sensitive ecosystems, concentrations are not predicted to increase by 2µg/m_3 or more and the predicted concentrations are well below the standard. In relation to Climate impacts at operational stage, the impact of traffic related to the proposed development on emissions of CO2 impacting climate was also assessed (Table 13.14). The results show that the impact of the proposed development in the post development year will be to increase CO2 emissions by 0.00032% of Ireland's EU 2020 Target with such an impact on national greenhouse gas emissions insignificant in terms of Ireland's obligations under the EU 2020 Targets. It is also noted that the impact of the proposed development on climate has been considered in the design and operation of the buildings on site. It is stated that the proposed development will achieve compliance with the Technical Guidance Document Part L 2017 of the Building Regulations. The likely overall magnitude of the changes on climate in the operational stage is imperceptible, long-term and not significant. There is no predicted impact on human health at operational stage.

14.3.56. In terms of cumulative impacts, it is stated that should the construction phase of the proposed development coincide with the construction of any other proposed or permitted developments within 350m of the site then there is the potential for cumulative dust impacts to the nearby sensitive receptors. The dust mitigation measures outlined in Appendix 13.3 of this EIAR should be applied throughout the construction phase of the proposed development, with similar mitigation measures applied for other proposed or permitted developments which will avoid significant cumulative impacts on air quality. With appropriate mitigation measures in place, the predicted cumulative impacts on air quality and climate associated with the construction phase of the proposed development are deemed short-term and not significant. I consider that this is reasonable and satisfactory.

14.3.57. I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the

proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

Archaeological & Cultural Heritage

14.3.58. Archaeological & Cultural Heritage is addressed in detail in Chapter 14 of the EIAR. The Recorded Monuments and Places within c.500m of the proposed development are listed in Appendix 14.1 and identified in Plate 14.1. A variety of sources were consulted for the purposes of the study. A stage 1 underwater archaeological impact assessment was undertaken with a second stage assessment to be undertaken in 2019 including licenced underwater inspection and survey of subtidal areas with a previous underwater study undertaken in 2008 also reviewed (appendix 14.4). The receiving environment and historical context is outlined in detail. I would note in particular the section which refers to the reclamation of the land which comprises the subject site. It is stated that John Edward Redmond reclaimed the northern portion of the Trinity Wharf site from the harbour in the early 1830s with the newly reclaimed land developed as the Wexford Dockyard which opened in 1832. It is stated that the northern corner of the dockyard comprised a patent slip, indicated on Ordnance Survey maps of the site and while the site of the slip and dock has been infilled the structure may survive below the current ground surface.

14.3.59. In relation to shipwrecks it is stated that the National Monuments Service Wreck Viewer indicates the location of a shipwreck cluster located to the immediate west (Ref. W11596, W11606, W11586) and individual shipwrecks to the north (Ref. W10637) and east (Ref. W10641) of the proposed development with a shipwreck identified in the mudflats to the north-west of the former dockyard in 2001, the site of which was assessed as part of a licenced underwater archaeological assessment undertaken for a previously proposed development at Trinity Wharf (Licence No. 08D005/08R001). Reference is also made to the mid-19c OS map of the site which indicates a stone built breakwater located to the south of Trinity Wharf where the breakwater forms a small enclosed harbour known as Goodtide Harbour and formally as the Cot Safe. It is stated that elements of the infrastructure of the nineteenth century dockyard survives in the north-western portion of the site with a set of rubble red sandstone gate piers standing along the southern boundary of the former dockyard. The remains of a timber and cast-iron wharf run along the north-

eastern edge of the site but this does not appear on the 1st edition Ordnance Survey map and is likely associated with the Star Iron Works or subsequent uses of the site. Reference is also made to a large masonry beacon marking the eastern corner of the site which is indicated on the 25" Ordnance Survey map of the site and marked the eastern termination of a masonry breakwater. It is stated that it is possible that the remains of the breakwater survive below the reclaimed ground surface.

14.3.60. The potential impacts relate to the construction stage of the proposal. The first outlined provides that because the site is on reclaimed land, it is considered that all buildings will require piled foundations with the potential for archaeological impacts, on both pre-reclamation archaeological features and elements of the former dockyard, associated with any sub-surface excavation works or piling required. The next one addressed is the existing sea wall along the north-east edge of the site, which it is stated comprises a reinforced concrete structure and which it is proposed to replace. It is also proposed to construct a steel sheet piled structure around the perimeter of the site which will be embedded into the stiff clay layers on the site identified at -10.5m OD with the potential for archaeological impacts associated with any piling required. In terms of the proposed marina development which is located in an area of underwater archaeological potential to the south of the medieval quays, associated with the nineteenth century dockyard and the sites of three recorded shipwrecks. There is the potential for underwater archaeological impacts associated with the construction of the marina. Similarly, the boardwalk connection between the northern corner of the site and Paul Quay is proposed on a steel pile structure comprising single piles in an area of underwater archaeological potential to the south of the medieval quays similar to the marina. In addition, the proposed landing point at Paul Quay is identified as one of the town's historic quays and there is the potential for archaeological impacts associated with its construction, below ground. The proposed access road from Trinity Street runs immediately to the south of the site of a holy well (RMP WX037-038) and while the vicinity of the well has previously been developed and there are no longer any archaeological features evident at ground level, it is possible that features associated with the well survive below ground. The closest stretch of the town wall to the proposed development is located on Barrack Street c. 350m north-west of the site and this area does not have views to the site with no direct impact and the visual impact of the proposed development

has been considered in the Landscape and Visual Impact Assessment. I consider that the potential impacts have been appropriately addressed.

14.3.61. In relation to mitigation avoidance of direct impacts is the preferred measure but where this is not possible a suite of pre-construction mitigation is proposed to include archaeological testing or monitoring, the mitigation measures outlined in the underwater archaeological study which proposes a full underwater archaeological impact assessment is undertaken. It is stated that in the event that the underwater assessment identifies features that will be impacted by the construction phase, further archaeological mitigation will be required and may include investigation and excavation. An Archaeological Topographic Survey of the reclaimed land area and associated intertidal elements is required to capture a detailed pre-disturbance record of the existing land surfaces. Construction phase measures outlined include Archaeological Monitoring of Ground and Seabed Disturbance activities during the construction phase and associated elements, with the proviso to fully resolve any archaeological features identified. Such work is licensed by the National Monuments Service. It is further stated that should the results of the mitigations outlined above indicate the requirement for archaeological excavation and/or preservation *in situ*; this will be undertaken as per best practice and in consultation with the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht. In addition, it is proposed that an Archaeological Consultant experienced in and specialising in maritime archaeology should be appointed to the project to advise the design team on archaeological matters, liaise with the state regulators, prepare archaeological licence applications and complete archaeological site work with a suite of recommendations outlined. I consider that the mitigation proposed and the appointment of an archaeological expert are satisfactory and I would also note that in response to the application documentation the Development Applications Unit of the Department have stated that the mitigation measures detailed in Section 14.4 & 14.5 of EIAR should be carried out in full.

14.3.62. I have considered all of the written submissions made in relation to archaeological and cultural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have

any unacceptable direct or indirect impacts in terms of archaeological and cultural heritage.

Architectural Heritage

14.3.63. Architectural Heritage is addressed in detail in Chapter 15 of the EIAR. A variety of sources were consulted for the purposes of the study. The receiving environment and historical context, particularly the trade and maritime history, is outlined in detail. I would note in particular the section which refers to the reclamation of the land which comprises the subject site. It is stated that John Edward Redmond reclaimed the northern portion of the Trinity Wharf site from the harbour in the early 1830s with the newly reclaimed land developed as the Wexford Dockyard which opened in 1832 and became the town's most significant employer. It is stated that elements of the infrastructure of the nineteenth century dockyard survive in the northwestern portion of the site with a square-profile gate pier of squared rubble red sandstone standing along the southern boundary of the former dockyard. The north-western edge of the site is an early nineteenth century wharf wall of red sandstone which has a slight batter at the base. The remains of a timber and cast-iron wharf run along the north-eastern edge of the site which does not appear on the 1st edition Ordnance Survey map and is likely associated with the Star Iron Works or subsequent uses of the site. There is a large masonry beacon marking the eastern corner of the site which is constructed of coursed red sandstone with a rendered cap. The beacon is indicated on the 25" Ordnance Survey map of the site and marked a masonry breakwater. It is stated that the ground level rises up significantly to the south of site towards Trinity Street and William Street where the majority of the structures of architectural heritage interest identified in the study are screened from the proposed development by intervening topography and vegetation. It states that any protected structures in the area are located over 300m from the proposed development and no significant impacts are predicted. Similarly, any of the three Architectural Conservation areas are located over 300m from the proposed development and no significant impacts are predicated. There are a number of structures on the NIAH list within 200m of the proposed development are listed below including properties on Seaview Avenue and William Street. In relation to mitigation avoidance of direct impacts is the preferred measure but where this is not possible it is proposed architectural record. In terms of residual impacts it is stated

that there will be a slight residual impact on the setting of three structures of architectural heritage interest.

14.3.64. I have considered all of the written submissions made in relation to architectural heritage. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of architectural heritage.

Material Assets & Land

14.3.65. Chapter 16 of the EIAR deals with Material Assets & Land. This Material Assets and Land chapter has assessed and determined the significance of the impact of the proposed development on material assets including built services, residential and commercial property, development land and maritime businesses within the Study Area. The receiving environment is described in terms of land use and ownership with reference to the requirement to obtain a foreshore lease which I note has been submitted. Commercial land uses in the area are outlined as are the aquaculture and maritime businesses in the area as well as maritime recreation. The wide variety of businesses in the town are outlined as are the service, utilities and infrastructure.

14.3.66. The potential impacts include works to the public road along Trinity Street and Paul Quay to facilitate the boardwalk and works in the vicinity of the rail line to construct the proposed level crossing. Connections are also proposed to the water supply and wastewater treatment systems. The impacts of these works and connections are predicted to be temporary and are likely to be slight. I would concur with this conclusion. It is predicted that there will be no significant adverse impact on land ownership within the study area with the application in consultation with CIA and seeking a foreshore lease from the DHPLG. This is reasonable in my opinion. It is considered that the redevelopment of this brownfield site will have positive impacts on land use improving the amenity of the area and creating a new urban area, increasing commercial and recreational activity and improving accessibility. The benefits for tourism and recreation are also put forward and I consider that these are positive impacts for the wider area.

14.3.67. Potential impacts on the McMahon Building Supplies business are considered to be temporary during construction stage as a result of the construction of the site access road with the removal of parking as part of the works on Trinity Street which will have a slight long-term impact. I would concur with this conclusion. Parking used by the premises is on the public street and within the boundary of the subject site in the location of the proposed access. It is stated that the development will not directly impact on any of the other commercial properties along Trinity Street. It is stated that the new road layout as proposed will accommodate all traffic using the site, while serving the existing traffic and businesses. I sought further information on the manner by which access to the McMahon business can be maintained and I note the response provides for a loading bay and the repositioning of the stop lines and pedestrian lines at the junction which is outlined in a drawing submitted in Appendix A5 of the Traffic Addendum (Appendix B1). As I outline above, I consider that a condition could be attached which requires that this loading area is increased in length.

14.3.68. Potential impacts from the methods proposed to restrain the marina and walkways are outlined including the proposed floating breakwater. I would note that the method of securing marina elements will be subject to ground investigations and will be confirmed during the detailed design phase. I consider that this is reasonable. While I address aquaculture above, it is noted as a potential impact. The EIAR outlines the existing aquaculture licences within 500m of the proposal. Reference is made to the licence application (ref.T3/099) which has been determined since this application was lodged with the area to which the licence relates outside of the proposed application site and therefore the proposal is no longer a potential impact.

14.3.69. In terms of potential impacts on the tidal regime the Hydrodynamic Modelling undertaken as part of the Trinity Wharf Feasibility Study found that the proposed development (with or without the marina) will not result in any significant changes to the existing inshore wave climate beyond the immediate vicinity of the proposed marina. Similarly, the modelling also found that neither the landside development in isolation, or in combination with the marina will result in any significant impact to the existing tidal regime. It is concluded that nearby environmentally sensitive areas will not be adversely impacted by any changes in the sediment transport as a result of either the landside development in isolation or in combination with the marina. I

consider that the assessment undertaken in the feasibility study is comprehensive and establishes the appropriate parameters for the development now proposed. The proposed development is not expected to have any impacts on local maritime and boat users and it is stated that the footprint of the marina does not encroach on the navigational channel within Wexford Harbour which is north of the proposed marina. It is stated that the revetment wall along the south east boundary is proposed to attenuate any inbound waves and to minimise any potential impact on Goodtide Harbour to the south of the development with no significant adverse impact on the adjacent boats and users of Goodtide Harbour envisaged.

14.3.70. There are no specific mitigation measures in relation to Material Assets with the EIAR stating that the design of the development has accommodated the necessary improvements in infrastructure to service the site, without having impacts on infrastructure along Trinity Street. I would also note that previous Chapters within the EIAR propose mitigation measures which relate to matters such as traffic and transport. No negative residual impacts on material assets as a result of the proposed development are predicted.

14.3.71. I have considered all of the written submissions made in relation to material assets and land. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets and land.

Interactions between Environmental Factors

14.3.72. Chapter 17 of the EIAR deals with the interactions between environmental factors. The primary interactions are summarised in the EIAR under construction phase and operational phase as follows:

- Traffic is considered at construction phase with several factors having the potential for significant impacts including population and human health, biodiversity, noise and vibration, air & climate and material assets and land.

- Traffic is considered at operational phase with potential interactions with population and human health, biodiversity, noise and vibration, air & climate and material assets and land.
- With the relevant mitigation measures in place no significant residual negative impacts on traffic are predicted.
- Population and human health is considered at construction phase with several factors having the potential for significant impacts including traffic and biodiversity.
- Population and human health is considered at operational phase with potential interactions with traffic and biodiversity.
- With the relevant mitigation measures in place no significant residual negative impacts on population human health are predicted.
- Biodiversity is considered at construction and operational phases with several factors having the potential for significant impacts including population and human health, soils and geology, hydrology and landscape and visual, noise & vibration and material assets and land, many of which are positive.
- With the relevant mitigation measures in place no significant residual negative impacts on biodiversity are predicted.
- Soils & Geology is considered at construction and in some instances the operational phase with several factors having the potential for significant impacts including traffic, population and human health, biodiversity, hydrogeology, hydrology and landscape and visual, noise & vibration, air quality & climate, archaeological and cultural heritage, architectural heritage and material assets and land.
- With the relevant mitigation measures in place no significant residual negative impacts on land and soils are predicted.
- Hydrology is considered at construction and in some instances the operational phase with several factors having the potential for significant impacts including population and human health, biodiversity, landscape and visual and material assets and land.

- With the relevant mitigation measures in place no significant residual negative impacts on hydrology are predicted.
- Landscape and Visual is considered at operational phase with potential interactions with population and human health, biodiversity, archaeological and cultural heritage and material assets & land.
- With the relevant mitigation measures in place no significant residual negative impacts on landscape and visual are predicted.
- Noise and Vibration is considered at construction and operational phases with several factors having the potential for significant impacts including population and human health, biodiversity, landscape and visual and material assets and land.
- With the relevant mitigation measures in place no significant residual negative impacts on noise and vibration are predicted.
- Air quality and climate is considered at construction and operational phases with several factors having the potential for significant impacts including population and human health, biodiversity and material assets and land.
- With the relevant mitigation measures in place no significant residual negative impacts on air quality and climate are predicted.
- Archaeological and cultural heritage is considered at operational phases with several factors having the potential for significant impacts including population and human health in a positive manner.
- With the relevant mitigation measures in place no significant residual negative impacts on archaeological and cultural heritage are predicted.
- Material assets and land is considered at operational phases with several factors having the potential for significant impacts including population and human health, hydrogeology, hydrology and landscape and visual.
- With the relevant mitigation measures in place no significant residual negative impacts on material assets and land are predicted.
- The corollary of the interactions above are also considered with no significant residual negative impacts identified.

14.3.73. The various interactions have been properly described in the EIAR and have been considered in the course of this EIA.

Major Accidents and Disasters

14.3.74. Section 17.4 of the Chapter addresses major accidents and disasters. It involves Stage 1 and Stage 2 assessments. Stage 1 assesses the potential major accidents and disaster events and is effectively a screening stage and I note that these are set out in Appendix 17.1, although I note that the cover sheet for Appendix 17.1 references Stage 2 Assessment. However it is clear from the details within the appendix that it is a stage 1 screening exercise. Table 17.2 provides an assessment of remaining risks associated with the development. These include floods, road accidents, rail accidents, building failure or fire, utilities failures and animal and plant disease. The conclusion in respect of this matter is that the likelihood of the proposal causing major accidents and/or disasters is very small and is not significant. I consider that the matter has been appropriately and comprehensively considered.

Cumulative Impacts

14.3.75. Cumulative effects while addressed elsewhere under specific Chapters are specifically considered in Section 17.5 of Chapter 17. The section details a number of plans and projects either under construction or extant including the Irish Water proposal for a new outfall pipe to serve the WWTP, extension to Wexford creamery and a number of mixed use schemes within the town centre and its environs. Reference is also made to the M11 bypass scheme. Consideration is also given to policy documents including the current development plan. I would note that aquaculture is not specifically mentioned in this section, however I address the matter specifically in Section 13.4 above and it is addressed in response to the further information requested in relation to the NIS.

14.4. Reasoned Conclusion on the Significant Effects

14.4.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the applicant, and to the submissions from prescribed bodies and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Benefits/positive effects with regard to **population** and **material assets** due to creation of a new urban quarter providing commercial, cultural and tourism related uses and facilities within Wexford town centre and the boardwalk connection between the subject site and the town centre.
- Benefits/positive effects on **land** and the **landscape** by the change in the use and appearance from a brownfield site to a mixed use urban quarter along the waterfront.
- A significant direct effect on **biodiversity** in respect of the loss of a small area of benthic habitat within the estuary which has an adverse effect on the environment and which cannot be mitigated.
- Risk of pollution of the **marine environment** as a result of accidental spillages of chemicals, hydrocarbons or other contaminants during the construction and operational phases. The impacts would be mitigated by measures within a Construction and Environmental Monitoring Plan (CEMP) and adherence to best practice construction measures and incorporation of appropriate drainage facilities. Measures set out in the CIRIA guidance document on 'control and management of water pollution from construction sites' would be implemented.
- Potential effects on the **road network** during the construction phase that will be mitigated by the construction traffic management plan and appropriate construction site management measures as outlined in Appendix 4.1 of the EIAR.
- Potential effects on the **road network** during the operational phase including the loss of existing parking spaces that will be mitigated by appropriate the provision of multi-use car parking spaces and the provision of a car park management plan and Mobility Management Plan, the junction layout which provides for access to the site and the proposed parking; and the provision of a boardwalk connection from the Quays which will encourage walking and cycling to and from the site.
- Impacts arising on **land** and **soils** as a result of spread of invasive species (Japanese Knotweed) present on the site and which would be mitigated by the continuation of the implementation of an Invasive Species Management Plan and method statement for the control of disturbance of soils containing Japanese Knotweed and the requirement that a suitably qualified ecologist would be engaged to oversee the undertaking of a pre-construction survey and the

implementation of the Invasive Species Management Plan and monitor the success of the mitigation measures post-construction.

- Potential effects from proposed piling and works to the site and the seabed on underwater archaeology mitigated by proposals to include Archaeological Monitoring of Ground and Seabed Disturbance activities during the construction phase and associated elements, with the proviso to fully resolve any archaeological features identified.

14.4.2. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed. They would not require or justify refusing permission for the proposed development or requiring substantial amendments to it.

15.0 **Appropriate Assessment**

15.1. An Appropriate Assessment has been undertaken by Dr. Maeve Flynn, Senior Ecologist, An Bord Pleanala and is attached under separate cover (Ref. ABP-R303726A-19). I concur with the conclusion that it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the River Slaney Valley SAC, Wexford Harbour and Slobs SPA, the Raven SPA and the Raven Point Nature Reserve SAC or any other European site, in view of the site's Conservation Objectives. In this regard it is concluded that no reasonable scientific doubt remains as to the absence of such effects. The conclusion is based on the following:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation and ecological monitoring measures
- Careful consideration of implications for loss of a small area of benthic habitat within the estuary which has been assessed as not being significant to the overall functioning of the Slaney River Valley SAC or Wexford Harbour and Slobs SPA and will not impact on the overall integrity of these sites
- No adverse effects to wintering or breeding Special Conservation Interest bird species of Wexford Harbour and Slobs SPA or the Raven SPA following the application of mitigation measures

- Taking full account of all proposed mitigation measures which will ensure no adverse effects to fish species including Atlantic Salmon, Twaite shad, Sea and River lamprey, Harbour Seal and Otter, their habitats or prey upon which they are dependant.

16.0 Recommendation

16.1. On the basis of the above assessment, I recommend that planning permission be approved as follows:

Application made under the provisions of S226 and S177AE – 303726-19

Application for approval for a mixed-use development which includes a six-storey hotel, six-storey car park, five-storey residential building, three five-storey office buildings, two-storey cultural/performance centre, two-storey mixed-use restaurant/café/specialist retail building, new sea wall around the existing Trinity Wharf site, 64 berth floating marina and all other site infrastructure works and ancillary works.

APPROVE the above proposed development in accordance with the said documentation based on the following reasons and considerations and subject to the conditions set out below.

Reasons and Considerations

In coming to its decision, the Board had regard to a range of matters including the following:

European legislation, including of particular relevance:

- Directive 2014/52/EU amending Directive 2011/92/EU (EIA Directive) on the assessment of the effects of certain public and private projects on the environment.

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
- Directive 2000/60/EC for establishing a framework for Community action in the field of water policy.

National legislation, including of particular relevance:

- Section 175 of the Planning and Development Act 2000, as amended, which sets out the provisions in relation to local authority projects which are subject to Environmental Impact Assessment (EIA).
- Section 177AE of the Planning and Development Act 2000, as amended, which sets out the provisions in relation to local authority projects which are subject to Appropriate Assessment (AA).

National and regional planning and related policy, including:

- Project Ireland 2040 - National Planning Framework which seeks more balanced and concentrated growth and targets a significant proportion of future urban development on infill/brownfield development sites within the built footprint of existing urban areas.
- Regional Spatial and Economic Strategy for the Southern Region which identifies Wexford as a 'key town' in the region and has a significant zone of influence and includes key infrastructural requirements' for Wexford which include investment to support development of Trinity Wharf as a Strategic Employment location.
- the provisions of the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March, 2018, the Urban Development and Building Height Guidelines issued by the Department of the Environment, Community and Local Government in December 2018 and the Design Manual for Urban Roads and Streets (DMURS)

issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013.

Local planning policy including:

- the policies and objectives in the Wexford Development Plan 2013-2019 and the Wexford Town and Environs Development Plan 2009-2015 (as extended) with the site identified as one which offers the opportunity for redevelopment;

The following matters:

- the documentation that accompanied the planning application and reports and submissions from observers and prescribed bodies and the further submission made by the applicant during the course of the application and responses to same;
- the brownfield nature and established site context on the Trinity Wharf site, physically separated from residential development and the pattern of development in the area;
- the design, layout, landscaping including the provision of public spaces, architectural treatment and mixed use nature of the proposed development.
- the planning history of the site;
- the range of proposed mitigation measures set out in the submitted Environmental Impact Assessment Report and Natura Impact Statement (incorporating Appropriate Assessment Screening);
- the submissions made in relation to the application including the further information response and submissions on same.
- and the report and recommendation of the inspector and the ecologist;

Appropriate Assessment: Stage 1

The Board agreed with and adopted the screening assessment and conclusions carried out in the ecologist's report that European site No's. 000781 Slaney River Valley SAC and 004076 Wexford Harbour & Slobs SPA are the only European Sites

in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2

The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, the response to the further information and the ecologist's assessment. The Board completed an Appropriate Assessment of the implications of the proposed development on the aforementioned European Sites in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the Appropriate Assessment, the Board considered, in particular, the following:

a. the likely direct and indirect impacts arising from the proposed development, when taken together and in combination with other plans or projects,

b. the mitigation measures, which are included as part of the current proposal, and

c. the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the ecologist's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' conservation objectives. In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

(a) The nature, scale, location and extent of the proposed development;

(b) The environmental impact assessment report and associated documentation submitted with the application;

(c) The reports and submissions received from observers and prescribed bodies and the applicant's further submission in the course of the application;

(d) The Inspector's report;

The Board agreed with the summary of the results of consultations and information gathered in the course of the Environmental Impact Assessment, and the examination of the information contained in the Environmental Impact Assessment Report and the associated documentation submitted by the applicant and the submissions made in the course of the application as set out in the Inspector's report. The Board is satisfied that the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

Reasoned Conclusions on the Significant Effects:

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Environmental Management Plan (CEMP) is the overarching general mitigation embedded in the project design and delivery for the construction stage. In addition, plans relating to Waste Management, Invasive Species Management and Traffic Management are also proposed.

The main significant effects, both positive and negative are:

- Benefits/positive effects with regard to **population** and **material assets** due to creation of a new urban quarter providing commercial, cultural and tourism related uses and facilities within Wexford town centre and the boardwalk connection between the subject site and the town centre.
- Benefits/positive effects on **land** and the **landscape** by the change in the use and appearance from a brownfield site to a mixed use urban quarter along the waterfront.

- A significant direct effect on **biodiversity** in respect of the loss of a small area of benthic habitat within the estuary which has an adverse effect on the environment and which cannot be mitigated.
- Risk of pollution of the **marine environment** as a result of accidental spillages of chemicals, hydrocarbons or other contaminants during the construction and operational phases. The impacts would be mitigated by measures within a Construction and Environmental Monitoring Plan (CEMP) and adherence to best practice construction measures and incorporation of appropriate drainage facilities. Measures set out in the CIRIA guidance document on 'control and management of water pollution from construction sites' would be implemented.
- Potential effects on the **road network** during the construction phase that will be mitigated by the construction traffic management plan and appropriate construction site management measures as outlined in Appendix 4.1 of the EIAR.
- Potential effects on the **road network** during the operational phase including the loss of existing parking spaces that will be mitigated by appropriate the provision of multi-use car parking spaces and the provision of a car park management plan and Mobility Management Plan, the junction layout which provides for access to the site and the proposed parking; and the provision of a boardwalk connection from the Quays which will encourage walking and cycling to and from the site.
- Impacts arising on **land** and **soils** as a result of spread of invasive species (Japanese Knotweed) present on the site and which would be mitigated by the continuation of the implementation of an Invasive Species Management Plan and method statement for the control of disturbance of soils containing Japanese Knotweed and the requirement that a suitably qualified ecologist would be engaged to oversee the undertaking of a pre-construction survey and the implementation of the Invasive Species Management Plan and monitor the success of the mitigation measures post-construction.
- Potential effects from proposed piling and works to the site and the seabed on underwater archaeology mitigated by proposals to include Archaeological Monitoring of Ground and Seabed Disturbance activities during the construction phase and associated elements, with the proviso to fully resolve any archaeological features identified.

The Board completed an environmental impact assessment in relation to the proposed development forming part of the overall proposed project and concluded that, subject to the implementation of the mitigation measures referred to above, including proposed monitoring as appropriate, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions set out in the Inspector's report.

Overall Conclusion

The proposed development in the operational phase will give rise to impacts which are positive. It will create a new urban quarter adjoining and connected to the town centre with complementary commercial, cultural and tourism related uses regenerating a focal site along the waterfront. Environmental Impact Assessment and Appropriate Assessment have been considered as set out in the sections above. It can therefore be concluded that the proposed development is in accordance with the proper planning and sustainable development of the area.

Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would enable sustainable commercial and residential growth through the regeneration of this brownfield site, which was previously granted permission for a significant development. The proposed development would assist in creating a new urban quarter adjoining the town centre with proposed uses which would complement the town centre uses and provide modern commercial office space with a direct pedestrian link to the town centre. The proposed marina would replace the ad-hoc moorings within the Harbour. The benefits of the proposed development are considered to be positive. Subject to consideration of these matters, it can be concluded that the proposed development is in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, including the mitigation measures specified in the Environmental Impact Assessment Report and the Natura Impact Statement, submitted with the application to An Bord Pleanála on the 15th day of February, 2019 and in the Further Information Response submitted to An Bord Pleanála on the 14th day of October, 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be prepared by the local authority, these details shall be placed on file prior to commencement of development and retained as part of the public record.
Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The period during which the proposed development hereby permitted may be carried out shall be ten years from the date of this order.
Reason: Having regard to the nature and extent of the proposed development, the Board considered it appropriate to specify a period of validity of this permission in excess of five years.

3. All mitigation measures identified in the Environmental Impact Assessment Report and addendum to same and the Natura Impact Statement and addendum to same, shall be implemented in full as part of the proposed development or as may be required in order to comply with the following conditions. The local authority, or any agent acting on its behalf, shall appoint a person with appropriate ecological and construction expertise as an environmental manager to ensure that the mitigation measures identified in the Environmental Impact Assessment Report and Natura Impact Statement are implemented in full.
Reason: In the interest of clarity and to protect the environment during the construction and operational phases of the proposed development.

4. Prior to the commencement of development, details of measures to protect fisheries and water quality of the Estuary shall be outlined and placed on file. Piling works shall adhere to the timing restrictions set out in the NIS and schedule of mitigation. A programme of water quality monitoring shall be prepared in consultation with the contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter.

Reason: In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.

5. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation and all monitoring measures relating to ecology set out in the NIS and outline CEMP. The ecologist shall be present during site construction works. Ecological monitoring reports detailing all monitoring of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of nature conservation and the protection of terrestrial and marine biodiversity.

6. Prior to the commencement of development, a monitoring plan for the quantitative assessment of benthic habitat loss will commence as set out in the Natura Impact Statement. Data collected should be in the correct format for utilisation by NPWS for updating the Natura 2000 form for the Slaney River Valley SAC in relation to Estuaries and mudflats and sandflats not covered by low tide as relevant, and for Article 17 reporting.

Reason: In the interest of nature conservation and to inform national monitoring of Annex I habitats

7. A dedicated biodiversity information area will be installed in a prominent located at the Marina and also in the Trinity Wharf civic area. This will clearly display information related to a) the prevention of spread of invasive species, b) information about and protection of harbour seal and haul out sites, c) information and protection

of the Little tern colony. The information boards will be maintained and updated as necessary.

Reason: In the interest of nature conservation and the protection of terrestrial and marine biodiversity

8. Monitoring of the use of the Marina by leisure boats not registered to Wexford Harbour will be implemented so that details on boating activity can be fed back to the NPWS as part of the overall monitoring of activities in Wexford Harbour as part updates to the Natura 2000 form and reporting for Article 12 of the EU Birds Directive

Reason: In the interest of nature conservation and the protection of terrestrial and marine biodiversity

9. Prior to commencement of development, the local authority, or any agent acting on its behalf, shall prepare a revised site layout plan which provides for a yellow box/loading bay outside the commercial premises to the north/northwest of the site sufficient to accommodate the length of an articulated lorry. The revised site layout plan shall be on file prior to the commencement of development and retained as part of the public record.

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

10. Prior to commencement of development, the local authority, or any agent acting on its behalf, shall prepare a Construction and Environmental Management Plan (CEMP), generally in accordance with the commitments set out in the Environmental Impact Assessment Report. The CEMP shall include specific proposals as to how the CEMP will be measured and monitored for effectiveness, and it shall be on file prior to the commencement of development and retained as part of the public record.

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

11. Prior to commencement of development, the local authority, or any agent acting on its behalf, shall undertake a pre-construction invasive species survey and following same shall update the Invasive Species Management Plan for the development site. The Plan shall be on file prior to the commencement of development and retained as part of the public record.
Reason: In the interest of protecting the environment and in the interest of public health.

12. The local authority, or any agent acting on its behalf, shall appoint a person with appropriate archaeological and underwater/maritime archaeological expertise to ensure that the mitigation measures identified in the Environmental Impact Assessment Report are implemented in full.
Reason: In the interest of clarity and to protect the archaeological environment during the construction and operational phases of the proposed development.

13. The following plans be shall be placed on file prior to the commencement of development and retained as part of the public record:
(a) A Road Safety Audit, which shall address any measures to be implemented by the developer as part of the proposed development.
(b) A Traffic Management Plan for the construction and operational phases.
(c) A car park management plan.
Reason: In the interests of traffic safety.

14. A minimum of 10% of the proposed car parking spaces in the multi-storey car park shall be provided with electrical connection points to allow for functional electric vehicle charging. The remaining car parking spaces in the basement car park shall be fitted with ducting for electrical connection points to allow for future fitout of charging points.

Reason: In the interest of sustainable transport.

15. Prior to commencement of operation, a Mobility Management Strategy shall be placed on file and retained as part of the public record. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the proposed development and to reduce and regulate the extent of staff parking. The mobility strategy shall be prepared and implemented by the operator. It shall provide for a phased roll out of measures appropriate to the changing nature of the area and the levels of available public transport.
Reason: To protect the existing road network, to ensure that the proposed development does not impede the delivery of future roads in the area and in the interest of traffic safety and the promotion of sustainable transport modes.

16. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including pavement finishes shall be on file prior to the commencement of development and retained as part of the public record.
Reason: In the interest of the visual amenities of the area.

17. Details of signage for the proposed commercial units shall be prepared by the local authority prior to commencement of development. Thereafter, and notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on any of the proposed buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.
Reason: In the interest of visual amenity and orderly development and to permit any such development to be assessed through the statutory planning process.

18. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company which shall be established by the local authority. A management scheme, providing adequate measures for the future maintenance of the proposed development, including the external fabric of the buildings, open spaces, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services, shall be prepared by the local authority prior to commencement of development and shall be placed on the file and retained as part of the public record.
Reason: To provide for the future maintenance of this development in the interest of visual amenity.

19. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.
Reason: In order to safeguard the residential amenities of property in the vicinity.

Una Crosse
Senior Planning Inspector
March 2020

APPENDIX ONE

List of all relevant reports and location within Documents

(note – some of the reports are included multiple times within the EIAR and NIS)

Report Title	**Location within Documents**
Outline Construction Environmental Management Plan (includes 5 appendices)	EIAR – Appendix 4.1 NIS – Appendix G
Invasive Alien Special Management Plan (2017)	EIAR – Appendix 4.1 EIAR – Appendix 4.2 EIAR – Appendix 7.4 NIS – Appendix F NIS – Appendix G – D/A
Marine Mammal Risk Assessment (2018)	EIAR – Appendix 4.1 EIAR – Appendix 7.3 NIS – Appendix H NIS – Appendix G – E/H
Outline Environmental Operating Plan	EIAR – Appendix 4.2
Outline Construction and Demolition Waste Management Plan	EIAR – Appendix 4.2
Outline Incident Response Plan	EIAR – Appendix 4.2 NIS – Appendix G-B
Trinity Wharf Marina Feasibility Study	EIAR – Appendix 4.3 NIS – Appendix B
Draft wintering bird survey report	EIAR – Appendix 4.3 EIAR – Appendix 7.2 NIS – Appendix D
Trinity Wharf Marina Additional Modelling Services	EIAR – Appendix 4.4
Trinity Wharf Marina Construction Methodology	EIAR – Appendix 4.5

Landscape Design Statement	EIAR – Appendix 4.6
Marine Benthic Study/Assessment	EIAR – Appendix 7.1 NIS – Appendix C
Bus and train timetables	EIAR - Appendix 5.1
Traffic survey reports	EIAR - Appendix 5.2
CSP SAPS Data	EIAR - Appendix 5.3
TRICS Analysis	EIAR - Appendix 5.4
Traffic calculations	EIAR - Appendix 5.5
Junctions analysis reports	EIAR - Appendix 5.6
Transportation mobility management plan	EIAR - Appendix 5.7
Acoustic terminology	EIAR - Appendix 12.1
Survey and impact assessment locations	EIAR - Appendix 12.2
construction noise – predicted levels at receptors	EIAR - Appendix 12.3
Traffic, plant and cultural performance centre – predicted noise levels at receptors	EIAR - Appendix 12.4
Total noise impact assessment – baseline and post-development comparisons	EIAR - Appendix 12.5
Ambient Air Quality Standards	EIAR - Appendix 13.1
TII Significance Criteria	EIAR - Appendix 13.2
Dust Minimisation Plan	EIAR - Appendix 13.3
Recorded Archaeological Monuments and Places	EIAR - Appendix 14.1
Previously Published Archaeological Excavations	EIAR - Appendix 14.2
Maritime Archaeological Assessment 2018	EIAR - Appendix 14.3
Trinity Wharf Development Underwater Assessment 2008	EIAR - Appendix 14.4